

**REGULAR BOARD MEETING**  
**BOARD OF TRUSTEES**  
**WHEATLAND UNION HIGH SCHOOL DISTRICT**  
1010 Wheatland Road, Wheatland, CA 95692

**Wednesday, October 14, 2020**

**5:00 p.m. TELEPHONIC**

*The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. The Governor has also issued Executive Order N-33-20, prohibiting people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment.*

*The Public's health and well-being are the top priority for the Board of Trustees ("Board") of Wheatland Union High School District ("District") and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting of the Board will be available by:*

**Zoom Meeting (click the link below to join the meeting)**

**<https://tinyurl.com/y5bk4h5a>**

**Password: WUHSD**

*Note: The meeting is being held solely by telephonic means and will be made accessible to members of the public seeking to attend and to address the Board solely through the link set forth above, except that members of the public seeking to attend and to address the Board who require reasonable accommodations to access the meeting, based on disability or other reasons, should contact the following person at least twenty-four (24) hours in advance of a Regular meeting to make arrangements for such reasonable accommodations. (For Special meetings, please request accommodations no less than 12 hours prior to the meeting.)*

Nicole Newman, Superintendent  
1010 Wheatland Road, Wheatland, CA 95692  
(530) 633-3100 x101 [nnewman@wheatlandhigh.org](mailto:nnewman@wheatlandhigh.org)

## **AGENDA**

- 1. CALL MEETING TO ORDER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**

- 3. ESTABLISHMENT OF A QUORUM**

Mr. Tony Lopez, President

Mrs. Shawndel Meder, Clerk

Mrs. Patricia Agles, Member

Mrs. Anna Newman, Member

Mr. Frank D. Webb, Jr., Member

Ms. Jasmine Belflower, Student Board Rep

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- 4. CONFIRMATION OF THE AGENDA**

- 5. RECOGNITION OF PERSONS HAVING BUSINESS WITH THE BOARD**

*The Public may address the Board on any matter pertaining to the school district that is not on the agenda. Unless otherwise determined by the Board, **each person is limited to five (3) minutes**. If a large number wish to speak on a specific item, the Board may limit total input to twenty (20) minutes on any item. There will be no Board discussion except to ask questions or to refer the matter to staff and no actions will be taken unless listed on the agenda.*

*The Ralph M. Brown Act prevents the Board of Trustees from responding to these comments with the exception of clarifying questions. The California Government Code, Section 54954.2(a)2 states, "No action or discussion shall be*

undertaken on any item not appearing on the posted agenda, except the members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code 54954.3. In addition, on their own initiative, or in response to questions posed by the public, a member of legislative body or its staff may ask a question for clarification make a brief announcement or make a brief report on his or her own activities. Furthermore, a member of a legislative body or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for actual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

**6. CLOSED SESSION**

Pursuant to Government Code §54957.6, the board will meet in closed session on the following matters.

- **PUBLIC EMPLOYEE / PERSONNEL**

- Title: Certificated, Classified, Administration and Unrepresented Employees

**7. RECONVENE TO OPEN SESSION**

**8. ACTION ON CLOSED SESSION ITEMS IF ANY**

**9. RECOGNITION OF PERSONS HAVING BUSINESS WITH THE BOARD**

The Public may address the Board on any matter pertaining to the school district that is not on the agenda. Unless otherwise determined by the Board, **each person is limited to five (3) minutes**. If a large number wish to speak on a specific item, the Board may limit total input to twenty (20) minutes on any item. There will be no Board discussion except to ask questions or to refer the matter to staff and no actions will be taken unless listed on the agenda.

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**10. STUDENT AND STAFF RECOGNITIONS – Ms. Schandia Edwards and Mr. Cy Olsen**

- WUHS Student of the Month
- Staff of the Month

**11. OPPORTUNITY FOR SCHOOL AFFILIATED ORGANIZATIONS TO ADDRESS THE BOARD**

- BAFB Liaison – Mrs. Annette Goodly
- Booster President / Representative

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*\*All open session materials distributed to board members are available upon request at 1010 Wheatland Road, Wheatland, CA 95692*

*\*Individuals requiring disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing at least two days prior to meeting date. (American Disabilities Act) Government Code 54954.1*

*Posted: 10/9/2020 MH*

**12. SUPERINTENDENT’S REPORT**

*This item provides an opportunity for the Superintendent to share various items of interest with the Board – Ms. Nicole Newman*

*Report out from:*

- Facilities – Ms. Nicole Newman
- Bond Report – Mr. Jesse Castillo
- Developer Fee Report – Mr. Jesse Castillo
- Transportation – Mr. Jesse Castillo
- Student Board Representative – Ms. Jasmine Belflower

**13. PRINCIPAL’S REPORT**

- Wheatland Union High School - Mr. Cy Olsen
- Wheatland Community Day School – Mr. Cy Olsen
- Edward P. Duplex Continuation High School - Ms. Schandia Edwards

**14. CONSENT AGENDA**

**ACTION NO. 20.043**

**Notice to the Public**

Wheatland Union High School District Governing Board utilizes a consent calendar for items that require the approval of the board but are of routine nature. They act upon these items in one vote. Any member may remove an item for additional questions. Board members receive their agendas and back up materials four days in advance of our meetings. They have the opportunity to ask questions and to do research prior to our meeting. It is their intent to handle the routine items expeditiously, so they have time to address more serious issues.

- A. Approve minutes of the September 16, 2020 Special Board Meeting.
- B. Approve bills and warrants for September 2020 in the amount of \$287,992.91
- C. Approve hiring of Mark Walker, Supervisor Maintenance and Operations.
- D. Accept resignation/retirement of Dave Contreras, social studies teacher and Athletic Director.
- E. Williams Uniform Complaint Report (July, August, September 2020)

**15. DEFERRED CONSENT ITEMS**

**16. INFORMATION ITEMS**

**16.1 Solar Project Update – Ms. Nicole Newman & Mr. Jesse Castillo**

**16.2 2020-21 Math Placement Report – Ms. Schandia Edwards**

**17. INFORMATION / POSSIBLE ACTION**

**17.1 Board Policy Update – BP 4121 Temporary/Substitute Personnel**

**ACTION NO. 20.044**

**18. ACTION ITEMS**

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*Posted: 10/9/2020 MH*

**18.1 CONSIDERATION AND APPROVAL OF THE REVISED SCHOOL REOPENING PLAN – Ms. Nicole Newman**

**ACTION NO. 20.045**

**18.2 Board Policy Updates – July 2020**

- A. Second Reading BP 3555 Nutrition Program Compliance
- B. Second Reading E 3555 Nutrition Program Compliance (**NEW EXHIBIT**)
- C. Second Reading AR 4030 Nondiscrimination in Employment
- D. Second Reading BP 4119.11, 4219.11, 4319.11 Sexual Harassment
- E. Second Reading AR 4119.11, 4219.11, 4319.11 Sexual Harassment
- F. Second Reading AR 411.12, 4219.12, 4319.12 Title IX Sexual Harassment Complaint Procedures (**NEW REGULATION**)
- G. Second Reading BP 5141.22 Infectious Diseases
- H. Second Reading AR 5141.22 Infectious Diseases
- I. Second Reading AR 5145.3 Nondiscrimination/Harassment
- J. Second Reading BP 5145.6 Parental Notifications
- K. Second Reading E 5145.6 Parental Notifications
- L. Second Reading BP 5145.7 Sexual Harassment
- M. Second Reading AR 5145.7 Sexual Harassment
- N. Second Reading AR 5145.71 Title IX Sexual Harassment Complaint Procedures (**NEW REGULATION**)
- O. Second Reading BP 6142.7 Physical Education and Activity
- P. Second Reading AR 6142.7 Physical Education and Activity
- Q. Second Reading BP 6159 Individualized Education Program
- R. Second Reading AR 6159 Individualized Education Program
- S. Second Reading BP 6159.1 Procedural Safeguards for Special Education
- T. Second Reading AR 6159.1 Procedural Safeguards for Special Education
- U. Second Reading BP 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education
- V. Second Reading AR 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education

**ACTION NO. 20.046**

**18.3 APPROVE THE 2020-21 YUBA COUNTY OFFICE OF EDUCATION TITLE III LEP CONSORTIA MOU – Ms. Nicole Newman**

**ACTION NO. 20.047**

**18.4 APPROVE SB 820 GROWTH FUNDING APPLICATION – Ms. Nicole Newman**

**ACTION NO. 20.048**

**18.5 CONSIDER APPROVAL OF TEMPORARY SUBSTITUTE PAY RATE INCREASE THROUGH THE REMAINDER OF THE 2020-21 SCHOOL YEAR – Ms. Nicole Newman**

**ACTION NO. 20.049**

**19. BOARD MEMBER REPORTS / COMMENTS**

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*Posted: 10/9/2020 MH*

**20. ITEMS TO BE AGENDIZED FOR THE NEXT REGULAR MEETING**

**21. ADJOURNMENT**

**ACTION NO. 20.050**

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**SCHOOL BOARD MEETING FORMAT**

**What is a School Board Meeting?**

A School Board Meeting is the normal business meeting of the governing board at which district business is conducted. It is not a public meeting where questions and discussion come from the audience. Members of the audience may address their comments to the Board during the time at which the Board is discussing the agenda item. A five-minute time limit will be imposed except for special presentations approved in advance.

**Notification of Meetings**

To provide the public with information about what will be on each board meeting agenda, a public notice is posted on the Wheatland Union High School website at [www.wheatlandhigh.org](http://www.wheatlandhigh.org) on the Friday prior to a regularly scheduled board meeting. In addition, a copy of every board meeting agenda is posted at all schools, sent to union presidents and available for review at the District Office.

***Next Regular Meeting: November 18, 2020***

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*Posted: 10/9/2020 MH*

# G.O. Bond Update

Fund 21 and 22

A series of horizontal lines in teal and light blue colors, located on the right side of the slide, extending from the left edge of the teal bar to the right edge of the slide.

# BOND EXPENDITURES

Description	Prior Expenditure	Change	Total Expenditure
Bond Issuance, Interest, Financial Reporting	317,759.96		317,759.96
Utility Project - Sierra Valley Construction	768,971.63		768,971.63
Gas Line Project - EC Nelson	257,375.00		257,375.00
DSA Inspection Serv. - Sharp Architecture	33,722.39		33,722.39
Soil Testing - Klein/Youngdahl	41,228.48		41,228.48
WLC Architects and Construction Management	244,993.10		244,993.10
Capitol PFG Bond Consulting Services	195,903.04		195,903.04
Appeal Democrat Bid Notice Costs	8,724.88		8,724.88
NMR Architects - WiFi, Restroom, Gas Line Proj	201,403.92		201,403.92
DSA Field Review Fee	114,272.42		114,272.42
Miscellaneous	158,481.47		158,481.47
Artland Construction – Gas Line Extension Proj	61,150.00		61,150.00
Hilbers – Restroom Remodel Project	1,391,264.99		1,391,264.99
3D Datacom – WiFi Contractor	383,933.61		383,933.61
Wallace Kuhl Materials Testing	26,055.31		26,055.31
NFB Engineering – Concrete Project	39,593.15		39,593.15
Vista Net – WiFi Equipment	142,454.66		142,454.66

Miscellaneous includes: bobcat rental, supplies for repairing D-7 floor

# BOND EXPENDITURES

Description	Prior Expenditure	Change	Total Expenditure
Beynon Sports – Track Resurfacing and Striping	209,700.00		209,700.00
Rico’s Window Tint – Campus Window Tinting	33,976.00		33,976.00
Snack Bar Restroom Project - Landmark	1,353,489.63		1,353,489.63
Immer1/RTI – Technology Upgrades	219,155.29		219,155.29
Delta Wireless – Security Camera Install	98,672.23		98,672.23
BSN Sports	5,021.43		5,021.43
RT Dennis Accountancy	9,890.00		9,890.00
Lozano Smith	3,834.74		3,834.74
Midvalley Sound Window Tinting	13,620.10		13,620.10
Track Concrete Runway, Pits/Mats/Discus	40,355.27		40,355.27
King Consulting	52,472.98		52,472.98
Kingsley Bogard	101,717.65		101,717.65
Bleachers Misc (Soil testing/Surveying)	16,011.35		16,011.35
CASA Studio	372,655.06		372,655.06
DKS Electric	89,003.00		89,003.00
REM Construction – Classroom Project	2,551,944.25		2,551,944.25
REM Construction – Bleacher Project	572,926.11		572,926.11
DSA Inspections	17,990.00		17,990.00
Delta Bluegrass	212,580		212,580



# BOND EXPENDITURES

Description	Prior Expenditure	Change	Total Expenditure
Carpets Galore – Girls Team Room Floor	10,000.00		10,000.00
Artland Construction – Lighting Project	48,051.30		48,051.30
SturdiSteel	383,298.75		383,298.75
Voltage Specialists – Classroom PA	32,342.00		32,342.00
Anderson & Sons Const. - Stadium Fencing	22,310.74		22,310.74
Best Buy – Classroom Technology	24,490.97		24,490.97
Umland Construction Services	8,150	4,100	12,250
<b>Total</b>	<b>10,893,713.88</b>	<b>4,482.02</b>	<b>10,898,195.90</b>
<b>Bond Series A &amp; Series B Revenue</b>	8,865,000.00		
<b>Bond Interest Earned</b>	271,920.71		
<b>Bridge Loan</b>	1,800,000		
<b>Grand Total Revenue</b>	10,936,920.71		
<b>Remaining Balance</b>			<b>\$38,724.81</b>
<b>Amount Encumbered</b>			<b>(\$38,724.81)</b>
<b>Available Funds</b>			<b>\$0.00</b>

# Wheatland Union High School District Developer Fee Report

Category	June	July	August	September	October
Beginning Balance	1,025,833	1,040,600	1,123,716	1,153,757	1,281,919
Fees Collected	46,273	83,650	77,784	128,162	86,806
Interest Earned					
Expenditures	(31,506)	(534)			(2,404)
Debt Service			(47,743)		
Ending Balance	1,040,600	1,123,716	1,153,757	1,281,919	1,366,321

Description	Amount
Dev Fees Collected	2,842,309
Interest Collected	52,446
Prof/Consulting/Constr	(787,360)
Equipment	(14,483)
Debt Service	(495,473)
Interest on Debt	(220,664)
<b>Dev. Fund Balance</b>	<b>1,366,321</b>

Description	Amount
Principal	1,080,000.00
Interest	304,532.97
Total	1,384,532.97
Life of Lease	14.0 Years
Paid To Date	668,395.23
Balance Remaining	716,137.74
Time Remaining (Yrs)	8
<b>Payments Remaining</b>	<b>14</b>

**SPECIAL BOARD MEETING**  
**BOARD OF TRUSTEES**  
**WHEATLAND UNION HIGH SCHOOL DISTRICT**  
1010 Wheatland Road, Wheatland, CA 95692

**Wednesday, September 16, 2020**

**5:00 PM TELEPHONIC**

## **Unadopted Minutes**

A special meeting of the Wheatland Union High School District Board of Trustees was held on Wednesday, September 16, 2020.

Trustees in attendance included Mr. Tony Lopez, Mrs. Shawndel Meder, Mrs. Patricia Agles, and Mrs. Anna Newman

Also Present: Nicole Newman, Cy Olsen, Schandia Edwards, Jesse Castillo and Kailia Mize

**1. CALL MEETING TO ORDER**

President Lopez called the meeting to order at 5:02 p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

Member Shawndel Meder led the pledge of allegiance.

**3. ESTABLISHMENT OF A QUORUM**

Mr. Tony Lopez, President	Present
Mrs. Shawndel Meder, Clerk	Present
Mrs. Patricia Agles, Member	Present
Mrs. Anna Newman, Member	Absent
Mr. Frank D. Webb, Jr, Member	Absent
Ms. Jasmine Belflower, Student Board Rep.	Absent

**4. CONFIRMATION OF THE AGENDA**

Superintendent Newman confirmed the agenda as presented.

**5. RECOGNITION OF PERSONS HAVING BUSINESS WITH THE BOARD**

No one addressed the Board.

**6. CLOSED SESSION 5:03 p.m.**

Pursuant to Government Code §54957.6, the board will meet in closed session on the following matters.

- **PUBLIC EMPLOYEE / PERSONNEL**

- *Title: Certificated, Classified, Administration and Unrepresented Employees*

- **CONFIDENTIAL STUDENT MATTER – Student Issue**

- *Education Code Sections 35146, 48900 et seq., 48912(b) and 49060 et seq., and 20 U.S.C. Section 1232g*

**7. RECONVENED TO OPEN SESSION AT 5:27 p.m.**

**8. ACTION ON CLOSED SESSION ITEMS IF ANY**

President Lopez reported that no action was taken during closed session.

**9. RECOGNITION OF PERSONS HAVING BUSINESS WITH THE BOARD**

No one addressed the board.

**10. CONSENT AGENDA**

**ACTION NO. 20.039**

**Notice to the Public**

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A. Approve minutes of the September 9, 2020 Regular Board Meeting.

B. Approve hiring of Anita Burns, Transportation Supervisor.

**MOTION** by Shawndel Meder, seconded by Patricia Agles, to approve the consent agenda.

- |                   |                      |
|-------------------|----------------------|
| ▪ Webb – Absent   | ▪ Meder - Aye        |
| ▪ Newman - Absent | ▪ Lopez – Aye        |
| ▪ Agles - Aye     | ▪ Belflower - Absent |

Vote: (3 Ayes, 3 Absent) Motion carries.

**11. DEFERRED CONSENT AGENDA**

No items were deferred.

**12. ACTION ITEMS**

**12.1 CONSIDERATION AND APPROVAL OF THE WHEATLAND UNION HIGH SCHOOL DISTRICT'S LEARNING CONTINUITY AND ATTENDANCE PLAN**

**ACTION NO. 20.040**

**MOTION** by Shawndel Meder, seconded by Patricia Agles, to approve the WUHSD's Learning Continuity and Attendance Plan.

- |                   |                      |
|-------------------|----------------------|
| ▪ Webb – Absent   | ▪ Meder - Aye        |
| ▪ Newman - Absent | ▪ Lopez – Aye        |
| ▪ Agles - Aye     | ▪ Belflower - Absent |

Vote: (3 Ayes, 3 Absent) Motion carries.

**12.2 APPROVAL OF 2020-21 WHEATLAND UNION HIGH SCHOOL DISTRICT SAFE SCHOOL PLAN EMERGENCY PROCEDURES**

**ACTION NO. 20.041**

**MOTION** by Shawndel Meder, seconded by Patricia Agles, to approve the WUHSD's Safe School Plan Emergency Procedures.

- Webb – Absent
- Newman - Absent
- Agles - Aye

- Meder - Aye
- Lopez – Aye
- Belflower - Absent

Vote: (3 Ayes, 3 Absent) Motion carries.

**13. ADJOURNMENT – ACTION ITEM NO. 20.042**

**MOTION** by Shawndel Meder, seconded by Patricia Agles, to adjourn at 5:48 p.m.

Vote: (3 Ayes, 3 Absent) Motion carries.

Respectfully Submitted:

\_\_\_\_\_  
Nicole Newman  
Superintendent

\_\_\_\_\_  
Shawndel Meder  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Checks Dated 09/01/2020 through 09/30/2020

Check Number	Check Date	Pay to the Order of	Fund-Obj	Comment	Expensed Amount	Check Amount
22173803	09/04/2020	ACSA C/O Michael Dawson	01-5200	Ed Institute Svc FY 20/21		220.00
22173804	09/04/2020	Bob's Lock & Key	01-5800	Cylinder keys		65.00
22173805	09/04/2020	CA Assn FFA	01-4300	Distance learning module		110.00
22173806	09/04/2020		13-5800	Cafeteria Refund		27.75
22173807	09/04/2020	ExploreLearning	01-5800	Gizmos Science Program		3,705.00
22173808	09/04/2020		13-5800	Cafeteria Refund		20.00
22173809	09/04/2020	Liminex, Inc	01-5800	Go Guardian		4,680.00
22173810	09/04/2020	Mobile Mini	01-5600	8/18-9/14 Acct 019	167.67	
				8/18-9/14 Acct 020	167.67	335.34
22173811	09/04/2020	N2Y LLC	01-5800	Unique Learning System		1,165.50
22173812	09/04/2020		13-5800	Cafeteria Refund		64.00
22173813	09/04/2020	Pace Supply Corp	01-4300	Solenoid		692.44
22173814	09/04/2020	Platform Athletics	01-5800	Athletic Subscriptions		365.00
22173815	09/04/2020	Recology Yuba Sutter	01-5502	AugWaste/Garbage Disposal Svc		899.23
22173816	09/04/2020	Sherwin-williams Co	01-4300	Paint		122.65
22173817	09/04/2020	TCSIG	01-9515	Workers Compensation Contribution		7,259.00
22173818	09/04/2020	TeachersPayTeachers	01-4300	AP SP Supplies		177.99
22173819	09/04/2020	Trimark Economy Rest.	13-4400	Disposer Motor		3,557.91
22173820	09/04/2020	US Bank Corporate	01-4300	Art Dept Supplies	1,069.99	
				Class Supplies	139.19	
				Computer class chairs	2,243.84	
				Desk Chair	177.52	
				Desk Name Plate-board	34.63	
				External Hard Drive	64.94	
				Mask	10.81	
				Name Plate-board	13.99	
				Name Plate-Speech	19.11	
				Pirate Come About-lunch	38.63	
				Protective Shield	136.39	
				Rubber Floor Mats	310.88	
				Staff incentive	33.75	
				Staff Luncheon	94.97	
				TE Chairs	214.50	
				Thermometers	281.40	
			01-4400	HP Pro-Books laptops	2,370.63	
				Ipad PO	646.88	
				MacBook	1,085.42	

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

Page 1 of 6

## Checks Dated 09/01/2020 through 09/30/2020

Check Number	Check Date	Pay to the Order of	Fund-Obj	Comment	Expensed Amount	Check Amount
22173820	09/04/2020	US Bank Corporate	01-5800	Zoom Communication	50.00	9,037.47
22173821	09/04/2020	WUHS Student Body	01-4300	Senior Shirts		1,000.00
22173822	09/04/2020	Yuba County (CDSA)	13-5800	School Kitchen		467.46
22173823	09/04/2020	A-Z Bus Sales	01-4300	Blu Bird Gray		107.99
22173824	09/04/2020	Adept Solutions	01-5800	PC image Creation		6,332.85
22173825	09/04/2020	Animal Damage Management	01-5504	Aug20 Animal Maint Control		285.00
22173826	09/04/2020	Bob's Lock & Key	01-4300	Duplicate Keys		31.93
22173827	09/04/2020	BSN Sports	01-4300	Gat Kits		2,616.18
22173828	09/04/2020	General Produce Co	13-4700	Cafeteria Food		512.40
22173829	09/04/2020	J's Party Rental	01-4300	Reni Rentals		1,200.00
22173830	09/04/2020	John Coker Ag Repair	01-4300	Bus 11 Transportation Repairs & Svc	338.20	
				Bus 14 Transportation Repairs & Svc	218.99	
				Bus 16 Transportation Repairs & Svc	191.96	
				Bus 2 Transportation Repairs & Svc	103.07	
				Bus 9 Transportation Repairs & Svc	96.06	
			01-5600	Bus 1 Transportation Repairs & Svc	100.00	
				Bus 10 Transportation Repairs & Svc	100.00	
				Bus 11 Transportation Repairs & Svc	100.00	
				Bus 12 Transportation Repairs & Svc	100.00	
				Bus 14 Transportation Repairs & Svc	100.00	
				Bus 15 Transportation Repairs & Svc	100.00	
				Bus 16 Transportation Repairs & Svc	100.00	
				Bus 2 Transportation Repairs & Svc	100.00	
				Bus 9 Transportation Repairs & Svc	100.00	
			01-5800	Bus 11 Transportation Repairs & Svc	600.00	
				Bus 14 Transportation Repairs & Svc	350.00	
				Bus 16 Transportation Repairs & Svc	350.00	
				Bus 2 Transportation Repairs & Svc	250.00	
				Bus 9 Transportation Repairs & Svc	500.00	3,898.28
22173831	09/04/2020	Keiser, Carol	01-4300	Amazon Reim		96.51
22173832	09/04/2020		01-5800	Mural		1,500.00
22173833	09/04/2020	KS Telecom Inc	01-4300	Mount Kits	137.92	
			01-5800	Fiber Repair	1,542.80	1,680.72
22173834	09/04/2020	National Fire Systems Inc	01-5800	Semi Annual Svc		184.65
22173835	09/04/2020	Office Depot	01-4300	Class Supplies	380.51	
				Office supplies	125.24	
				sheet protectors	9.70	

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

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## Checks Dated 09/01/2020 through 09/30/2020

Check Number	Check Date	Pay to the Order of	Fund-Obj	Comment	Expensed Amount	Check Amount
22173835	09/04/2020	Office Depot		Teacher supplies	50.01	565.46
22173836	09/04/2020	PlayOn! Sports	01-5800	School Broadcast Program		4,000.00
22173837	09/04/2020	Purchase Power	01-4300	Postage Meter Svc		2,018.50
22173838	09/04/2020	Shadd Janitorial Supply	01-4400	custodial equipment		748.86
22173839	09/04/2020	Synchrony Bank/Amazon	01-4300	Office Chair		177.52
22173840	09/04/2020	T-Mobile	01-5800	Hotspots		900.00
22173841	09/04/2020	TIAA Commercial Finance, Inc	01-5600	Aug20 Xerox Contract Financing		893.25
22173842	09/04/2020	TPx Communications	01-5800	Aug20 Communication Svc	616.13	
			01-5900	Aug20 Communication Svc	432.15	1,048.28
22173843	09/04/2020	Trimark Economy Rest.	13-4400	Disposer HP Motor		3,557.91
22173844	09/04/2020	US Bank Corporate	01-5800	Zoom P-39564302		1,800.00
22173845	09/04/2020	US Foods	13-4300	Cafeteria Supplies	89.17	
			13-4700	Cafeteria Food/supplies	710.11	799.28
22173846	09/04/2020	Verizon Wireless	01-5900	Aug20 Communication Svc		295.15
22173847	09/04/2020	Wallace Kuhl	23-6170	Materials Testing SOLAR project		3,255.75
22173848	09/04/2020	California's Valued Trust	01-3402	Sept20 Trustees	22.80	
			01-9514	Sept 20 Life	467.40	
				Sept 20 Retirees	2,483.20	
				Sept20 CVT	110,443.69	113,417.09
22174060	09/18/2020	Academic Innovations	01-4300	GFSF Textbooks		4,359.52
22174061	09/18/2020	Advanced Document	01-5600	Maintenance Monthly Cost		245.26
22174062	09/18/2020	Alhambra	01-4300	Drinking Water Svc		22.76
22174063	09/18/2020	Alpha Fired Arts	01-4300	Rod's Bod Clay		1,582.65
22174064	09/18/2020	Amsbaugh, Courtney	01-4300	Expense Reim		65.60
22174065	09/18/2020	AT&T	01-5900	Communication Svc		146.85
22174066	09/18/2020	Beeler Tractor Co	01-4300	Tactor oil	111.51	
				Tractor parts	54.53	166.04
22174067	09/18/2020	BSN Sports	01-4300	BSN Masks	1,872.80	
				WBB-UA Uniforms	4,149.00	6,021.80
22174068	09/18/2020	Cal Agri Teachers Assn	01-5800	CATA Prof Membership		140.00
22174069	09/18/2020	City Of Wheatland	01-5505	Sept20 Water Svcs		2,907.82
22174070	09/18/2020	College Board	01-5200	APSI Registration		575.00
22174071	09/18/2020	Crisis Prevention Institute	01-4300	NonViolent Crisis Workbook		474.10
22174072	09/18/2020	D&W Sourceall	01-4300	Sanitizer solution	2,517.58	
				Sanitizer Stations	4,737.77	
				Unpaid Tax	521.85-	6,733.50
22174073	09/18/2020	Heartsmart	01-4300	HeartStart Pads Cartridges		505.35

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## Checks Dated 09/01/2020 through 09/30/2020

Check Number	Check Date	Pay to the Order of	Fund-Obj	Comment	Expensed Amount	Check Amount
22174074	09/18/2020	Home Depot Gef	01-4300	Maint Supplies	1,381.85	
				Miant Supplies	50.69	
			01-4400	Tool Chest	909.48	
				Washer for Maintenance	909.48	3,251.50
22174075	09/18/2020		13-4700	Cafeteria Refund		34.00
22174076	09/18/2020	King Pest Control	01-5504	Pest Control Svc		180.00
22174077	09/18/2020	MJB Welding Supply Inc	01-4400	PPE Supplies		2,901.73
22174078	09/18/2020	Newman, Nicole	01-4300	Amazon Reim		233.54
22174079	09/18/2020	Nielsen Inspection Svcs, Inc	23-6170	Solar Canopies insp		1,890.00
22174080	09/18/2020	Office Depot	01-4300	Office supplies		62.04
22174081	09/18/2020	Pacific Gas & Electric	01-5501	8/10-9/8 Gas & Electric Svc		23,405.15
22174082	09/18/2020	Pacific Shredding	01-5800	Document Shredding Svc		144.00
22174083	09/18/2020	Raj's Mini Mart	01-4300	Aug20Fuel		509.84
22174084	09/18/2020	Recology Yuba Sutter	01-5502	Waste/Garbage Disposal Svc		2,804.62
22174085	09/18/2020	Recology Yuba-Sutter	01-5502	Waste/Garbage Disposal Svc		878.40
22174086	09/18/2020	Sherwin-williams Co	01-4300	Gray paint		81.77
22174087	09/18/2020	Smart FoodService	13-4700	Cafeteria Food		448.59
22174088	09/18/2020	Stinemans Farm Supply	01-4300	Kitchen supplies	11.67	
				Maintenance Dept Cost	857.86	
				Operations Dept Cost	20.38	889.91
22174089	09/18/2020	Sunrise Environmental Scien	01-4300	Cleaning supplies		922.32
22174090	09/18/2020	US Bank Corporate	01-4300	AdminBooksDL	84.06	
				Class supplies	282.52	
				Culinary Level 1 Textbooks	920.71	
				Culinary Textbooks	564.26	
				External Hard Drive	633.90	
				Floral Class Supplies	840.87	
				Health Office supplies	86.74	
				iPad/USB	79.00	
				Laptop Stand/Soundbar	64.92	
				Masks	359.28	
				Office Chair	158.09	
				Postage Meter Tapes	45.30	
				Remote Controls	13.56	
				Seedling trays	34.62	
				Staff incentives	72.13	
				Staff luncheon	9.95	

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## Checks Dated 09/01/2020 through 09/30/2020

Check Number	Check Date	Pay to the Order of	Fund-Obj	Comment	Expensed Amount	Check Amount
22174090	09/18/2020	US Bank Corporate		USB	57.36	
				USB Adapter	28.12	
				Webcam/Speaker	281.44	
				Wireless mouse	16.23	
			01-4400	Class/office furniture	375.38	
				HP Printers	865.98	
				Office Chair	491.46	
				TE Furniture	300.30	
			01-5800	UC High School Counselor Conf	120.00	
				ZoomMtg	872.88	7,659.06
22174202	09/25/2020	247 Security Inc.	01-4400	Bus Cameras		9,269.10
22174203	09/25/2020	Art Umland	21-6170	Construction Management Consultant		4,100.00
22174204	09/25/2020	Best Buy Business Advantage Acct	01-4400	Classroom TVx2		1,999.98
22174205	09/25/2020	Byers	25-5800	Gutter System		1,785.00
22174206	09/25/2020	Ca Dept Of Ed Cashier's Office	13-4700	Cafeteria Food		193.80
22174207	09/25/2020	Cev	01-5800	iCEV License		5,920.00
22174208	09/25/2020	MJB Welding Supply Inc	01-5800	Cylinder Rental		285.00
22174209	09/25/2020	Mobile Mini	22-6170	Sept20 Acct 019	191.01	
				Sept20 acct 020	191.01	382.02
22174210	09/25/2020	Office Depot	01-4300	Laminating pouches	25.26	
				Office supplies	33.88	59.14
22174211	09/25/2020	Premier Grad Products	01-4300	EPDDip/Caps n Gowns	894.14	
				WHDip/CapsnGowns	1,701.72	2,595.86
22174212	09/25/2020	Purchase Power	01-4300	Postage Meter Svc		1,128.64
22174213	09/25/2020	School Steps Inc	01-5800	Aug20 Occupational Therapy Svc		300.00
22174214	09/25/2020	Shadd Janitorial Supply	01-4300	Janitorial Supplies		234.90
22174215	09/25/2020	SHI	01-5800	2020-21 Adobe Renewal		1,575.00
22174216	09/25/2020	Smart FoodService	01-4300	District food	552.98	
			13-4700	Cafeteria Food	576.61	1,129.59
22174217	09/25/2020	Synchrony Bank/Amazon	01-4300	Flag	52.61	
				interest/member fee	82.07	
				ITT Tools	43.29	
				SPA Class supplies	21.58	
				Spill Kits	173.12	
			01-4400	Office Desk Chair	173.19	545.86
22174218	09/25/2020	Teacher's Discovery	01-4300	Spanish Class Supplies		165.97
22174219	09/25/2020	US Bank Corporate	01-5800	9/14Zoom Mtgs		50.00

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ESCAPE ONLINE

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## Checks Dated 09/01/2020 through 09/30/2020

Check Number	Check Date	Pay to the Order of	Fund-Obj	Comment	Expensed Amount	Check Amount
22174220	09/25/2020	Wheatland Smog-repair Llc	01-5600	Van 5 vehicle Repair & Svc		135.03
Total Number of Checks					96	287,992.91

## Fund Recap

Fund	Description	Check Count	Expensed Amount
01	General Fund	80	266,842.28
13	Cafeteria Special Rev Fund	12	10,259.71
21	Building Fund	1	4,100.00
22	Capital Projects Fund	1	382.02
23	Project Fund	2	5,145.75
25	Capital Facilities Fund	1	1,785.00
Total Number of Checks		96	288,514.76
Less Unpaid Tax Liability			521.85
Net (Check Amount)			287,992.91

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

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**Valenzuela/CAHSEE Lawsuit Settlement**  
**Quarterly Report on Williams Uniform Complaints**  
[Education Code § 35186(d)]  
**2020-2021**

District: Wheatland Union High School District

Person completing this form: Mona Hood Title: Administrative Assistant

Quarterly Report Submission Date:  
(check one)

- ☒ October 2020-1<sup>st</sup> quarter-(7/1/20-9/30/20)  
☐ January 2021-2<sup>nd</sup> quarter (10/1/20-12/31/20)  
☐ April 2021-3<sup>rd</sup> quarter (1/1/21-3/31/21)  
☐ July 2021-4<sup>th</sup> quarter (4/1/21-6/30/21)

Date for information to be reported publicly at governing board meeting: October 14, 2020  
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	0	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
CAHSEE Intensive Instruction and Services	0	0	0
TOTALS	0	0	0

Print Name of District Superintendent

Nicole Newman

Signature of District Superintendent

Date

10/1/2020

**Wheatland Union High School**  
**Math Placement 2020-21**

<b>Course</b>	<b>8th Grade</b>	<b>9th Grade</b>	<b>10th Grade</b>	<b>11th Grade</b>	<b>12th Grade</b>
Math X	0	11	4	0	0
Integrated Math 1A	0	97	10	2	0
Integrated Math 1B	0	0	61	8	3
Integrated Math I	8	110	25	1	0
Integrated Math II	0	18	96	48	7
Integrated Math III	0	0	4	52	26
Trig/Precalculus	0	0	2	30	24
AP Calculus AB	0	0	0	1	18
AP Calculus BC	0	0	0	0	1

# **Wheatland Un HSD**

## **Board Policy**

### **Temporary/Substitute Personnel**

BP 4121

#### **Personnel**

The Governing Board recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. 4112.2 - Certification)

#### **Hiring**

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. 4113 - Assignment)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

(cf. 4117.14/4317.14 - Postretirement Employment)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

#### **Classification**

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular district employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)

2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)

(cf. 6175 - Migrant Education Program)

(cf. 6200 - Adult Education)

3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

5. Serve only for the first semester because the district expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

## Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district.

(Education Code 44977, 45030)

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

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

Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

#### Paid Sick Leave

Except for a retired annuitant who is not reinstated to the retirement system, any temporary 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. Such leave will be paid out as it accrues to the employee on the next regularly scheduled payroll. 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)

Any temporary 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)

A temporary 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(e) 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

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

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. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

#### Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)



The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained during one school year. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the district's decision not to reelect him/her for the following school year. (Education Code 37200, 44954)

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

#### Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, his/her previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

(cf. 4116 - Probationary/Permanent Status)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant position in the district for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position in the district for at least 75 percent of each of two consecutive school years shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Legal Reference:

EDUCATION CODE

22455.5 Provision of retirement plan information to potential members  
22515 Irrevocable election to join retirement plan  
37200 School calendar  
44252.5 State basic skills assessment required for certificated personnel  
44300 Emergency teaching or specialist permits  
44830 Employment of certificated persons; requirements of proficiency in basic skills  
44839.5 Employment of retirant  
44845 Date of employment  
44846 Criteria for reemployment preferences  
44909 Employees providing services through categorically funded programs  
44914 Substitute and probationary employment computation for classification as permanent employee  
44915 Classification of probationary employees  
44916 Time of classification; statement of employment status  
44917 Classification of substitute employees  
44918 Substitute or temporary employee deemed probationary employee; reemployment rights  
44919 Classification of temporary employees  
44920 Employment of certain temporary employees; classifications  
44921 Employment of temporary employees; reemployment rights (unified and high school districts)  
44953 Dismissal of substitute employees  
44954 Release of temporary employees  
44955 Layoff of permanent and probationary employees  
44956 Rights of laid-off permanent employees to substitute positions  
44957 Rights of laid-off probationary employees to substitute positions  
44977 Salary schedule for substitute employees  
45030 Substitutes  
45041 Computation of salary  
45042 Alternative method of computation for less than one school year  
45043 Compensation for employment beginning in the second semester  
56060-56063 Substitute teachers in special education

GOVERNMENT CODE

3540.1 Educational Employment Relations Act, definitions

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

5502 Filing of notice of physical examination for employment of retired person

5503 Physical examination for employment of retired persons

5590 Temporary athletic team coach

80025-80025.5 Emergency substitute teaching permits

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Management Resources:

WEB SITES

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

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

Policy WHEATLAND UNION HIGH SCHOOL DISTRICT

adopted: June 21, 2016 Wheatland, California

# **Wheatland Union High School District**

## **School Reopening Plan**

### **Fall 2020**

**REVISED October 2020**

Wheatland Union High School District Schools will reopen in a Hybrid Learning Model on October 26<sup>th</sup>, 2020. This plan covers all reopening plans (Distance Learning, a Hybrid Model, and a Traditional 5-day a week model.

As a district, we will move into a Traditional Model (with restrictions) followed by a Traditional Model (without restrictions) as quickly as we can in accordance with state mandates and county clearance as well as what is most practical for our district.

Our plan and timeline to reopen aligns with other districts in our region and our District works collaboratively with the Yuba/Sutter Public Health Officer to meet recommended safety measures and protocols to help slow and reduce the spread of COVID-19 during the continued pandemic.

We are confident that our plans and procedures will allow our students to receive excellent educational content and supports while on Distance Learning and, once we are allowed, a safe and seamless return to physical school.

In this plan you will not only see the safety measures we have in place for our various sites and events, but also the supports we have in place should a student become ill or live in a household with an infected family member and need to have an extended absence.

We pride ourselves at WUHSD in having a wide variety of educational options for our students and now is no different. We are sure that whatever your student or family may be facing, we have a solution for them. As with all best laid plans, this plan is subject to change and growth in this ever-changing pandemic environment.

#### **WUHSD Meets the California Department of Education's Checklist for Reopening Schools**

**The following checklist covers the following main categories:**

- |  |  |
|--|--|
| ✓ Local Conditions to Guide Reopening Decisions                  | ✓ Protective Equipment   |
| ✓ Plan to Address Positive COVID-19 Cases or<br>Community Surges | ✓ Physical Distancing  |
| ✓ Injury and Illness Prevention Plan                             | ✓ Cleaning / Disinfecting  |
| ✓ Campus Access  | ✓ Employee Issues  |
| ✓ Hygiene  | ✓ Communication with Students, Parents, Employees,<br>Public Health Officials, and the Community |

## **Custodial Practices and Procedures**

WUHSD Maintenance and Operations takes great pride in the care and cleanliness of our facilities. Detail as to all cleaning practices and procedures can be found in our district custodial guide and in our Injury and Illness Prevention Program (IIPP). In this plan we highlight some key areas on which we are focusing, and additional procedures, equipment, and practices being added to ensure a safe return to school.

- Hand Sanitizing Stations in all classrooms, gyms, labs, offices, etc.
- Disinfecting Spray Bottles and paper towels in all classrooms, gyms, shops, offices, etc. for student and staff interim disinfecting.
- Disinfecting Foggers on site for daily disinfecting.
- Soap and Paper Towel Dispensers checked and stocked regularly.
- Posting and floor markings for disinfecting where needed.
- Classroom furniture arrangements to improve distancing capabilities.
- Student and staff face coverings available for those who request or require them for their own personal use at school or work.
- Removal of unnecessary furnishings and clutter from classrooms and office areas.

## **All Students, Staff, and Visitors Should...**



### **Wash Your Hands Often**

- Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
- Avoid touching your eyes, nose, and mouth with unwashed hands.



### **Cover Coughs and Sneezes**

- Avoid touching your eyes, nose, and mouth with unwashed hands. If you are in a private setting and do not have on your cloth face covering, remember to always cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow.
- Throw used tissues in the trash.
- Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.

## **We Strongly Encourage Students, Staff and Visitors to:**



### ***Cover your mouth and nose with a Cloth Face Cover when around others in accordance with CDPH Guidance***

- Although it is now considered rare, you could spread COVID-19 to others even if you do not feel very sick.
- The cloth face cover is meant to protect other people in case you are infected.
- Cloth face coverings should not be placed on anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- Wear a mask if feasible during athletics and Physical Education, especially when it is difficult to stay 6 feet apart from people or indoors.
- Students and staff **MUST** wear face coverings when riding on buses and vans.
- As of 6/21/20 face coverings are required for students, staff, and visitors. In the event face coverings are encouraged but not required, face coverings will be required on buses each day until the student arrives on campus and goes through the check-in procedure.



### **Monitor Your Health**

- Be alert for symptoms. Watch for fever, cough, shortness of breath, or other symptoms of COVID-19. Use the CDC Self-checker to help you.
- Take your temperature daily. Temperature checks will be part of the daily check in process (see Daily Check-In Process).
- Don't take your temperature within 30 minutes of exercising or after taking medications that could lower your temperature, like acetaminophen.



### **Clean and Disinfect Regularly**

- In addition to daily cleaning and disinfecting from custodial staff, everyone should clean AND disinfect frequently touched surfaces regularly. This includes desk, tables, doorknobs, light switches, countertops, handles, phones, keyboards, faucets, and sinks.
- If surfaces are dirty, clean them. Use detergent or soap and water prior to disinfection.
- Disinfecting solution and towels will be in every classroom, office, and common areas. Both students and staff should take precautions to wipe their areas down after use.

# **Classroom Logistics and Practices For Hybrid and Traditional Model**

WUHSD believes that classroom-based instruction and the structure of attending school on a daily basis is critical to our students' educational and social-emotional well-being. To ensure they can have that opportunity, we have implemented some of the following practices for our classroom spaces. WUHSD has a wide variety of classroom spaces including traditional classrooms, labs, shops, band and choir rooms, etc. We ask for all staff to abide by the following guidance to the degree practicable for their space. The following serves as guidance, but each space has nuances that staff members will take into consideration as they prepare their rooms. Although classroom spaces are being cleaned and disinfected daily by custodial staff, these additional practices are designed to increase safety throughout the day.

## **Classroom Arrangements**

- To the degree practicable, all student desks and tables should be arranged to allow for maximum student to student distancing.
- All students should face the same direction rather than sitting in groups or facing each other.
- In shops, gyms, etc. consider taking attendance and providing instruction in larger spaces or outdoors rather than classroom seating.
- Large band, choir, etc. classes may want to make arrangements for larger spaces or outdoor practice when possible.
- Disinfecting supplies, hand sanitizer, and classroom plans for cleaning between classes will be in place.
- Ensure equipment cleaning and disinfecting practices by students and staff in gyms, labs, and shops are followed. No "loaner" materials such as PE clothes should be allowed.
- Classrooms need to be free of any additional or unnecessary furniture or clutter that may get in the way of distancing or disinfecting practices.

## **Instructional Practices**

- Although we know cooperative learning is a best practice, during this time, students should not participate in cooperative learning structures that require physical contact or close proximity.
- During this time consider assignments and projects that reduce the need for collaboration and sharing of materials.

## **Classroom Arrangements**

In situations in which a student may become ill and need to stay home for an extended period of time or if a family member is ill and the student is asked to stay home until they are cleared to return, it will be critical that simple access to classwork be available. Also, in a worst-case scenario in which the school would be forced to close for a period of time, instruction needs to remain as seamless as possible. Using Google Classroom extensively can aide in this case. To that end, students and teachers **SHALL**:

- Ensure Google Classroom is being utilized as part of or in tandem with daily in-class instruction.
- Students and parents must ensure that student devices are readily accessible and able to connect to Wi-Fi and check both Gmail and Google Classroom daily.
- Reinforce student use of Google Suite Apps, particularly Google Docs to align with Google Class-room usage.
- Reinforce the use of student Gmail as the common means of student communication.

**As of 6/21/20 face coverings are required for students, staff, and visitors. In the event face coverings are encouraged but not required, face coverings will be required each day until the student arrives on campus and goes through the check-in procedure.**



# **Campus Logistics and Practices**

## **For Hybrid and Traditional Model**

Our schools include many areas for student daily activities including cafeterias, gyms, quads, libraries, etc. Areas will be clearly marked with reminders to distance along with general safety protocols to remind students of the importance of proper hygiene and personal protection. These spaces are cleaned and disinfected daily, but we will take extra precautions to promote distancing and cleanliness around campus and all facilities.

### **Common Areas / Quad**

- Areas will be clearly marked with reminders to distance along with general safety.
- Water fill stations will still be available although water fountains may be blocked.
- Restrooms will remain stocked with proper handwashing supplies.
- Students in close proximity or close physical contact will be asked to separate.
- Some tables and spaces may be closed or have some seats closed.

### **Athletic Facilities, Gyms Weight Room, etc.**

- All gyms and workout areas will have disinfecting supplies.
- Staff will be provided training and guidelines to wipe down and disinfect equipment between use.

### **School Offices**

- WUHSD will be limiting outside guests to individuals or agencies providing direct services to our students.
- Parents and guardians will be limited to waiting areas in offices unless they have an appointment on campus with an individual.
- All guests must wear face coverings until the guidance from CDPH says otherwise. Guests will go through the Check-In Process if they are interacting with students

### **Ag Farm / Labs**

- Areas will be clearly marked with reminders to distance along with general safety.
- Students and staff will be provided training and guidelines to wipe down and disinfect equipment between use.
- Only students are allowed at the facility when caring for an animal.

### **Cafeteria / Food Service**

- Students will be served breakfast and lunch in the cafeteria line and outdoor kiosks.
- Lines will be marked for distancing.
- Dining will have a limited number of seating options in the cafeteria due to distancing which will be clearly marked. Additional outside seating will be provided.
- Food lines will not require touching a keypad. Students will give their number to the Food service worker.
- Food service workers will wear appropriate personal protective equipment.

### **Food Service During Hybrid and Traditional Model**

Food Service will be available on school attendance days (Calendar Approved 3/11/20) from 12:45 pm - 1:20 pm for the student cohort that is on campus that day. (See Food Service during Distance Learning for options when the student cohort is off campus that day or enrolled in Independent Study.) Breakfast will be provided daily from 7:45 am - 8:10 am and again at Break from 10:53 am – 11:03 am. Breakfast and Lunch will remain free until at least December 18<sup>th</sup>, 2020. Even though meals are free until December 18<sup>th</sup>, 2020 we ask that you please complete the Meal Application online at the link below:

[www.ezmealapp.com](http://www.ezmealapp.com).

### **Food Service During Distance Learning**

Food Service will be available on school attendance days (Calendar Approved 3/11/2020) from 11:20 pm – 12:20 pm. Lunch for that school day and breakfast for the next will be distributed at the following locations:

- Wheatland Union High School Campus
- Plumas Lake - Parking lot at River Oaks Blvd. and Hidden Creek Way

Lunch orders during Distance Learning must be preordered. Please use the following link to order lunch for the following day. Orders must be submitted prior to 5:00 am on the order date. <https://forms.gle/u4PtEExB7WotvkTW6>

Please follow signage and remain in your car, food will be brought curbside. Even though meals are free until December 18<sup>th</sup>, 2020 we ask that you please complete the Meal Application online at the link below: [www.ezmealapp.com](http://www.ezmealapp.com).

**Bell Schedule for Hybrid and Tradition Model:** Hybrid Bell Schedule will be followed when students are on campus. Students will have Asynchronous Instruction on the days they are not on campus.

## WHEATLAND UNION HIGH SCHOOL 2020-2021 Bell Schedule










Period 1	8:15 - 9:11 a.m.	56 minutes (10 minutes for temp checks)
Period 2	9:16 - 10:02 a.m.	46 minutes
Period 3	10:07 - 10:53 a.m.	46 minutes
BREAK	10:53 - 11:03 a.m.	10 minutes
Period 4	11:08 - 11:54 a.m.	46 minutes
Period 5	11:59 - 12:45 p.m.	46 minutes
LUNCH	12:45 – 1:20 p.m.	35 minutes
Period 6	1:25 - 2:11 p.m.	46 minutes
Period 7	2:16 - 3:02 p.m.	46 minutes

### Options During Hybrid Model

## Wheatland Union High School District BACK 2 SCHOOL SAFELY



### TRANSITION TO TRADITIONAL EDUCATION

MODELS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>HYBRID</b> (50% Occupancy) Beginning: October 26th	 <b>GROUP A</b> Physically attends School  Remote Learning and practice for <b>GROUP B</b>	 <b>GROUP B</b> Physically attends School  Remote Learning and practice for <b>GROUP A</b>	 <b>Teacher Office Hours</b> 9:00 a.m. – 12:00 noon (Teachers available for tutoring, extra-help, make-up tests, questions, etc.)	 <b>GROUP A</b> Physically attends School  Remote Learning and practice for <b>GROUP B</b>	 <b>GROUP B</b> Physically attends School  Remote Learning and practice for <b>GROUP A</b>



### EDMENTUM FULL-TIME INDEPENDENT STUDY

*Provided by local certified teachers who are dedicated to online teaching and learning. Students will engage in scheduled virtual meetings, collaborative discussions, and assignments involving interactive resources that are completed at home.*

## **What Happens When a Student Becomes Sick? For Hybrid and Traditional Model**

The COVID-19 virus is spreading throughout our community and will continue to do so until either a vaccine or herd immunity ends the spread altogether. As we learn more and more about the virus, we now know that our youth are least affected and generally recover quickly. We also know much more about how the disease spreads and for how long a person may be contagious. With that knowledge, we are well prepared for what to do when a student or staff member exhibits symptoms or tests positive for COVID-19. Students, staff, and parents need to remember to self-screen daily. If they are exhibiting symptoms, they need to stay home and schedule an appointment with their health care provider to determine if they need to be tested.

**Students should not be physically present if any of the following symptoms are present. Additionally, students should not be physically present if they have been exposed to anyone with a confirmed positive COVID-19 test within the past 14 days.**

COVID-19 Symptoms Include:

- Fever (100.4 degrees or higher) or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

This list does not include all possible symptoms. Health officials will continue to update this list as we learn more about COVID-19.

***If a student or family member within the household tests positive for COVID-19:***

1. Seek medical care from your healthcare provider in accordance with CDC and County Guidelines.
2. Alert the school administration as quickly as possible to ensure the student can be provided with resources and to get started on Independent Study.
3. Student should not come to school until they have been cleared to do so by your healthcare provider. If a family member is the one who is sick, you must follow the guidance from Public Health prior to returning to school.

***If a student becomes sick while at school or begins to exhibit any symptoms:***

Student will be sent directly to the Health Aide Office where they will be:

- a. Evaluated by Health Aide.
- b. Recommended for testing for COVID-19. School will contact public health to determine next steps.
- c. Asked whom they have been in close physical contact with (i.e. shared food or beverage, held hands, hugged, etc.)
- d. Held in isolation area until a parent/guardian come to pick them up.
- e. Asked to remain home until test results either clear the student to return or confirm a positive case.

Students sent home for exhibiting symptoms or awaiting test results will be provided Distance Learning opportunities (Short-Term Independent Study) while they are out.

**Only students who were in close physical contact with any student who tests positive or exhibits symptoms will be monitored by health staff. Being in the room with someone who was ill does not constitute close physical contact.**

## **What Happens When a Staff Member Becomes Sick? For Hybrid and Traditional Model**

**Staff should not be physically present if any of the following symptoms are present. Additionally, staff should not be physically present if they have been exposed to anyone with a confirmed positive COVID-19 test within the past 14 days.**

COVID-19 Symptoms Include:

- Fever (100.4 degrees or higher) or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

This list does not include all possible symptoms. Health officials will continue to update this list as we learn more about COVID-19.

***If a staff member or a family member within the household tests positive for COVID-19:***

1. Seek medical care from your healthcare provider in accordance with CDC and County Guidelines.
2. Alert the school administration as quickly as possible.
3. Staff should not come to work until they have been cleared to do so by your healthcare provider. If a family member is the one who is sick, you must follow the guidance from Public Health prior to returning to work.

***If a staff member becomes sick while at work or begins to exhibit any symptoms the staff member will be sent home asked to remain home until test results clear the staff member.***

***By arriving at work/any Wheatland Union High School District facility, staff members affirm they have not had, or been exposed to anyone with, any of the symptoms listed above in the past 14 days. Furthermore, staff agrees to wear a face covering.***

## **Athletics and Extracurricular Activities**

WUHSD believes that classroom-based instruction, athletics, FFA, band, and other extracurricular and co-curricular activities play an integral role in student educational success and social-emotional wellbeing. Therefore, we have already resumed these types of programs, including conditioning, practices, and meetings with additional safety protocols in place.

Coaches, Assistants, etc. will receive additional guidance as to safety protocols in alignment with the National Federation of State High School Association's (NFHS) Guidance and California Interscholastic Federation (CIF) Guidance. Some protocols include, but are not limited to:

- Daily Health Screening
- Daily Equipment Disinfecting
- Hand Sanitizer in Practice Facilities
- Locker room cleaning/storage practices
- Hydration and hygiene practices
- When and when not to wear face coverings

## **Athletic Contests/Games**

Teams will be allowed to play other schools in our leagues that also plan to allow athletics. The NSCIF Board of Managers have approved the Sports Calendar for the 2020-21 school year to begin December 28<sup>th</sup>, 2020. Please continue to check on the Athletic link of the WUHS website or check in with your student-athlete's coaches.

<b>2020-21 Fall Sports</b>	Practice Start Date	Competition Start Date	League Competition End Date	Section Final Concluded by	State Final Date
Cross Country		Dec. 28	Mar. 9	Mar. 11	Mar. 27
Football	Dec. 14	Jan. 7	Feb. 19	Mar. 5 or 10	No NorCal
G & B Volleyball		Dec. 28	Feb. 25	Mar. 13	Mar. 20
Traditional Competitive Cheer		Dec. 28	April 2	Apr. 10	Apr. 17
<b>Winter Sports</b>	Practice Start Date	Competition Start Date	League Competition End Date	Section Final Concluded by	State Final Date
Soccer		Feb. 22	April. 9	April. 23	No NorCal
Basketball		Feb. 22	April. 9	April 23-24	No NorCal
<b>Spring Sports</b>	Practice Start Date	Competition Start Date	League Competition End Date	Section Final Concluded by	State Final Date
Baseball		Mar. 29	D2-3 June 2 - D4-7 June 7	Jun. 19	Jun. 26
Golf		Mar. 29	May 28	Jun. 12	Jun. 23
Softball		Mar. 29	Jun. 10	Jun. 19	Jun. 26
Swim & Dive		Mar. 29	May 21	May 29	Jun. 5
Tennis		Mar. 29	May 4	May 29	Jun. 5
Track & Field		Mar. 29	Jun. 2	Jun. 11	Jun. 26
Wrestling		Mar. 29	May 22	Jun. 5	Jun. 12



## **Transportation Practices and Procedures For Hybrid and Traditional Model**

WUHSD remains committed to transporting its students to and from school and to school events. There has been much debate about how students could be socially distanced on school buses across the country with some districts opting out of bussing altogether for the next school year. Although WUHSD is not required to provide bussing to all students, we know that it is in their best interest to continue doing so. However, there is not a realistic or feasible way in which we can substantially distance students on our school buses. Therefore, it is solely the student's and parent's choice to ride the bus. Parents and students who are not comfortable with riding the school bus will need to walk or be transported by parents. For those who do plan to continue riding the bus, we have these safety measures in place:

- Disinfecting and cleaning after each route.
- Hand sanitizer on each bus.
- Open windows on buses as much as practicable, weather permitting
- Adjusted routes and possibly expanded routes to reduce more congested stops.
- As of 6/21/2020 face coverings are required for students and staff. In the event face coverings are encouraged but not required, face coverings will be required on buses each day until the student arrives on campus and goes through the check-in procedure.
- Any student exhibiting symptoms associated with COVID-19 will be sent directly to the Health Aide office.

## **Office Practices and Procedures**

Our school and district offices are here to support students and parents. However, during this time, it is critical that we reduce the number of outside visitors to our sites as much as possible. To assist in this, we ask that parents and guardians:

- Use phone calls and emails as often as possible to handle office communication and attendance.
- When coming on campus we ask that parents and visitors use the service windows located in the District Office and the ASB Office in the main administration building.
- Ensure all contacts are up to date in case we need to contact you or an approved contact for student pick-up.
- Limit school visits to just one family member.
- Wear a facial covering.
- Remain in designated areas only.

### **General Office Protocols**

- Distancing signage and markers
- Hand Sanitizer Stations
- Wipe down and disinfect desks and chairs after office visitors
- Facial Coverings available for guests who need one
- Additional Spacing or Partitions for first point of contact areas

## **Distance Learning Options for Students For Hybrid and Traditional Model**

Although we believe that classroom-based instruction is still the best option for students from an educational and social-emotional standpoint and that our campuses will provide a safe learning environment for our students, we are aware and prepared for students and parents who may not feel ready to physically return to school daily. We also want to ensure that we have options for students who may be medically fragile or have compromised immune systems. WUHSD has multiple options to meet the needs of these families. Students with disabilities will require an IEP decision to be placed in the appropriate educational setting if the setting is different from the current IEP.

### **Short-Term Independent Study**

- For students who plan to return to regular, classroom-based school within the semester
- Must have a qualifying reason (COVID-19 can count as reason)
- If a student goes beyond the four weeks, they will be asked to transfer to regular Independent Study for the remainder of the semester

## **Daily Check-In Process for Students For Hybrid and Traditional Model**

- Students will report to 1<sup>st</sup> period at 8:10 to begin check-in process.
- 1st Period Temperature Checks – 100.4° is the maximum temperature to stay at school
- Hands stamped when students have had their temperature checked
- Students will not be allowed in the class once tardy bell has rung and will need to go to the office to check in if they are tardy.
- As of 6/21/2020 face coverings are required for students, staff, and visitors. In the event face coverings are encouraged but not required, face coverings will be required on buses each day until the student arrives on campus and goes through the check-in procedure.

## COVID-19 – Risk Analysis Plan

Job/Task	Potential Hazard	Recommended Actions/Procedures
<p>Normal Job Tasks/Duties</p> <p>Administration, Certificated, Classified and Confidential Staff</p>	Exposure to COVID-19	<ol style="list-style-type: none"> <li>I will complete the COVID-19: How to Protect Yourself and Others training provided to me by the District through Public School Works.</li> <li>I acknowledge that: <ul style="list-style-type: none"> <li>All employees must wear face protection at all times when near others in the workplace.</li> <li>Work areas will be disinfected daily by custodians: offices, counters, staff room, restrooms, doors and other common high-touch areas. Hand sanitizer and access to soap and water will be provided. Disinfecting spray bottles and paper towels will be available in all classrooms, gyms, shops, offices, etc. for student and staff interim disinfecting.</li> <li>Employees will regularly wash hands with soap and water for at least 20 seconds.</li> <li>Reusable face coverings should be cleaned and dried daily.</li> <li>Employees will use hand sanitizer as necessary.</li> <li>Employees should maintain a 6' or more distance from other employees. Employees are required to complete an illness/health <u>self-assessment</u> at home each day, prior to beginning work, by reviewing the 5 questions below. <ol style="list-style-type: none"> <li>Are you experiencing any symptoms such as current or recent fever (100.4° or higher), new or worsening cough, new or worsening shortness of breath or respiratory illness, sudden lack of taste or smell, sudden onset of unexplained gastrointestinal illness?</li> <li>Have you been in close contact** with anyone who has been diagnosed with COVID-19?</li> <li>Have you been in close contact** with anyone who is experiencing symptoms of COVID-19, but is yet to be confirmed?</li> <li>Are you living with – or, in close contact** with anyone such as a family member who is experiencing symptoms or has been confirmed as positive for COVID-19?</li> <li>Have you traveled outside of the continental United States within the past 14 days?</li> </ol> </li> </ul> </li> </ol> <p>If you answered yes to any of the above, please contact your immediate supervisor prior to coming into work.</p>

**\*\*The CDC defines close contact of COVID-19 as any individual who was within 6 feet of an infected person for at least 15 minutes starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to positive specimen collection) until the time the patient is isolated.**

# **Distance Learning Model**

## **Wheatland Union High School**

**After October 26, 2020 - In the event that the District makes a decision to close due to local epidemiological data or public health investigations.**

All WUHSD Students will attend school virtually and receive daily live interaction via a combination of Google Meets or Zoom for face-to-face instruction, Google Classroom for coursework and guided practice, and a variety of Google Suite applications available to all students on their district issued Chromebooks. Students may use their own devices.

- This model is “substantially equivalent” to in-person instruction.
- This model will transition to classroom-based, on campus classroom (hybrid or regular), when state/local clearance allows.
- Students will move from Distance Learning to in-person learning with the same instructor that they currently have.
- Distance Learning will take place using the schedule below and will include an avenue for school announcements, supports, social emotional learning, digital citizenship, cyber safety, and school activities.
- Attendance will be taken. All regular attendance rules and requirements count during Distance Learning in the same way they would for in-person instruction.
- All coursework counts toward grading and, in turn, toward credit completion and graduation.
- Teachers will input attendance and grades weekly as part of the required “Weekly Engagement Record.”
- For each 30-minute period, teachers will provide a combination of direct instruction, guided practice, and independent practice utilizing any variety of G-Suite Apps and classwork via Google Classroom.
- Lessons and instructional videos will be loaded on to Google Classroom so that students and parents will have access at any time.
- The final 40 minutes of each day is built-in as an extension of the classroom where students can check in with teachers, work in virtual collaborative groups, and complete assignments, but attendance is not taken during that time.
- Special Education, 504's, and English Learner Services will be handled by case managers and monitored in the event adjustments are needed.
- Academic counseling and Social/Emotional counseling services will be available.
- Staff will be on campus and available for students and parents remotely.

## **Distance Learning Bell Schedule**

Period 1	9:15 – 9:45 am	30 minutes
Period 2	9:50 – 10:20 am	30 minutes
Period 3	10:25 – 10:55 am	30 minutes
Period 4	11:00 – 11:30 am	30 minutes
Lunch	11:30 – 12:30 pm	60 minutes
Period 5	12:35 – 1:05 pm	30 minutes
Period 6	1:10 – 1:40 pm	30 minutes
Period 7	1:45 – 2:15 pm	30 minutes
<b>Independent Practice &amp; Teacher Office Hours</b>	2:20 – 3:00 pm	40 minutes

## **Distance Learning Model**

### **Edward P. Duplex Continuation High School**

**After October 26, 2020 - In the event that the District makes a decision to close due to local epidemiological data or public health investigations.**

Alternative learning environment on campus with smaller class size and reduced credits to graduate.

- Credit Recovery
- 200 Credits Earns a Diploma
- Online Learning
- Smaller Class Size
- Morning and Afternoon Sessions
- 3 Hour Sessions, 5 Days a Week
- Located on WUHS Campus (students will not report to campus until the county is off the watch list)
- Students may transition to WUHS for Graduation
- Daily meeting times will be arranged by the teachers to allow for dual enrollment at WUHS

### **Wheatland Community Day High School**

**After October 26, 2020 - In the event that the District makes a decision to close due to local epidemiological data or public health investigations.**

Alternative learning environment on campus with smaller class size and reduced credits to graduate.

- Credit Recovery
- 240 Credits Earns a Diploma
- Online Learning
- Smaller Class Size
- Located on WUHS Campus (students will not report to campus until the county is off the watch list)
- Students may transition to WUHS for Graduation
- Daily meeting times will be arranged by the teachers to allow for dual enrollment at WUHS if applicable



# **Independent Study Model**

## **Wheatland Union High School & Edward. P. Duplex Continuation High School**

Independent Study allows students to still be part of the WUHSD and participate in all events (extra and co-curricular). Curriculum is computer based and the program offers the following:

- Assistance from a credentialed teacher
- On or off campus (Zoom/Virtual) meetings with assigned teacher – *All via Zoom until we have returned to campus*
- Academic Guidance Counselors
- Social Emotional Counseling
- WASC Accredited (WUHS)
- Virtual Learning
- Enrichment Courses
- Career and Technical Education
- Dual Enrollment Opportunities
- Advanced Placement Courses
- Educational Materials Provided (including technology)
- Work at your own pace
- Fill in Knowledge Gaps
- Choice during the day of what you work on and when
- Credit Recovery

***(This is the better option to choose if you do not wish to return to campus when we have been cleared by the state/local officials.)***

<b>Comparison Chart</b>	<b>Distance Learning (Return to Campus when Allowed)</b>	<b>Independent Study</b>
Daily, interactive lessons with a teacher	YES	NO
Attendance will be taken daily	YES	YES
Required Instruction Time is 4 hours per day (Distance Learning is with classroom teacher. Home Based Independent Study is with an assigned credentialed teacher)	YES	YES
Independent Work is Required	YES	YES
The model that will be as close to the onsite school feel without actually being able to go to school to class	YES	NO
Interactions with peers similar to school day without actually being able to go to class	YES	NO
Interactive lessons in addition to software resources and teacher assignments within Google Classroom	YES	NO
Google Classroom and resources that can be accessed 24/7	YES	NO
Software based instruction	NO	YES
Teacher accessible to student during school day office hours	YES	YES
Students work will be graded	YES	YES
IEP services provided during the school hour day	YES	YES

## **How the WUHSD Distance Learning Plan Meets State Guidance**

<b>Daily Live Interaction</b>	Daily Class Periods using Google Meets/Zoom, Google Classroom, Class Forums, etc. Teacher/Counselor/Administrator contact with students and parents when a student misses class attendance or assignments.
<b>Minimum Instructional Day</b>	All students will participate in a minimum of 240 minutes per day of instruction and coursework weekly.
<b>Serving Students in Need</b>	Academic and other supports designed to address the needs of students who are not performing at grade level, or need support in other areas will be provided by paraprofessionals, counselors, licensed marriage and family therapist, and administrators (foster, homeless, and mental health).
<b>Special Education &amp; 504 Services</b>	Special education, related services, and any other services required by a student's individualized education program or 504.
<b>English Learner Services</b>	Designated and integrated instruction in English language development and support for dual language learning.
<b>Student and Family Connectivity</b>	WUHSD is a "One to One" district with all students in possession of a school issued device unless they use their own. In addition to home WiFi, several options for WiFi access are available including district issued hotspots.
<b>Daily Attendance Accounting</b>	All schools will take daily attendance and all attendance counts in the same way it would during regular school. All absences must be cleared or made up. Students with Chronic Absenteeism will be sent through the Student Attendance Review Board (SARB) process.
<b>Preventing Disengagement</b>	Students who exhibit disengagement both by attendance or missing assignments will be placed on a Student Reengagement Plan as outlined by state guidelines.
<b>Weekly Engagement Record</b>	Teachers, Counselors, and Admin will ensure all attendance and grading is entered weekly as part of each student's Weekly Engagement Record. Attendance, grades, individual assignments, and participation will all be part of this Weekly Engagement Record as outlined by state guidelines.
<b>Accountability Plan</b>	The District will continue to partner with parents, teachers, and other stakeholders to create the required Learning Continuity and Attendance Plan (LCAP) by September 30.

**NUTRITION PROGRAM COMPLIANCE**

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

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

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 5030 - Student Wellness)*

**Compliance Coordinator**

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing the district's nutrition programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, and the Section 504 coordinator and Title IX coordinator if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties

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

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

*(cf. 6159 - Individualized Education Program)*

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

## **NUTRITION PROGRAM COMPLIANCE** (continued)

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary
10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

*(cf. 5022 - Students and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

*(cf. 5145.13 - Response to Immigration Enforcement)*

## **Notifications**

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

*(cf. 5145.6 - Parental Notifications)*

## **NUTRITION PROGRAM COMPLIANCE (continued)**

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

### **Complaints of Discrimination**

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: (5 CCR 15582)

U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights,  
1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992,  
(800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech  
disabilities), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or  
email [program.intake.usda.gov](mailto:program.intake.usda.gov)

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Complaints Regarding Noncompliance with Program Requirements**

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

**NUTRITION PROGRAM COMPLIANCE** (continued)

Complaints may be filed by a student or the student's parent/guardian by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

**NUTRITION PROGRAM COMPLIANCE** (continued)

If the Board considers the complaint, the Board's decision shall be sent 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)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

*Legal Reference: (see next page)*



## **NUTRITION PROGRAM COMPLIANCE (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

42238.01 Definitions for purposes of funding

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child nutrition programs complaint procedures

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

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 7

210.19 National School Lunch Program, additional responsibilities

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

220.13 School Breakfast Program, special responsibilities of state agencies

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring and assistance

225.11 Summer Food Service Program, corrective action procedures

226.6 Child and Adult Care Food Program, state agency administrative responsibilities

250.15 Out-of-condition donated foods, food recalls, and complaints

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

*Management Resources: (see next page)*

## **NUTRITION PROGRAM COMPLIANCE (continued)**

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018

#### U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

#### U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

#### WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

**NUTRITION PROGRAM COMPLIANCE**

**NONDISCRIMINATION STATEMENT FOR NUTRITION PROGRAMS**

The following statement shall be included, in a prominent location, on all forms available to the public regarding the availability of the district's child nutrition programs:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

"This institution is an equal opportunity provider."

On pamphlets, brochures, and flyers, in the same print size as the rest of the text, the district may print a short version of the nondiscrimination statement, as follows:

"This institution is an equal opportunity provider."

## NONDISCRIMINATION IN EMPLOYMENT

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 4032 - Reasonable Accommodation)*

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Nicole K. Newman, Superintendent

Wheatland Union High School District

1010 Wheatland Road, Wheatland, CA 95692

(530) 633-3100

[nnewman@wheatlandhigh.org](mailto:nnewman@wheatlandhigh.org)

### Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the

**NONDISCRIMINATION IN EMPLOYMENT** (continued)

rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 4111/4211/4311 - Recruitment and Selection)*

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending a copy via email with an acknowledgment return form
  - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
  - e. Any other way that ensures employees receive and understand the policy

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

## **NONDISCRIMINATION IN EMPLOYMENT** (continued)

4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

### **Complaint Procedure**

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

## **NONDISCRIMINATION IN EMPLOYMENT** (continued)

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

*(cf. 3580 - District Records)*

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

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

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.





## **NONDISCRIMINATION IN EMPLOYMENT** (continued)

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 9321 - Closed Session)*

### **Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

**NONDISCRIMINATION IN EMPLOYMENT** (continued)

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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.

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

*(cf. 4030 - Nondiscrimination in Employment)*

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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
3. Ensuring prompt, thorough, fair, and equitable 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

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** (continued)

### **Sexual Harassment Reports and Complaints**

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

*(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)*

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Reports)*

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

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

*Legal Reference: (see next page)*

## **SEXUAL HARASSMENT (continued)**

### *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

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

#### 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

106.51-106.82 Nondiscrimination on the basis of sex in employment in education programs 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>

## All Personnel

AR 4119.11(a)

4219.11

## SEXUAL HARASSMENT

4319.11

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

The following 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.

### Title IX Coordinator

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Nicole K. Newman, Superintendent

Wheatland Union High School District

1010 Wheatland Road, Wheatland, CA 95692

(530) 633-3100   [nnewman@wheatlandhigh.org](mailto:nnewman@wheatlandhigh.org)

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

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

### Prohibited Conduct

*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

## **SEXUAL HARASSMENT** (continued)

a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (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. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. 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.

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**

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of

**SEXUAL HARASSMENT** (continued)

classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position 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)*

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program 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 concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. 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
7. The limited confidentiality of the complaint process



**SEXUAL HARASSMENT** (continued)

8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed  
  
Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

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**

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

**SEXUAL HARASSMENT** (continued)

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
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

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

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)

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.

*(cf. 4030 - Nondiscrimination in Employment)*

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

### **Emergency Removal**

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

### **Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

### **Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

### **Formal Complaint Process**

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

During the investigation process, the district shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

### **Written Decision**

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal



## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

### **Appeals**

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

### **Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

### **Disciplinary Actions**

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Report)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### **Record-Keeping**

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

12950.1 Sexual harassment training

#### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

#### UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

#### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

#### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

### *Management Resources:*

#### WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**INFECTIOUS DISEASES**

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing a high-quality education for all students. The Superintendent or designee shall collaborate with local and state health officials to develop and regularly update a comprehensive plan for disease prevention that promotes preventative measures, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

*(cf. 0400 - Comprehensive Plans)*  
*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 0415 - Equity)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*  
*(cf. 5141.26 - Tuberculosis Testing)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

The district's comprehensive health education program shall provide age-appropriate information about the nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*  
*(cf. 6142.8 - Comprehensive Health Education)*

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

## **INFECTIOUS DISEASES (continued)**

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 6145.2 - Athletic Competition)*

### **Students with Infectious Diseases**

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

*(cf. 5112.2 - Exclusions from Attendance)*

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

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

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

*(cf. 5022 - Student and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

#### *Legal Reference:*

##### EDUCATION CODE

48210-48216 *Persons excluded*

49060-49069.7 *Student records*

49073-49079 *Privacy of pupil records*

49403 *Cooperation in control of communicable disease and immunization of pupils*

49405 *Smallpox control*

49406 *Examination for tuberculosis (employees)*

49408 *Student emergency information*

49602 *Counseling and confidentiality of student information*

51202 *Instruction in personal and public health and safety*

##### CIVIL CODE

56-56.37 *Confidentiality of Medical Information Act*

1798-1798.78 *Information Practices Act*

*Legal Reference continued: (see next page)*

## INFECTIOUS DISEASES (continued)

### *Legal Reference: (continued)*

#### HEALTH AND SAFETY CODE

120175.5 Local health officers and communicable diseases

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121023 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for students

#### CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

#### CODE OF REGULATIONS, TITLE 8

5193 Bloodborne pathogens

#### CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

#### UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Privacy of individually identifiable health information

#### COURT DECISIONS

*Thomas v. Atascadero Unified School District*, (1986) 662 F.Supp. 376

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Science Safety Handbook for California Public Schools, 2014*

#### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

*School District (K-12) Pandemic Influenza Planning Checklist*

#### WEB SITES

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

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

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

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

**INFECTIOUS DISEASES****Prevention and Mitigation Plan**

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

*(cf. 6157 - Distance Learning)*

*(cf. 6158 - Independent Study)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.5 - Student Success Teams)*

*(cf. 6173 - Education for Homeless Youth)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

*(cf. 6183 - Home and Hospital Instruction)*

4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies
6. Procedures for the cancellation or alteration of extracurricular activities and field trips

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

7. Protocols for transportation of students using district vehicles

*(cf. 3540 - Transportation)*

*(cf. 3543 - Transportation Safety and Emergencies)*

**INFECTIOUS DISEASES** (continued)

8. Information on effective hygiene practices

9. Provisions for continuing free and reduced-price meal services

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

*(cf. 3553 - Free and Reduced Price Meals)*

10. Processes for protecting students who are at higher risk from the disease

11. Programs that enhance a positive school climate and foster the emotional well-being of all students

*(cf. 5141.5 - Mental Health)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 6164.2 - Guidance/Counseling Services)*

12. Guidelines for cleaning and sanitization of district facilities and equipment

*(cf. 3510 - Green School Operations)*

*(cf. 3514.1 - Hazardous Substances)*

13. Protocols for visitors and outside groups that utilize district facilities

14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

**Universal Precautions in the Classroom**

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.



**INFECTIOUS DISEASES** (continued)

*(cf. 5142 - Safety)*

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
  - a. For finger punctures, students shall use individual sterile lancets that have engineered sharps injury protection and shall not reuse them.
  - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
  - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

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

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

*(cf. 5022 - Student and Family Privacy Rights)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.93 - Science Instruction)*

**NONDISCRIMINATION/HARASSMENT**

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Nicole K. Newman, Superintendent

Wheatland Union High School District

1010 Wheatland Road, Wheatland, CA 95692

(530) 633-3100

[nnewman@wheatlandhigh.org](mailto:nnewman@wheatlandhigh.org)

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

**NONDISCRIMINATION/HARASSMENT** (continued)

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

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

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
  - a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address
  - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
  - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

**NONDISCRIMINATION/HARASSMENT** (continued)

- (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
    - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
    - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
  - d. A link to the Title IX information included on the California Department of Education's (CDE) web site
  5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
  6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
  7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.
- (cf. 5145.6 - Parental Notifications)*
8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

**NONDISCRIMINATION/HARASSMENT** (continued)

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 nondiscrimination 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 information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

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

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

**Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

*(cf. 5131.5 - Vandalism and Graffiti)*



**NONDISCRIMINATION/HARASSMENT** (continued)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

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

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

*(cf. 5125 - Student Records)*

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

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

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

*(cf. 5144 - Discipline)*

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

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

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

**Process for Initiating and Responding to Complaints**

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

**NONDISCRIMINATION/HARASSMENT** (continued)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

**Transgender and Gender-Nonconforming Students**

*Gender identity* of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Gender-nonconforming student* means a student whose gender expression differs from stereotypical expectations.

*Transgender student* means a student whose gender identity is different from the gender assigned at birth.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating



**NONDISCRIMINATION/HARASSMENT** (continued)

an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to

**NONDISCRIMINATION/HARASSMENT** (continued)

others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

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

*(cf. 3580 - District Records)*

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site

**NONDISCRIMINATION/HARASSMENT** (continued)

- employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
 

(cf. 6145 - *Extracurricular and Cocurricular Activities*)  
 (cf. 6145.2 - *Athletic Competition*)  
 (cf. 6153 - *School-Sponsored Trips*)  
 (cf. 7110 - *Facilities Master Plan*)
  5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)
 

(cf. 5125 - *Student Records*)  
 (cf. 5125.1 - *Release of Directory Information*)  
 (cf. 5125.3 - *Challenging Student Records*)

**NONDISCRIMINATION/HARASSMENT** (continued)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

*(cf. 5132 - Dress and Grooming)*

## PARENTAL NOTIFICATIONS

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 all notifications required by law and any other notifications the Superintendent or designee 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 the student's 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)

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

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)

## **PARENTAL NOTIFICATIONS (continued)**

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee 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*

*Legal Reference continued: (see next page)*

**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

EDUCATION CODE (continued)

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  
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

*Legal Reference continued: (see next page)*

**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

**EDUCATION CODE** (continued)

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  
49476 Student athletes; opioid fact sheet  
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  
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

*Legal Reference continued: (see next page)*



**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

1597.16 Licensed child care centers, lead testing

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

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

7704 Impact Aid; policies and procedures related to children residing on Indian lands

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

*Legal Reference continued: (see next page)*

## **PARENTAL NOTIFICATIONS (continued)**

### *Legal Reference: (continued)*

#### *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*
  - 106.8 Notification of contact information for Title IX coordinator*
  - 106.9 Dissemination of policy, nondiscrimination on basis of sex*
  - 200.48 Teacher qualifications*
  - 222.94 Impact Aid; district responsibilities*
  - 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*

*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>*

**PARENTAL NOTIFICATIONS**

**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 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the 2020-21 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 as mandated by 5 CCR 4622.

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.

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b>			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
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 Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	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
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	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
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
<b>II. At Specific Times During the Student's Academic Career</b>			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. At Specific Times During the Student's Academic Career</b> (continued)			
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	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
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 Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412



**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. At Specific Times During the Student's Academic Career</b> (continued)			
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release student's name, address, and phone number to military recruiters without prior written consent
<b>III. When Special Circumstances Occur</b>			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title 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 Code 313.2, 440; 20 USC 6312	AR 6174	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 homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead	Health and Safety Code 1597.16	AR 5148	The requirement to test the facility, and the results of the test
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies regarding excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
For districts receiving Title I funds, when 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	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children	20 USC 7704; 34 CFR 222.94	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable



**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
<b>IV. Special Education Notices</b>			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
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	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>IV. Special Education Notices</b> (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
<b>V. Classroom Notices</b>			
In each classroom used for license-exempt California State Preschool Program	Education Code 8235.5	AR 1312.3 E 1312.3	Health and safety requirements for preschool programs; where to get complaint form
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

**SEXUAL HARASSMENT**

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

**Instruction/Information**

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

**SEXUAL HARASSMENT** (continued)

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

*Disciplinary Actions*

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

*(cf. 5144 - Discipline)*

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

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

## **SEXUAL HARASSMENT** (continued)

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Report)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### **Record-Keeping**

In accordance with law, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*

## **SEXUAL HARASSMENT (continued)**

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*  
48900 *Grounds for suspension or expulsion*  
48900.2 *Additional grounds for suspension or expulsion; sexual harassment*  
48904 *Liability of parent/guardian for willful student misconduct*  
48980 *Notice at beginning of term*  
48985 *Notices, report, statements and records in primary language*

#### CIVIL CODE

51.9 *Liability for sexual harassment; business, service and professional relationships*  
1714.1 *Liability of parents/guardians for willful misconduct of minor*

#### GOVERNMENT CODE

12950.1 *Sexual harassment training*

#### CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*

#### UNITED STATES CODE, TITLE 20

1092 *Definition of sexual assault*  
1221 *Application of laws*  
1232g *Family Educational Rights and Privacy Act*  
1681-1688 *Title IX of the Education Amendments of 1972*

#### UNITED STATES CODE, TITLE 34

12291 *Definition of dating violence, domestic violence, and stalking*

#### UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*  
2000d-2000d-7 *Title VI, Civil Rights Act of 1964*  
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*  
106.1-106.82 *Nondiscrimination on the basis of sex in education programs*

#### COURT DECISIONS

*Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567  
*Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130  
*Reese v. Jefferson School District*, (2000, 9th Cir.) 208 F.3d 736  
*Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629  
*Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274  
*Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473  
*Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

### *Management Resources:*

#### CSBA PUBLICATIONS

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*, Policy Brief, February 2014

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011

#### U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Q&A on Campus Sexual Misconduct*, September 2017

*Management Resources continued: (see next page)*

## **SEXUAL HARASSMENT** (continued)

### *Management Resources: (continued)*

*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS (continued)*

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Sexual Harassment: It's Not Academic, September 2008*

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001*

### *WEB SITES*

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

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

*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*

**SEXUAL HARASSMENT**

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

**Title IX Coordinator**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Nicole K. Newman, Superintendent

Wheatland Union High School District

1010 Wheatland Road, Wheatland, CA 95692

(530) 633-3100

nnewman@wheatlandhigh.org

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

**Prohibited Conduct**

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 educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.



**SEXUAL HARASSMENT** (continued)

2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

**SEXUAL HARASSMENT** (continued)

12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

**Notifications**

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

*(cf. 5145.6 - Parental Notifications)*

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

**SEXUAL HARASSMENT** (continued)

6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)

**Reporting Complaints**

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator, regardless of whether the alleged victim files a formal complaint.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

**Complaint Procedures**

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

*(cf. 5145.7 - Sexual Harassment)*

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

### **Emergency Removal from School**

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

### **Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

### **Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

### **Formal Complaint Process**

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

During the investigation process, the district shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

**Written Decision**

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)



## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

### **Appeals**

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

**Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

**Corrective/Disciplinary Actions**

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

*(cf. 5144 - Discipline)*

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

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

*(cf. 6164.5 - Student Success Teams)*

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Report)*

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

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

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

### **Record-Keeping**

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. 3580 - District Records)

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

12950.1 Sexual harassment training

#### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

#### UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

#### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

#### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

*Management Resources: (see next page)*

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*, Policy Brief, February 2014

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Q&A on Campus Sexual Misconduct*, September 2017

*Examples of Policies and Emerging Practices for Supporting Transgender Students*, May 2016

*Dear Colleague Letter: Title IX Coordinators*, April 2015

*Sexual Harassment: It's Not Academic*, September 2008

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, January 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**PHYSICAL EDUCATION AND ACTIVITY**

The Governing Board recognizes the positive benefits of physical activity on student health, well-being, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

*(cf. 5030 - Student Wellness)*

*(cf. 6142.8 - Comprehensive Health Education)*

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, gender expression, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

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

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

The district's physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in the accompanying administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

## **PHYSICAL EDUCATION AND ACTIVITY** (continued)

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

*(cf. 1330.1 - Joint Use Agreements)*  
*(cf. 5142.2 - Safe Routes to School Program)*  
*(cf. 5148 - Child Care and Development Program)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

*(cf. 3514 - Environmental Safety)*  
*(cf. 5141.7 - Sun Safety)*  
*(cf. 5141.23 - Asthma Management)*  
*(cf. 6145.2 - Athletic Competition)*

### **Staffing**

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 4112.2 - Certification)*  
*(cf. 4112.21 - Interns)*  
*(cf. 4113 - Assignment)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

*(cf. 4131 - Staff Development)*  
*(cf. 5121 - Grades/Evaluation of Student Achievement)*

**PHYSICAL EDUCATION AND ACTIVITY** (continued)

**Physical Fitness Testing**

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

**Temporary Exemptions**

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet the student's needs cannot be provided.
2. The student is enrolled for one-half time or less.



## **PHYSICAL EDUCATION AND ACTIVITY** (continued)

### **Other Exemptions**

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

*(cf. 6145.2 - Athletic Competition)*

### **Program Evaluation**

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. The Superintendent or designee shall also report to the Board regarding the number of instructional minutes offered in

**PHYSICAL EDUCATION AND ACTIVITY** (continued)

physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity and student well-being.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*Legal Reference: (see next page)*

## **PHYSICAL EDUCATION AND ACTIVITY (continued)**

### *Legal Reference:*

#### EDUCATION CODE

220 Prohibition of discrimination

221.5 Sex equity in education

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes; regional occupational center/program

60800 Physical performance test

#### CODE OF REGULATIONS, TITLE 5

1040-1044 Physical performance test

1047-1048 Testing variations and accommodations

3051.5 Adapted physical education for individuals with exceptional needs

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

80037 Designated subjects teaching credential; special teaching authorization in physical education

80046.1 Added authorization to teach adapted physical education

#### UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

#### UNITED STATES CODE, TITLE 42

1758b Local wellness policy

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.33 Nondiscrimination on the basis of sex; comparable facilities

106.34 Nondiscrimination on the basis of sex; access to classes and schools

300.108 Assistance to states for the education of children with disabilities; physical education

#### ATTORNEY GENERAL OPINIONS

53 *Ops. Cal. Atty. Gen.* 230 (1970)

#### COURT DECISIONS

*Doe v. Albany Unified School District* (2010) 190 Cal.App.4th 668

*Cal200 et al. v. San Francisco Unified School District et al.* (2013), San Francisco Superior Court, Case No. CGC-13-534975

*Cal200 et al. v. Oakland Unified School District et al.* (San Francisco Superior Court, Case No. CPF-14-513959

*Management Resources: (see next page)*

## PHYSICAL EDUCATION AND ACTIVITY (continued)

### *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

Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Physical Education and California Schools, Policy Brief, October 2007

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2017

School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2019

#### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Physical Activity Guidelines for Americans, 2nd Edition, 2018

#### WEB SITES

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

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <https://www.pgpedia.com/n/national-association-sport-and-physical-education>

President's Council on Sports, Fitness and Nutrition: <http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

## **PHYSICAL EDUCATION AND ACTIVITY**

### **Definitions**

*Physical education* is a sequential educational program that teaches students to understand and participate in regular physical activity that assists in developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

*Physical activity* is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

*Moderate physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

*Vigorous physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

### **Instructional Time**

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recess and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recess and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

## **PHYSICAL EDUCATION AND ACTIVITY (continued)**

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Any complaint alleging noncompliance with the instructional minute requirement may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51222, 51223; 5 CCR 4600-4670)

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Monitoring Moderate to Vigorous Physical Activity**

To monitor the amount of time students are engaged in moderate to vigorous physical activity, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity and the amount of time students are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

*(cf. 4115 - Evaluation/Supervision)*

### **Physical Fitness Testing**

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

*(cf. 6162.5 - Student Assessment)*

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

**PHYSICAL EDUCATION AND ACTIVITY** (continued)

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and CDE for all matters related to the physical fitness test. The duties shall be those specified in 5 CCR 1043.4, including, but not limited to: (5 CCR 1043.4)

1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions
2. Determining district and school site test and test material needs
3. Overseeing the administration of the physical fitness test to students
4. Overseeing the collection and return of all test data to the contractor
5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements
6. Ensuring that all test data are sent to the test contractor by June 30 of each year

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing, and shall be included in the student's cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

*(cf. 5125 - Student Records)*

Each student's test results shall also be provided to the student's parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

*(cf. 0510 - School Accountability Report Card)*

**Testing Variations**

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

**PHYSICAL EDUCATION AND ACTIVITY** (continued)

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that the student(s) are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

*(cf. 6159 - Individualized Education Program)*

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

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that the student(s) are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

**Additional Opportunities for Physical Activity**

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:



**PHYSICAL EDUCATION AND ACTIVITY** (continued)

1. Encouraging teachers to incorporate physical activity into the classroom
2. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, community service, special events, and competitions

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

3. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

*(cf. 1330.1 - Joint Use Agreements)*

4. Developing business partnerships to maximize resources for physical activity equipment and programs

*(cf. 1700 - Relations Between Private Industry and the Schools)*

5. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

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

Regulation  
approved:

CSBA MANUAL MAINTENANCE SERVICE  
July 2020

**INDIVIDUALIZED EDUCATION PROGRAM**

The Governing Board desires to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

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

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

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

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

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

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

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

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

*Legal Reference: (see next page)*

## **INDIVIDUALIZED EDUCATION PROGRAM (continued)**

### *Legal Reference:*

#### EDUCATION CODE

46392 *Emergencies*

51225.3 *Requirements for high school graduation and diploma*

56040.3 *Assistive technology*

56055 *Rights of foster parents pertaining to foster child's education*

56136 *Guidelines for low incidence disabilities areas*

56195.8 *Adoption of policies*

56321 *Development or revision of IEP*

56321.5 *Notice to include right to electronically record*

56340.1-56347 *Instructional planning and individualized education program*

56350-56354 *IEP for visually impaired students*

56380 *IEP reviews; notice of right to request*

56390-56392 *Certificate of completion, special education*

56500-56509 *Procedural safeguards*

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

#### FAMILY CODE

6500-6502 *Age of majority*

#### GOVERNMENT CODE

7572.5 *Seriously emotionally disturbed child, expanded IEP team*

#### WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*

601 *Minors habitually disobedient*

602 *Minors violating law defined as crime*

#### CODE OF REGULATIONS, TITLE 5

853-853.5 *State assessments, accommodations*

3021-3029 *Identification, referral and assessment*

3040-3043 *Instructional planning and the individualized education program*

3051-3053 *Implementation of the individualized education program*

#### UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400-1482 *Individuals with Disabilities Education Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Individuals with Disabilities Education Act*

#### COURT DECISIONS

*Marshall v. Monrovia Unified School District*, (9<sup>th</sup> Circuit, 2010) 627 F.3d 773

*Schaffer v. Weast* (2005) 125 S. Ct. 528

*Shapiro v. Paradise Valley Unified School District, No. 69* (9<sup>th</sup> Circuit, 2003) 317 F.3d 1072

*Sacramento City School District v. Rachel H.* (9<sup>th</sup> Cir. 1994) 14 F.3d 1398

*Endrew F. v. Douglas County School District Re-1*, 137 S. Ct. 988

#### ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 157 (2002)

*Management Resources: (see next page)*

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

*Management Resources:*

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)*

*California Practitioners' Guide for Educating English Learners with Disabilities, July 2019*

**WEB SITES**

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

*U.S. Department of Education, Office of Special Education and Rehabilitative Services:*

*<http://www.ed.gov/about/offices/list/osep/osep>*

**INDIVIDUALIZED EDUCATION PROGRAM**

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

**Members of the IEP Team**

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the general education program, at least one of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers

The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)

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

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the district who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
  - b. Knowledgeable about the general education curriculum
  - c. Knowledgeable about the availability of district resources

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with a disability

In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- a. The student, regardless of the student's age  
  
If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.
  - b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

**Contents of the IEP**

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414; 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
  - a. The manner in which the disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
  - b. For a preschool student, as appropriate, the manner in which the disability affects the student's participation in appropriate activities

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
- 2. A statement of measurable annual goals, including academic and functional goals, designed to:
  - a. Meet the student's needs that result from the disability in order to enable the student to be involved in and make progress in the general education curriculum
  - b. Meet each of the student's other educational needs that result from the disability
- 3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
- 4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
  - a. Advance appropriately toward attaining the annual goals
  - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
  - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP

*(cf. 3541.2 - Transportation for Students with Disabilities)*

- 5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP



**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.

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

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

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
  - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
  - b. The transition services, including courses of study, needed to assist the student in reaching those goals
9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.
10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5
11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*

12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services

*(cf. 6174 - Education for English Learners)*

13. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6177 - Summer Learning Programs)*

14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:
  - a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week
  - b. Support the transition of the student from the special education program into the general education program

*(cf. 6176 - Weekend/Saturday Classes)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6181 - Alternative Schools/Programs of Choice)*

15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

## **INDIVIDUALIZED EDUCATION PROGRAM (continued)**

### **Development of the IEP**

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414; 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

determination shall be based upon an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

**Provision of Special Education and Related Services**

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual

## **INDIVIDUALIZED EDUCATION PROGRAM (continued)**

written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

### **Review and Revision of the IEP**

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
  - b. The results of any reassessment conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381
  - d. The student's anticipated needs
  - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP" when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

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

*(cf. 6173.1 - Education for Foster Youth)*

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

**INDIVIDUALIZED EDUCATION PROGRAM (continued)****Audio Recording of IEP Team Meetings**

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

**Parent/Guardian Participation and Other Rights**

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
  - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341
  - b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320
2. An indication that the student is invited to the IEP team meeting

*(cf. 5145.6 - Parental Notifications)*

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

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

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

*(cf. 5125 - Student Records)*

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)



**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

**Parent/Guardian Consent for Provision of Special Education and Services**

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

## **INDIVIDUALIZED EDUCATION PROGRAM (continued)**

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

### **Transfer Students**

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

The Governing Board recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

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

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

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

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

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

Any complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.

*Legal Reference: (see next page)*

## **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION** (continued)

### *Legal Reference:*

#### EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

#### CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, especially:

3080-3089 Procedural safeguards

3200-3205 Special education compliance complaints

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

#### UNITED STATES CODE, TITLE 42

11434 Homeless assistance

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.150-300.153 State compliance complaints

300.500-300.520 Procedural safeguards and due process for parents and students

#### COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

### *Management Resources:*

#### WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

Office of Administrative Hearings, Special Education Division:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION****Prior Written Notice**

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice: (Education Code 56346, 56500.4, 56500.5; 20 USC 1415; 34 CFR 300.102, 300.300, 300.503)

1. Before the district initially refers the student for assessment
2. Within a reasonable time before the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. Within a reasonable time before the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. Within a reasonable time before the student graduates from high school with a regular diploma thus resulting in a change in placement
5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to the student

This prior written notice shall include: (Education Code 56500.4; 20 USC 1415; 34 CFR 300.503)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of each assessment procedure, assessment, record, or report the district used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
5. Sources for parents/guardians to obtain assistance in understanding these provisions
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

*(cf. 6159 - Individualized Education Program)*

7. A description of any other factors relevant to the district's proposal or refusal

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

*(cf. 5145.6 - Parental Notifications)*

**Procedural Safeguards Notice**

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Upon initial referral or parent/guardian request for assessment
2. Upon receipt of the first state compliance complaint in a school year, filed in accordance with the section "State Compliance Complaints" below
3. Upon receipt of the first due process hearing request in a school year
4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when removal of a student because of a violation of a code of conduct constitutes a change of placement

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

5. Upon request by a parent/guardian

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Independent educational evaluation

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

2. Prior written notice
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to the student's continued receipt of special education and related services
4. Access to educational records

*(cf. 5125 - Student Records)*

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
6. The availability of mediation
7. The student's placement during the pendency of any due process complaint
8. Procedures for students who are subject to placement in an interim alternative educational setting
9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations
11. State-level appeals
12. Civil actions, including the time period in which to file those actions
13. Availability of attorneys' fees pursuant to 34 CFR 300.517

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing
2. The timelines for completing each process
3. Whether the process is optional
4. The type of representative who may be invited to participate
5. The right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind

A copy of this notice shall be attached to the student's assessment plan. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56500.1)

**Format of Parent/Guardian Notices**

The parents/guardians of a student with a disability shall be provided written notice of their rights in language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that the notice is translated orally or by other means in the parent/guardian's native language or other mode of communication and that the parent/guardian understands the contents of the notice. (34 CFR 300.503)

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415)

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

**Filing Due Process Complaints**

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of the student.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.



**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (Education Code 56502; 20 USC 1415; 34 CFR 300.508)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

*(cf. 6173 - Education for Homeless Children)*

3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Parties filing a due process complaint shall file their request with the state Office of Administrative Hearings, Special Education Division.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the district misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

**District's Response to Due Process Complaints**

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415; 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415; 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each assessment procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

**Informal Process/Pre-Hearing Mediation Conference**

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the state Office of Administrative Hearings for a mediation conference. (Education Code 56500.3)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

**State Compliance Complaints**

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3200, 3201)

1. The district violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

2. The district violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.
3. The district violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.
4. The district failed or refused to implement a due process hearing order to which the district is subject.
5. Physical safety concerns interfered with the provision of FAPE.

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

1. A statement that the district has violated or failed to comply with any provision set forth in 5 CCR 3201
2. The facts on which the statement is based
3. The signature and contact information for the complainant
4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

Within 30 days of the date of CDE's investigation report, the district or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION**

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student shall be placed in an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the placement is appropriate for the student. (Education Code 56342.1)

*(cf. 6159 - Individualized Education Program)*

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

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

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION (continued)**

(cf. 1431 - Waivers)

*Legal Reference:*

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

56168 Responsibility for education of student in hospital or health facility school

56195.8 Adoption of policies

56342.1 Individualized education program; placement

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

56836.20-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7587 Interagency responsibilities for providing services to disabled children; especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3051-3051.24 Special education; standards for related services and staff qualifications

3060-3070 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

*Management Resources:*

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers>

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION****Master Contract**

Every master contract between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios
2. Transportation specified in a student's individualized education program (IEP)

*(cf. 3541.2 - Transportation for Students with Disabilities)*

The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

3. Procedures for recordkeeping and documentation
4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

*(cf. 6146.1 - High School Graduation Requirements)*

5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP
6. A description of the process to be utilized by the district to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress
7. Procedures and responsibilities for attendance and unexcused absences
8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION** (continued)

9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions

The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)

With mutual agreement of the district and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

**Placement and Services**

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

*(cf. 6159 - Individualized Education Program)*

At least once each year, the district shall: (Education Code 56366)

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION** (continued)

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

*(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)*

**Out-of-State Placements**

Before contracting with an NPS/A outside California, the Superintendent or designee shall document the district's efforts to use public schools and/or to find an appropriate program offered by an NPS/A within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the costs of the special education and related services provided, and the district's efforts to locate an appropriate public school or NPS/A within California. (Education Code 56365)

If the district decides to place a student with an NPS/A outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

**On-Site Visits**

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

1. A review of services provided to the student through the individual services agreement
2. A review of progress the student is making toward the goals set forth in the student's IEP
3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable



**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION** (continued)

4. An observation of the student during instruction
5. A walkthrough of the facility

The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

## Elementary and Secondary Education Act, Title III, Part A, Limited English Proficient Student Program Consortium

### Memorandum of Understanding, 2020-21 School Year

This Memorandum of Understanding represents the agreed-upon program, services and products to be provided limited-English-proficient (called English learners [ELs] under California laws) students in the Wheatland School District (WSD), the Plumas Lake Elementary School District (PLESD), and the Wheatland Union High School District (WUHSD), the Yolo County Office of Education (Yolo COE) during the 2020-21 school year. The Yuba County Office of Education (Yuba COE) will act as lead local education agency (LEA) and member. The consortium shall be named the Yuba County Consortium.

The Yuba County Office Education will be responsible for acting as the fiscal agent for the Consortium and will file the required expenditure reports and maintain fiscal records. The Consortium will plan to expend all Title III funds during the **2020-21** grant year. Yuba County Office Education must continue to serve as the fiscal agent for the Consortium for the duration of the 27 months grant period and/or until all the funds are expended, **after which time the California Department of Education (CDE) will bill the Yuba County Office Education for any remaining balance.**

According to the **2020-21** the California Longitudinal Pupil Achievement Data System information submitted by the Members to the CDE, the Yuba County Consortium enrolled **263** EL students, which results in a sub grant amount of approximately **\$30,087.20.00** In its role as the lead LEA, the Yuba County Office Education will support a total amount of programs, services, and products as indicated below:

<u>Program/Service/Product</u>	<u>Approximate Cost</u>
Lead LEA will claim up to 2% Administrative Costs (Grant amount allocation X 2%)	\$601.75
Reimburse for English Language Development Training Consultant contracted to provide teachers of ELD training and classroom coaching days in the 2020-2021 school year. (PLESD)	\$8,465.60
Reimburse for bilingual teaching assistants at schools that need support with primary language instruction. (WSD)	\$9,152.00
Reimburse for one on one tutoring for EL students, and supplemental curriculum based on individual student needs. (WUHSD)	\$2,974.40
Provide professional development series regarding effective LEP student instructional practices for teachers and English learner parent engagement activities. (Yolo COE)	\$5,948.80
Provide professional development series regarding effective LEP student instructional practices for teachers (Yuba COE)	\$2,944.65
<b>Total Consortium Grant allocation</b>	<b>\$30,087.20</b>

Changes regarding the provision, the scope and/or nature of these services must be made by agreement of the Members. Funds must be used before the 27 months grant period. In addition to the above services and products, the Yuba County Office Education will coordinate quarterly meetings for the purpose of assessing the needs of the Consortium. In the event that the Consortium fails to meet the Annual Measurable Achievement Objectives (AMAOs) for one year, all parents of LEP students in the consortium must be notified.

Parents of LEP students shall be notified:

☐ By the each Yuba County Consortia member district

Lastly, the Yuba County Office Education will be responsible for completing and submitting the Annual Survey and any other evaluation necessary to the CDE. Signature of the LEA representative represents the consortium has met and conferred and the member LEAs are in agreement to all stated.

**Signatures of Authorized Representatives:**

Print Name  
Consortium Lead LEA Representative  
(Superintendent or Designee)

Signature of Consortium Lead LEA  
Representative (Yuba COE)

Date

Print Name  
Consortium Member LEA Representative  
(Superintendent or Designee)

Signature of Consortium Member LEA  
Representative

Date

Print Name  
Consortium Member LEA Representative  
(Superintendent or Designee)

Signature of Consortium Member LEA  
Representative

Date

*Nicole Newman*  
Print Name  
Consortium Member LEA Representative  
(Superintendent or Designee)

*Nicole Newman*  
Signature of Member LEA Representative

*10/6/2020*  
Date

Print Name  
Consortium Member LEA Representative  
(Superintendent or Designee)

Signature of Member LEA Representative

Date

Print Name  
Consortium Member LEA Representative  
(Superintendent or Designee)

Signature of Member LEA Representative

Date