



BOARD OF EDUCATION ~ SPECIAL BOARD MEETING AGENDA

For the Special Board Meeting of Tuesday, September 22, 2020, at 6:00 p.m., in the **Multi-Purpose Room**, at Sunnyside Elementary School, 21644 Avenue 196, Strathmore, California.

I. CALL TO ORDER

1. Roll Call

	Present	Absent	Late
Humberto Cárdenas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Humberto Quezada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Andy Manning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Kimberly Braziel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Schuyler Glover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

II. ADA ACCOMMODATION REQUIREMENT

1. Persons who are in need of a disability-related modification or accommodation to participate in the board meeting must request in writing to the District Office of the Superintendent-Principal, 21644 Avenue 196, Strathmore, California, 559-568-1741 x. 203. A request or accommodation should specify the nature of the modification or accommodation requested, including any necessary auxiliary aids or services required and the name and telephone number of the person making the request. The written request should be done as soon as possible and no later than two days before the meeting. The agenda, agenda packet and any written documents distributed to the board during a public meeting will be made available in appropriate alternative formats upon request by a person with a disability as required by the Americans with Disabilities Act.
2. Written documents concerning agenda items are available for public inspection during normal business hours within 72 hours of a regular board meeting at the Sunnyside Union School District Office, 21644 Avenue 196 in Strathmore, California.

III. ADJOURN TO CLOSED SESSION (Read Items Below)

1. Conference with Labor Negotiators (Government Code 54957.6) with the following:
 - a) CTA/Sunnyside Teachers Association
 - b) CSEA Chapter 675
 - c) Unrepresented Group
 - d) Administration Team

IV. ADJOURN TO CLOSED SESSION at: _____ PM

V. RECONVENE TO OPEN SESSION _____ PM

VI. GENERAL BUSINESS

1. Pledge of Allegiance
2. Welcome (visitors please sign-in on visitor's sheet)
3. Report of Action Taken in Closed Session (if any)
4. Approve the Agenda of the September 8, 2020 Regular Board Meeting

MOTION BY: _____ **SECOND BY:** _____ **VOTES:** _____



VII. PUBLIC COMMENTS

Members of the public may address the board on any items within the board’s jurisdiction, but which are not on the agenda (Public input for agendized items are accepted, at the time the matter is considered. Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The total time limit for input on each item is 15 minutes).

VIII. INFORMATION AND DISCUSSION

1. Proposition O Update
2. Further discussion on the opening of intervention cohorts and elementary waivers
3. Review Updated Reopening Plan & Waiver Application to Tulare County Health and Human Services
4. Review and discuss the Reopening Plan for the 2020-2021 State Preschool Distance Learning

IX. BOARD POLICY – First Reading (anticipated approval October 13, 2020)

- | | | |
|--------------------------------------|--|-----------|
| 1. Administrative Regulation 5145.7 | Sexual Harassment | Student |
| 2. Board Policy 5145.7 | Sexual Harassment | Student |
| 3. Administrative Regulation 5145.71 | Sexual Harassment Complaint Procedures | Student |
| 4. Administrative Regulation 4119.11 | Sexual Harassment | Employees |
| 5. Board Policy 4119.11 | Sexual Harassment | E |
| 6. Administrative Regulation 4119.12 | Sexual Harassment Complaint Procedures | Employees |

X. PUBLIC HEARING

1. Declare a Public Hearing In accordance with the state’s Blueprint for a Safer Economy county specific guidance Sunnyside Union Elementary District is not offering in-person instruction for TK-8 on campus at this time due to the COVID-19 County Risk Level. Sunnyside Union Elementary School District's State Preschool Program (CSPP) also is not offering in-person instruction at this time to align with the campus closure requirement.

XI. NEW BUSINESS

ACTION ITEMS

1. Approve the 2020 Learning Continuity and Attendance Plan
MOTION BY: _____ **SECOND BY:** _____ **VOTES:** _____
2. Approve the 2020 Federal Addendum Update
MOTION BY: _____ **SECOND BY:** _____ **VOTES:** _____
3. Ratify the Memorandum of Understanding with CSEA Chapter 675 concluding negotiations for the 2020-2021 school year.
MOTION BY: _____ **SECOND BY:** _____ **VOTES:** _____
4. Ratify the Memorandum of Understanding with Sunnyside Teachers Association/CTA concluding negotiations for the 2020-2021 school year.
MOTION BY: _____ **SECOND BY:** _____ **VOTES:** _____
5. Ratify the Memorandum of Understanding with Administration concluding negotiations for the 2020-2021 school year.
MOTION BY: _____ **SECOND BY:** _____ **VOTES:** _____
6. Ratify the Memorandum of Understanding with Unrepresented group concluding negotiations of the 2020-2021 school year.

SUNNYSIDE UNION SCHOOL DISTRICT
STRATHMORE, CALIFORNIA
A School Serving the Community

REOPENING PLAN



Board of Trustees:

Humberto Cardenas, President
Humberto Quezada, Vice President
Andy Manning, Clerk
Schuyler Glover, Member
Kimberly Braziel, Member

District Administration:

Steve Tsuboi, Superintendent - Principal
Jody Gunderman – Vice Principal/Categorical Manager

Contents

Distance Learning/Blended Model, Fall Semester.....	3
Definitions of Learning Environments	4
General Measures	7
Healthy Hygiene Practices.....	7
Teacher and Staff Safety.....	9
Cleaning, Disinfection, and Ventilation	9
Distancing Inside and Outside the Classroom	10
Limit Sharing	11
Staff and Family Training and Education	11
Checks for Signs and Symptoms.....	12
When a Staff Member or Child Becomes Sick.....	13
Maintaining Healthy Operations.....	14
Considerations for Partial or Total Closure	14
Curriculum, Classroom, and Instructional Modifications and Considerations	15
Student Personal Items	17
Professional Development related to COVID-19	17
Character Education	17
Co-Curricular.....	18
Communications.....	19

DRAFT

Fall 2020 Reopening

Distance Learning/Blended Model, Fall Semester

Equitable Access; Best First Instruction; Safety for All

Sunnyside Union School District is **committed** to providing **impactful, engaging, and meaningful** instruction to all students. We believe as a district that **ALL students deserve** an equitable education no matter the setting. As a district we are committed to responding to the ever changing guidelines that the COVID-19 Pandemic has created. It is our **responsibility** to address changes, concerns while establishing a vision as we move forward. This must all be done in a **timely manner** while keeping the **health** (physical and mental) and **safety** of our students, staff, and community at the forefront. We must conduct all school related business and decisions **prudently** as these times will also challenge our planning and budget. The district will continue to provide its students and staff the **best possible materials** to the extent possible. We need to ensure as a district that with limited and reduced face to face instruction, that this instruction is **designed and delivered using effective and engaging** strategies. It will take the entire staff and learning community to **work together, be supportive of one another, and abide by the guidelines** outlined in this plan to ensure that **best possible opportunities for our students** must be a **goal, our vision and our shared belief that ALL students**, no matter individual, will receive the education and support needed to be successful students, workers, and future adults in our society. **Our district, our schools, our community will use this dark time to make things brighter for our future.**

Assumptions for Reopening

The **health and safety** of our students, staff, and families is of **utmost importance**. When we open our campuses for the 2020-2021 school year, on campus instruction and operations will look different than previous years due to new health and safety measures. Sunnyside Elementary will develop plans to reopen schools based on guidance from local and state public health agencies. District plans will be updated as the **situation evolves**.

Our plan will focus sharply on academic instruction to enhance **student performance** and **address learning loss**. It is also our goal to **continue to provide** extracurricular programs, events, and athletics that are so important to the physical, mental, and social well-being of our students.

The District is planning on the reopening of schools on a Blended Distance Learning Model and On-Site Learning Model (**traditional**). The following principles have been guiding the work:

- Protect the **health and safety** of students and staff
- **Follow the guidelines** set by Inyo County Health and Human Services Agency (County Health Department) and California Department of Education (CDE)
- **Provide students** with school routines for social, emotional, and academic learning
- Provide **clear safety expectations** for teachers, students, staff and parents during this emergency learning situation

Definitions of Learning Environments

- **Traditional Learning** is a form of education where students and teachers are in the **same location physically** during instruction.
- **Distance Learning** is a form of education in which there is a **physical separation of teachers and students** during instruction. In some instances, students receive materials and are provided instructional support through virtual check-ins. Other models involve the use of a variety of technology for instruction. (This will be treated **like Independent study**)
- **Blended Learning** is a **combination** of Traditional Learning and Distance Learning. Instruction is conducted both remotely and in person.

Overview of Strategies

Our plan takes the **safety and wellbeing** of our staff and students seriously. We aim to provide instruction in the safest way possible. We aim to accomplish this by following four key measures.

1. **STRATEGY 1...** the most important way to begin our day is through **self-screening**. Staff will **actively and ethically** participate in daily health screenings from home. Health screening from home will consist of simple questions regarding exposure risk.

Students will be asked to participate in a health screening from home which should begin **2 weeks before** their return to school campuses. This screening will be done in the **privacy** of their home by their parents/guardians. They should be done routinely before leaving their home **each morning**.

2. **STRATEGY 2 ...** is to model, **teach and monitor** effective hand hygiene and daily facilities disinfection of high touch surfaces. Our school is currently building a list of resources and videos to teach our students the proper way to wash their hands.

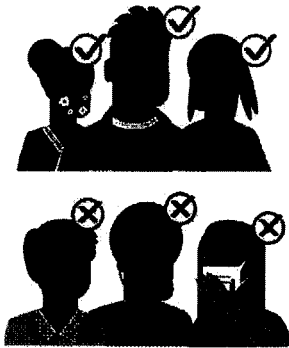
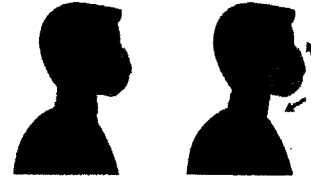
3. **Strategy 3 ...** teach and encourage the responsible use of face coverings. All adults will wear face coverings daily. All students 3rd grade and up will be required to wear face coverings. Students 2nd grade and below will be **encouraged** to use them especially when physical distance is difficult to maintain.



Sunnyside **will provide each child and employee five (5) cloth masks**. Please see that your children attend school each day **with at least one mask**. Extra masks will be available in the event that a mask is lost or damaged. Face coverings are **essential** to our school's **success**.

Wear your Mask Correctly

- Wash your hands before putting on your mask
- Put it over your nose and mouth and secure it under your chin
- Try to fit it snugly against the sides of your face
- Make sure you can breathe easily
- CDC does not recommend use of masks or cloth masks for source control if they have an exhalation valve or vent

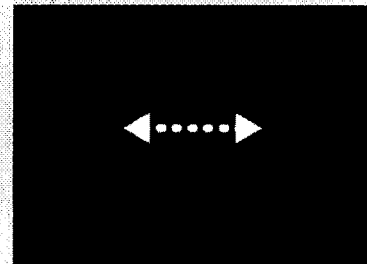


Wear a Mask to Protect Others

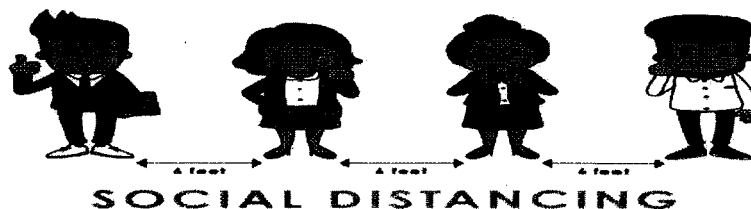
- Wear a mask that covers your nose and mouth to help protect others in case you're infected with COVID-19 but don't have symptoms
- Wear a mask in public settings when around people who don't live in your household, especially when it may be difficult for you to stay six feet apart
- Wear a mask correctly for maximum protection
- **Don't** put the mask around your neck or up on your forehead
- **Don't** touch the mask, and, if you do, wash your hands or use hand sanitizer to disinfect

Follow Everyday Health Habits

- Stay at least 6 feet away from others
- Avoid contact with people who are sick
- Wash your hands often, with soap and water, for at least 20 seconds each time
- Use hand sanitizer if soap and water are not available



4. **Strategy 4** . . . social distancing will be **taught and encouraged**. Classrooms will be arranged in a way that students will be spaced out while they are sitting/working at their desks.



We remain vigilant with keeping up with information being released. We understand that COVID-19 **is not transmitting through children at a high rate** as it is with adults. We want our community to know that our **staff is at a higher risk** and thus we ask that all precautions be taken so that we can keep our schools open. If our staff stays healthy, our community stays healthy.

Sunnyside Union School District proposes to begin with in person instruction for students in TK-2 grades.

Sunnyside Union School District will undertake the following measures to address the challenges of reopening our schools for **in person instruction**. The following plan does not cover every minute detail, and as stated before is subject to change with evolving understandings and changes in public health policies related to the reopening of our schools for in person instruction.

General Measures

- a. Continue **communication with local and state authorities** to determine current disease levels and control measures in our community.
 - i. Steve Tsuboi, Superintendent and Principals will continue with duties of COVID-19 Coordinator and will continue in regular and consistent **communication with state and local** health agencies to:
 - 1. Monitor local COVID-19 conditions
 - 2. Review updated guidance from local and state agencies
 - ii. Nancy Ohnura (Tulare County Office of Education) Nurse and Amy Samadpour (District) Licensed Vocational Nurse will continue to **communicate with our local public health agency** for the purpose of personnel monitoring and contact tracing.
- b. Sunnyside Union School District plans to **comply with the general recommendations** of the CA Department of Public Health's COVID-19 Industry Guidance: Schools and School-Based Programs including **additional compliance** measures deemed necessary by the Sunnyside District Team.

Healthy Hygiene Practices

- a. A principal strategy mentioned is to **model, teach, and reinforce** healthy hygiene practices (i.e. washing hands, avoiding contact with the face, properly covering coughs and sneezes).

- i. Each classroom **will be provided** adequate tissues and/or paper towels to allow for students to cough and/or sneeze inside of a tissue or, when tissues are not available, into their elbow. Multiple Hand Sanitizer trees will be strategically located around campus. Hand Sanitizer dispensers are also located in each classroom.
- ii. Students and staff **will wash their hands** before and after eating, after coughing or sneezing, after being inside, and before and after using the restroom.
- iii. Staff will use **videos to teach students** to wash their hands for 20 seconds with soap, washing their hands past the wrist and using paper towels to dry them completely.
- iv. Recess and lunches will be **structured** to allow for routing handwashing materials and to minimize congregation in restrooms.
- v. Staff will **reinforce the responsible use** of student cloth face coverings, masks and face shields, especially when social distancing is not possible.
1. Students **3rd grade and up will be required** to wear appropriate face coverings. Students in **grades TK-2** are **strongly encouraged** to wear face coverings. All students will be required to wear face coverings when entering and exiting campus.¹
 2. It is **imperative for parents** to provide face coverings on a daily basis and to clean them on a routine basis.²
 3. All staff will **regularly and consistently** use face coverings on campus. **Face shields** can be used by teachers in place of cloth face coverings at the teacher's discretion, and for purposes of educational benefit, **but must maintain 6 feet of Social Distancing**.
 4. Lunch service workers **will use gloves and face coverings** while on campus.

¹ A face covering or shield should be removed for meals, snacks, or outdoor recreation or when it needs to be replaced. When a cloth face covering is temporarily removed, it should be placed in a clean area until it needs to be put on again.

² Medical exemptions from a licensed physician will be considered.

5. Students **will eat outdoors when possible**.
6. In order to comply with CDPH guidance, SUSD **must exclude students** from campus if they are not exempt from wearing a face covering and **refuse** to wear one.
- vi. SUSD will ensure **adequate supplies** to support healthy hygiene behaviors including soap, paper towels, face coverings³ and all required protective equipment.
 1. SUSD has **provided** face coverings to all staff and students and will ensure that staff use all required protective equipment.

Teacher and Staff Safety

- a. Ensuring staff maintain **physical distancing** from each other is critical to reducing the transmission between adults. Therefore, SUSD is committed to:
 - i. Ensuring that all staff use **face coverings** in accordance with the CDPH guidelines and local/OSHA standards.
 - ii. Conducting all staff meetings, professional learning opportunities and other activities involving staff with **physical distancing measures in place virtually**, where physical distancing is a challenge.
 - iii. **Minimizing** the use of and congregation of adults in staff rooms, break rooms and other settings.
 - iv. **Implementing procedures** for daily symptom monitoring for staff.

Cleaning, Disinfection, and Ventilation

- a. SUSD will **suspend or modify** the use of site resources that necessitate sharing or touching of items⁴.
- b. Staff will **regularly clean and disinfect** high touch surfaces⁵ within the school.

³ SUSD will provide each student one disposable face covering.

Additional disposable masks will be available to students in the event of lost or damaged masks, or in the event that students arrive on campus without the appropriate face covering, or student's face covering is deemed unhygienic by Staff.

⁴ Ex. students will not use the drinking fountains. Instead, students will be encouraged to use the District purchased water bottle to use and fill with clean water daily. Weather permitting, students will eat outdoors in designated areas.

⁵ Including but not limited to: door handles, light switches, sink handles, bathroom surfaces, tables, student desks, chairs.

- c. SUSD will **limit the use** of play structures in favor of physical activities that require less contact with surfaces.
 - i. Playground equipment will be **limited to cohort usage** and usage will rotate on a weekly schedule.
- d. SUSD will **limit the sharing** of school supplies. Students will have enough supplies stored in a plastic bag marked with their names.
- e. SUSD **distributed school supplies** that will remain at home for at home use.
- f. To increase ventilation, **classroom and office doors** will remain open to introduce fresh outdoor air **as much as possible**.

Distancing Inside and Outside the Classroom

a. Arrival and Departure

- i. SUSD will utilize an at home health screenings process in an effort to **mitigate the congregation** of students upon arrival. Additional health screenings will take place **as needed**.
- ii. **Various points of entry** will be used throughout campus to allow for physical distancing to take place.
- iii. Upon arrival, students will **report directly to their classroom** to lessen the interaction with other students before school begins.
- iv. Students **will not be allowed** to enter campus before 7:55 a.m. to allow students to properly follow check-in procedures.
- v. Families **will be encouraged** to bring their students to campus between 7:55 and 8:10 to minimize the bulk of student arrivals between 7:45 and 8:00.
- vi. SUSD will **minimize multiple access points** for arrivals and departures, and will designate **recommended travel routes** around campus to minimize student congregation.
- vii. Appropriate travel routes will be **clearly marked** with adequate signage to **promote physical distancing** and reduce the potential for congregation points and congestion.
- viii. Students **will be encouraged** to walk onto campus *independent of* **routes** to limit the number of people on campus at one time.

b. Classroom Space

- i. Students will remain in **consistent cohorts** and in the **same classroom space** as practicable.
- ii. Teachers will **minimize their contact** with different groups of students as much as is practicable. Students in the **elementary grades** will remain **with the same teacher all day** whereas students at the Middle

Grades (6-8) will continue with the adapted rotating block schedule to **minimize teacher movement** throughout the day.

- iii. SUSD has **limited class sizes** specifically to allow for **adequate physical distancing** in most indoor spaces. Adequate space will be provided for teacher physical distancing from students, and teachers **will maintain 6 feet of space between students**. Partitions/sneeze guards will be used where deemed necessary to minimize face to face interactions.

c. Non Classroom Spaces

- i. **Nonessential visitors will be limited and volunteers will not be allowed** at this time. All adult visitors will be **required to wear a face covering** while on campus, must **pass a health screening** including a **temperature check**, and will be required to **sign in and out** of the office.
- ii. **Lunches and recesses will be staggered** to mitigate for communal activities
- iii. SUSD faculty will be **encouraged to use** outdoor, non-classroom spaces for instruction as often as feasible.
- iv. Hallways will be marked with **suggested routes** of travel to minimize congregated movement.
- v. Students will use their lunch to outside spaces as often as is feasible. Small portable outdoor shade structures will be utilized to help when the weather is less than ideal.

Limit Sharing

- a. Student belongings **will be separated** and kept in individually labeled spaces or storage containers. Essential items that are brought to and from school on a regular basis will be minimized, and should be cleaned regularly.
- b. SUSD will ensure **adequate supplies** are available to all students to minimize the sharing of high touch materials. Parents will also be **encouraged to keep separate supplies** for home and school use.
- c. To the extent feasible, SUSD will **avoid sharing** electronic devices, clothing, toys, books and other games or learning aids. When not feasible, these items will be **cleaned and disinfected** regularly.

Staff and Family Training and Education

- a. SUSD will remain **committed to training** all staff and to providing educational materials to families in the following areas:

- i. Enhanced sanitation practices
 - ii. Physical distancing guidelines
 - iii. Use of face coverings, proper removal and washing of cloth face coverings
 - iv. At home health screenings
 - v. COVID-19 specific symptom identification
- b. All parent and staff training and education **will be delivered virtually**.
- i. Upon reopening with in person instruction the Principal or her/his designee will ensure monthly health and hygiene training for staff.
 - ii. All staff members will complete online COVID training prior to the school year beginning.

Checks for Signs and Symptoms

- a. SUSD will **not tolerate any harassment or discrimination** against students, staff, and families who were **diagnosed with COVID-19**.
- b. SUSD will **actively encourage** staff and students who are sick or who have recently had close contact with a person with COVID-19 to stay home without any fear of reprisal. This is our most important mitigation strategy, and cannot be stressed enough.
- c. SUSD **will ask parents and/or guardians** to monitor and conduct daily health screenings⁶ in the comfort of their own home.
- d. Not only will our health screenings allow for SUSD to maintain some **space of normalcy** upon check in, it will also allow for staff and families to **recognize potential signs and symptoms** of COVID-19 prior to ever coming on campus.
 - i. Students and staff who **have completed the at home health screening** will have access campus each morning relatively unimpeded.
- e. **Visual wellness checks** will be conducted by staff throughout the day to monitor for signs and symptoms.
- f. Students who exhibit signs and symptoms throughout the day **will be required to wear a face covering, isolated in our infirmary (SAFE ROOM), and sent home as soon as feasible**.

⁶ Health screening questions include temperature **being** <100.4F; symptoms including new or worsening cough, loss of taste and/or **smell**, difficulty breathing, vomiting or diarrhea, lower respiratory symptoms, close contact with someone showing signs or has been diagnosed with COVID-19.

- g. Students **will not be penalized** for missing school due to illness, exposure to COVID-19, or for exercising good judgement in an effort to maintain a healthy school community.
- h. SUSD is currently working with outside agencies to develop **onsite testing** capabilities (saliva testing) that would potentially allow for more rapid results. Testing would be available **for staff and students** who are symptomatic or prior to the start date of any cohort or group.
- i. Until on site testing is available families will be referred to immediately contact their care provider and/or Call 211 for guidance and possible testing.
- j. Staff will follow all state guidelines to period testing (i.e. every two months). If onsite testing becomes available testing for staff would occur prior to cohorts starting.

When a Staff Member or Child Becomes Sick

- a. SUSD will maintain an infirmary (SAFE ROOM) to **separate anyone** who exhibits symptoms of COVID-19.
- b. In the event that a student, staff or visitor exhibits signs or symptoms of COVID-19, **they will be required to wear face coverings and to wait in the infirmary until they can be transported home or to a healthcare facility.**
- c. SUSD will **maintain proper procedures and protocols** to deal with the identification, isolation, communication, and transportation of all students and staff exhibiting COVID-19 signs and symptoms.⁷
- d. SUSD will **promptly notify** local health officials, appropriate staff and families of positive cases of COVID-19 in accordance with best practices for contact tracing while maintaining confidentiality as required by state and federal law.
 - i. Close contacts will be **notified and highly encouraged to test.**
 - ii. Close contacts will be required to **quarantine for 14 days from the last date** the case was present at school.
- e. In the event of a positive COVID-19 case, areas used by any sick person will be **closed off until proper cleaning and disinfection** procedures can be applied.
- f. Any sick staff or student will not be allowed to return to campus until they have **met the CDC criteria to discontinue home isolation**, including **24 hours** with no fever **(without medication)** symptoms have improved, **AND** at least 10 days since symptoms first appeared.

⁷ Students moving from the regular school day into after school care will subjects to daily, no touch temperature checks.

- g. All students will continue to **have access to high quality**, online educational programming in the event of illness, quarantine, or exercising prudence in an effort to maintain a healthy school community.

Maintaining Healthy Operations

- a. In an attempt to monitor appropriate staff absenteeism while maintaining quality educational programming, we have contacted everyone in our **substitute pool and provided training**.
- b. Students or staff who have had **close contact** with a confirmed COVID-19 case will be sent home and asked to quarantine for **14 days from last exposure**. SUSD will **strongly recommend testing**, but a negative test will not shorten the 14 day quarantine.
- c. The District will apply **best practices in contact tracing**, and will vigilantly monitor symptoms among students and staff and will isolate them promptly.
- d. Nancy Kimura and Amy Camacho, (County Nurse and District LVN), will take on the role as COVID-19 Student Coordinators for the year. They will serve as a **liaison for parents and employees, will coordinate documentation and contact tracing in order to notify local health officials, staff, and families in a prompt and responsible manner**.
- e. SUSD will maintain **effective communication systems** that will allow for families to self-report symptoms and receive prompt notifications of exposures and potential classroom, building, or campus closures, while maintaining confidentiality.
- f. SUSD will **encourage families to participate in routine testing**, and to voluntarily report interesting results to our COVID-19 Coordinator in an effort to better understand the exposure risks of COVID-19 on campus. This program will remain voluntary but encouraged.
- g. Families **and staff** who travel **outside of the country** throughout the school year will be required to **quarantine for 14 days prior to returning to campus**.

Considerations for Partial or Total Closure

- a. In accordance with CDPH's COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year, SUSD will monitor state and local orders and health department notices daily regarding transmission in the area and adjust operations accordingly.
- b. When a student or staff tests positive for COVID-19 and has exposed others at the school, the following steps will be implemented:
 - i. In **consultation** with the local public health department and SUSD Board of Trustees, the Superintendent may decide whether school

closure is warranted, including the length of time necessary, based on the risk level within the community as determined by the local public health officer.

- ii. Given standard guidance for isolation at home for **at least 14 days** after close contact, the classroom or office where the patient was based will **remain closed until proper disinfection and sanitation** practices can be applied. Additionally, students and staff members deemed at “high risk” for contracting COVID-19 will need to isolate.
 - iii. SUSD will maintain an effective communication plan **for partial and full school closure** that will include teachers, students, parents, staff, and other invested community members.
 - iv. SUSD will remain **committed to ongoing safety precautions** related to the transmission of COVID-19, and will provide guidance to parents and staff reminding them of the importance of community physical distancing measures in the event of school closures, including discouraging students or staff from gathering elsewhere.
- c. In accordance with the California Department of Public Health, the criteria for the consideration of school closure will be as follows:
- i. **Consultation** with the local Health Officer deems closure necessary
 - ii. School closure may be necessary if there are **multiple cases in multiple cohorts at school** or when **at least 5 percent of the total number of teachers/students/staff are cases within a 14-day period.**⁸

Curriculum, Classroom, and Instructional Modifications and Considerations

- a. **Blended Learning strategies will be expected** in all classes throughout the school year, regardless of COVID-19 guidelines.
 - i. Each grade level (Preschool – 2nd) will have one collaborative online classroom hosted digitally.
 - ii. All curricular materials **available to our in person sessions will be available online**, in grade level Google Classrooms to allow for **curricular fidelity** between in person and online learning platforms.
 - iii. **To the extent feasible, all instructional components present for in person learning will be available online**, in grade level Google Classrooms

⁸ This is subject to change as necessary with updated information from the local and state public health agencies.

- iv. To the extent feasible, middle school students will maintain partnerships in **“virtual groups” who will meet remotely outside of class to complete curricular tasks** focused on classroom content.
 - v. To the extent feasible, group **work will be conducted** through Google Hangouts, Zoom, or other school sanctioned software platforms.
- b. Maintain clear communication with **students and parents** regarding student expectations and performance for in person and virtual learning spaces.
- i. Standardized rubrics for participation will be created and **adopted and clearly articulated to students and parents.**
 - ii. Guidelines for student work (missing, late, virtual submission, quality) will be created and adopted and **clearly articulated to students and parents.**
 - iii. Guidelines for **student expectations** regarding in person and online participation will be created and adopted and clearly articulated to students and parents.
- c. To the extent possible, teachers will **create smaller cohorts** within each class to mitigate high risk exposure opportunities.
- d. Group work that happens in classes will require student use of face coverings and will be **limited to 10 minute intervals** to minimize high risk exposure opportunities.
- e. Staff has been **encouraged to locate or create** short instructional videos related to key curriculum concepts and post these videos in their Google Classrooms.
- f. To the extent feasible, staff will be **encouraged to make individualized connections** with students (and their families) who may be absent for an extended amount of time to ensure continuity of student learning.
- g. Textbooks and student materials for home use will be sent home at the appropriate time and **can remain home for the remainder** of the semester/school year.
- h. Students Intervention Needs
- i. Intervention personnel will be required to wear a face covering while working with children.
 - ii. Teaching assistants and support staff will push into classrooms to work with students in a 1:1 ratio. Small group pull outs will cease until further notice, unless the small group consists of students from the same classroom and outside facilities can be utilized for such work.
 - iii. To the extent feasible, intervention work will be limited to sustained sessions of fewer than 15 minutes.
- i. SUSD will continue to increase the efficacy of our blended learning efforts.

Student Personal Items

- a. SUSD will **encourage** the use of backpacks to store personal belongings.
- b. Water Bottles will be **provided** to all staff and students.
- c. Students and parents will be **strongly encouraged** to properly disinfect student personal items on a regular basis.

Professional Development related to COVID-19

- a. The first few days of school
 - i. COVID-19 training for **all staff**
 - ii. Proper cleaning and disinfecting training for anyone cleaning sites

Character Education

- a. The district **social worker** (hired through the Tulare County Office of Education), and the two district **psychologists** (one through the Tulare County Office of Education and one through neighboring district) will be on site to provide **Social-Emotional support** for students. The needs of our students will be **assessed** and plans to provide **intervention** will take place.
- b. **Student recess:**
 - i. The playground and fields will be divided into different **recess stations** with an engaging theme assigned to each station.
 - ii. Recess station **equipment will be assigned** to each classroom each week and will be sanitized regularly.
 - iii. Each classroom will be **assigned to a particular recess station** for an entire week, and will rotate accordingly.
 - iv. Our K-5 Physical Education teacher will **utilize the appropriate classroom assigned recess stations** to promote requisite skill and competencies that can be practiced individually at recess.
 - v. Additional **recess supervision** will be provided to encourage physical distancing.
- c. SUSD staff will monitor restroom use through the use of a **scanning system** that has been placed in each building, classroom, office, etc. to minimize student congregation points during passing periods and recess.
- d. **Student Breakfast/Lunches:**
 - i. Student lunches **will be held** in the following areas.
 - 1. Cafeteria with staggered lunch schedule.

2. Classroom if outdoor weather does not permit.
 3. Outdoors whenever possible.
 4. A **combination of the above locations** depending on weather, schedules, and number of students
- ii. The number of lunch periods **may be increased** to accommodate for physical distancing, if necessary.
 - iii. Student lunch recess will remain consistent with morning recess assignment.
 - iv. **Hot lunch will continue to be provided** and will be picked up behind partitions when feasible.
 - v. Breakfast will be provided at the **end of the day** to be consumed by the student at home **prior to arriving** the next day.

Co-Curricular

a. Choir

- i. Choir will continue to be taught online outside of instructional hours.

b. Band

- i. If and when band returns, it will be taught either virtually or outdoors, with 10 feet of spacing between members.

c. School Library

- i. Library books will continue to be available for checkout via the Destiny app and opportunities to pick up outside when weather permits.

d. Physical Education

- i. While weather permits, physical education will be held outside in a designated physical education space on campus.
- ii. Middle School students will continue to have daily/hybrid, 50 minute physical education classes.
- iii. Physical education space will have visual markers to help promote physical distancing when feasible.
- iv. Physical education curriculum will focus on individualized practice and all group activities will be minimized as feasible.
- v. The use of shared equipment will be minimized as feasible, and physical education equipment will be routinely disinfected.

e. After School Programs

- i. After School Programs will be subject to the same rules, policies and guidelines outlined throughout this plan.
 1. CHOICES (TCOE) - (**Suspended** until mixing of cohorts is allowed) – **Virtual Classes** may continue
 2. Good News Club

3. After School Athletics (***Suspended*** until mixing of cohorts is allowed) – ***Virtual Training*** may be conducted.

Communications

- a. Questions regarding the communication of COVID-19 to SUSD constituencies
 - i. If a student has COVID-19, what ***information*** from education records can SUSD share with the community?
 1. ***FERPA*** does not apply when schools disclose that a student may have COVID-19 as long as SUSD ***does not directly or indirectly identify that student***. Most of the time in order to receive sufficient notification of risks to their children, parents do not need to know which student was or may be infected.
 - ii. If SUSD ***suspects*** that a student has COVID-19, what information can the school share with its community?
 1. SUSD COVID Coordinator may wish to ***proactively*** warn parents and students that COVID-19 may be in our school community to facilitate prevention efforts and ensure that people have the information necessary to address a ***potential outbreak***.

Given COVID-19's high degree of ***infectiousness***, it may be wise for SUSD to err on the side of caution and notify the entire community when ***suspected-but-unconfirmed*** cases exist. However, ***it may not be necessary to identify the symptomatic individual***.
 - iii. Communication with Parents/Students, Employees and the Community
 1. ***Pro-active communications*** for all stakeholders that share information about reopening schools, identifies concerns, and addresses these concerns can help prepare students and their families for return to schools.
 2. The District will coordinate with local emergency management agencies, the local health department and other local officials (e.g. mental health, Fire Marshal, law enforcement, public transportation, etc.) to identify and develop communications structures and communications for students/parents, staff and community members related to COVID-19 and schools.
 3. Under the guidance of local public health officials, the District can communicate with parents and staff information about ***contact***

tracing and guidelines for families about sending students to school and when to keep them at home.

4. The District under the guidance local public health officials, will continue to **monitor, investigate, develop a common plan and understanding** of:
 - a. After one or more positive COVID-19 case(s) on campus and/or if a student or staff member has a family member that tests positive.
 - b. The legal responsibilities/private rights for communicating information about cases of the virus on any of the SUSD campuses.
5. Differentiating key messaging across **multiple platforms** (e.g., email, text messaging, push alerts, infographics, website posts, social media, news media outlets, printed mailings, etc.)
6. Developing **frequent messaging** that includes all critical information to reduce confusion, anxiety, or misunderstandings. Certainty reduces stress, even when there are not always specifics to share. For example, a plan or action step specifics are not yet available, provide detailed updates and information about the decision-making process and factors being considered (especially as they pertain to staff and/or feedback).
7. Ensuring communication is **bias free and destigmatizing** and does not perpetuate stereotypes.

DRAFT

Waiver Application Cover Form

(For use by a Local Education Agency or equivalent)

Please submit one application for each local educational agency or equivalent. If applying on behalf of a school district please submit one application for elementary schools in the district that are seeking to reopen for in-person instruction. If applying for an independent, private, faith-based, or charter school, please submit an application for each school.

Name of Applicant (Local Educational Agency or Equivalent): Sunnyside Union School District

School Type:

Traditional Public School

Charter School

Private, Independent, or Faith-Based School

Number of schools: 1 Enrollment/ADA: 360 + 40 State Preschool

Superintendent (or equivalent) Name: Steve Tsuboi

Address: 21644 Avenue 196 Strathmore, CA 93267

Grades of Students Proposed to be Reopened: TK- 2 and later grades in stages

Date of Proposed Reopening: October 5, 2020

Name of Person Completing Application:

Phone Number: Steve Tsuboi Email: stsuboi@sunnysideunion.com

Signature: _____ Date: _____



Table of Contents

Waiver Criteria	3
Consultation	3
Labor Organization	3
Parent and Community Organizations	3
Elementary School Reopening Plans	3
CLEANING AND DISINFECTION:	4
COHORTING:	4
A. Classroom Space (Partial List - See Reopening Plan Page 10-11)	4
B. Non Classroom Spaces (Partial List - See Reopening Plan Page 11)	4
C. Student recess: (Partial List - See Reopening Plan Page 11)	5
D. Restrooms: (Partial List - See Reopening Plan Page 17)	5
E. Student Breakfast/Lunches: (Partial List - See Reopening Plan Page 17)	5
ENTRANCE, EGRESS, AND MOVEMENT WITHIN THE SCHOOL:	5
A. DISTANCING INSIDE AND OUTSIDE THE CLASSROOM	5
B. Non Classroom Spaces	6
FACE COVERINGS AND OTHER ESSENTIAL PROTECTIVE GEAR:	6
HEALTH SCREENINGS FOR STUDENTS AND STAFF:	7
A. CHECKING FOR SIGNS AND SYMPTOMS	7
B. WHEN A STAFF MEMBER OR CHILD BECOMES SICK	7
HEALTHY HYGIENE PRACTICES:	7
A. HEALTHY HYGIENE PRACTICES	7
IDENTIFICATION AND TRACING OF CONTACTS:	8
A. WHEN A STAFF MEMBER OR CHILD BECOMES SICK	8
B. Maintaining Healthy Operations	9
PHYSICAL DISTANCING:	9
A. CO-CURRICULAR	9
STAFF TRAINING AND FAMILY EDUCATION:	10
A. TEACHER AND STAFF SAFETY	10
B. STAFF AND FAMILY TRAINING AND EDUCATION	11
TESTING OF STUDENTS AND STAFF:	11



Sunnyside Union School District

21644 Avenue 196
Strathmore, California 93267

Website: www.sunnysideunion.com
Email: comments@sunnysideunion.com

TRIGGERS FOR SWITCHING TO DISTANCE LEARNING: 11

 A. CONSIDERATIONS FOR PARTIAL OR TOTAL CLOSURE 11

COMMUNICATION PLANS: 12

 A. COMMUNICATIONS 12

Waiver Criteria

- Please reference your reopening plan by page number for each item below. -.

Consultation

Please confirm consultation with the following groups:

Labor Organization

Name of Organization(s) and Date(s) Consulted:

Sunnyside Teachers Organization	[REDACTED]
California School Employees Association 675	[REDACTED]

Parent and Community Organizations

Name of Organization(s) and Date(s) Consulted:

School Site Council	September 21, 2020
English Language Acquisition Committee	September 22, 2020
Governing Board	September 22, 2020

Elementary School Reopening Plans

Please confirm that elementary school reopening plan(s) addressing the following, consistent with guidance from the California Department of Public Health and the local health department, have been published on the website of the local educational agency (or equivalent):



CLEANING AND DISINFECTION:

How shared surfaces will be regularly cleaned and disinfected and how use of shared items will be minimized.

Reference: Reopening Plan Page 9-10

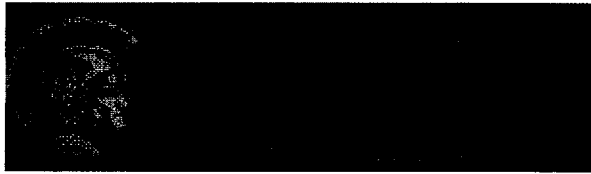
CLEANING, DISINFECTION, AND VENTILATION

- SUSD will **suspend or modify** the use of site resources that necessitate sharing or touching of items.
- Staff will **regularly clean and disinfect** high touch surfaces within the school.
- SUSD will **limit the use** of play structures in favor of physical activities that require less contact with surfaces.
- Playground equipment will be **limited to cohort usage** and usage will rotate on a weekly schedule.
- SUSD will **limit the sharing** of school supplies. Students will have enough supplies stored in a plastic bag marked with their names.
- SUSD **distributed school supplies** that will remain at home for at home use.
- To increase ventilation, **classroom and office doors** will remain open to introduce fresh outdoor air **as much as possible**.

COHORTING:

How students will be kept in small, stable, groups with fixed membership that stay together for all activities (e.g., instruction, lunch, recess) and minimize/avoid contact with other groups or individuals who are not part of the cohort.

- A. Classroom Space (Partial List - See Reopening Plan Page 10-11)
 - i. Students will remain in **consistent cohorts** and in the same classroom space as practicable.
 - ii. Teachers will **minimize their contact** with different groups of students as much as is practicable. Students in the **elementary grades** will remain **with the same teacher all day** whereas students at the Middle Grades (6-8) will continue with the adapted rotating block schedule to **minimize teacher movement** throughout the day.
 - iii. SUSD has **limited class sizes** specifically to allow for **adequate physical distancing** in most indoor spaces. Adequate space will be provided for teacher physical distancing from students, and teachers **will maintain 6 feet of space between students**. Partitions/sneeze guards will be used where deemed necessary to minimize face to face interactions.
- B. Non Classroom Spaces (Partial List - See Reopening Plan Page 11)
 - i. **Lunches and recesses will be staggered** to mitigate for communal activities
 - ii. Students will take their lunch to outside spaces as often as is feasible. Small Portable outdoor shade structures are being ordered and installed to help when the weather is less than ideal.



C. Student recess: (Partial List - See Reopening Plan Page 11)

- i. The playgrounds and fields will be divided into different **recess stations** with an engaging theme assigned to each station.
- ii. Recess station **equipment will be assigned** to each classroom each week, and will be sanitized regularly.
- iii. Each classroom will be **assigned to a particular recess station** for an entire week, and will rotate accordingly.
- iv. Our K-5 Physical Education teacher will **utilize the appropriate classroom assigned recess stations** to promote requisite skill and competencies that can be practiced individually at recess.
- v. Additional **recess supervision** will be provided to encourage physical distancing.

D. Restrooms: (Partial List - See Reopening Plan Page 17)

- i. SUSD staff will monitor restroom use through the use of a **scanning system** that has been placed in each building, classroom, office, etc. to minimize student congregation points during passing periods and recess.

E. Student Breakfast/Lunches: (Partial List - See Reopening Plan Page 17)

- i. Student lunches **will be held** in the following areas.
 1. Cafeteria with staggered lunch schedule.
 2. Classroom if outdoor weather does not permit.
 3. Outdoors whenever possible.
 4. A **combination of the above locations** depending on weather, schedules, and number of students
- ii. The number of lunch periods **may be increased** to accommodate for physical distancing, if necessary.
- iii. Breakfast will be provided at the **end of the day** to be consumed by the student at home **prior to arriving** the next day.

ENTRANCE, EGRESS, AND MOVEMENT WITHIN THE SCHOOL:

How movement of students, staff, and parents will be managed to avoid close contact and/or mixing of cohorts.

Reference: Reopening Plan Page 10-11

A. DISTANCING INSIDE AND OUTSIDE THE CLASSROOM

a. Arrival and Departure

- i. SUSD will utilize an at home health screenings process in an effort to **mitigate the congregation** of students upon arrival. Additional health screenings will take place **as needed**.

- ii. **Various points of entry** will be used throughout campus to allow for physical distancing to take place.
- iii. Upon arrival, students will **report directly to their classroom** to lessen the interaction with other students before school begins.
- iv. Students **will not be allowed** to arrive on campus before 7:55 **a.m.** to allow for staff to properly practice check-in procedures.
- v. Families **will be encouraged** to bring their students to campus between 7:55 and 8:10 to minimize the bulk of student arrivals between 7:45 and 8:00.
- vi. SUSD will utilize **multiple access points** for arrivals and departures, and will designate **recommended travel routes** around campus to minimize student congregation.
- vii. Appropriate travel routes will be **clearly marked** with adequate signage to **promote physical distancing** and reduce the potential for congregation points and congestion.
- viii. Students **will be encouraged** to walk onto campus independent of families to limit the number of people on campus at one time.

B. Non Classroom Spaces

- ix. **Nonessential visitors will be limited** and **volunteers will not be allowed** at this time. All adult visitors will be **required to wear a face covering** while on campus, must **pass a health screening** including a **temperature check**, and will be required to **sign in and out** of the office.
- x. Hallways will be marked with **suggested routes** of travel to minimize congregated movement.
- xi. Students will take their lunch to outside spaces as often as is feasible. Small Portable outdoor shade structures are being ordered and installed to help when the weather is less than ideal.

FACE COVERINGS AND OTHER ESSENTIAL PROTECTIVE GEAR:

How CDPH's face covering requirements will be satisfied and enforced.

Reference: Reopening Plan Pages 5-6

Teach and encourage the responsible use of face coverings. All adults will wear face coverings daily. All students 3rd grade and up will be required to use face coverings and students 2nd grade and below will be encouraged to use them especially when physical distance is difficult to maintain. Sunnyside **will provide your child five cloth masks**. Please see that your children attend school each day **with at least one mask**. Extra masks will be available in the event that a mask is lost or damaged. Face coverings are **essential** to our school's **success**.

HEALTH SCREENINGS FOR STUDENTS AND STAFF:

How students and staff will be screened for symptoms of COVID-19 and how ill students or staff will be separated from others and sent home immediately.

Reference: Reopening Plan Pages 12-14

A. CHECKING FOR SIGNS AND SYMPTOMS

- a. **Visual wellness checks** will be conducted by staff throughout the day to monitor for signs and symptoms.
- b. Students who exhibit signs and symptoms throughout the day **will be required to wear a face covering, isolated in our infirmary (SAFE ROOM), and sent home as soon as feasible.**

B. WHEN A STAFF MEMBER OR CHILD BECOMES SICK

- a. SUSD will maintain an infirmary (SAFE ROOM) to **separate anyone** who exhibits symptoms of COVID-19.
- b. In the event that a student, staff, or visitor exhibits signs or symptoms of COVID-19, **they will be required to wear a face covering and required to wait in the infirmary until they can be transported home or to a healthcare facility.**
- c. SUSD will **maintain proper procedures and protocols** to deal with the identification, isolation, communication, and transportation of all students and staff exhibiting COVID-19 signs and symptoms.¹

HEALTHY HYGIENE PRACTICES:

The availability of handwashing stations and hand sanitizer, and how their use will be promoted and incorporated into routines.

Reference: Reopening Plan Pages 7-9

A. HEALTHY HYGIENE PRACTICES

- a. A principal strategy mentioned is to **model, teach, and reinforce** healthy hygiene practices (i.e. washing hands, avoiding contact with the face, properly covering coughs and sneezes).
 - i. Each classroom **will be provided** adequate tissues and/or paper towels to allow for students to cough and/or sneeze inside of a tissue or, when tissues are not available, into their elbow. Multiple Hand Sanitizer trees are located in high traffic areas around campus. Hand Sanitizer dispensers are also located in each classroom.
 - ii. Students and staff **will wash their hands** before and after eating, after coughing or sneezing, after being outside, and before and after using the restroom.

¹ Students moving from the regular school day into after school care will subjects to daily, no touch temperature checks.



- iii. Staff will use **videos to teach students** to wash their hands for 20 seconds with soap, washing their hands past the wrist and using paper towels to dry them completely.
- iv. SUSD will ensure **adequate supplies** to support healthy hygiene behaviors including soap, paper towels, face coverings and all required protective equipment.
 - 1. SUSD has **provided** face coverings to all staff and students and will ensure that staff use all required protective equipment.

b. Resource Videos:

- i. National Association of School Nurses: Return to School Video Series
<https://tinyurl.com/y48c6jnx>
- ii. Davis School District Hygiene Etiquette
<https://youtu.be/sZAVB7TICPE>
- iii. Healthy Promotion Board Washy Washy Clean
<https://youtu.be/zxIQn7KaCNU>
- iv. Baby Shark Wash Your Hands
<https://youtu.be/L89nN03pBzl>
- v. Peter Hollins The Epic Handwashing Parody – Junior High.
<https://youtu.be/-gfOHEaHdjo>

IDENTIFICATION AND TRACING OF CONTACTS:

Actions that staff will take when there is a confirmed case. Confirm that the school(s) have designated staff persons to support contact tracing, such as creation and submission of lists of exposed students and staff to the local health department and notification of exposed persons. Each school must designate a person for the local health department to contact about COVID-19.

Reference: Reopening Plan Pages 13-14

A. WHEN A STAFF MEMBER OR CHILD BECOMES SICK

- a. SUSD will **promptly notify** local health officials, appropriate staff and families of any positive cases of COVID-19 in accordance with best practices for contact tracing while maintaining confidentiality as required by state and 13 federal law.
 - i. Close contacts will be **notified and highly encouraged to test**.
 - ii. Close contacts will be required to **quarantine for 14 days from the last date** the case was present at school.
- b. In the event of a positive COVID-19 case, areas used by any sick person will be **closed off until proper cleaning and disinfection** procedures can be applied.



- c. Any sick staff or student will not be allowed to return to campus until they have **met the CDC criteria to discontinue home isolation**, including 3 days with no fever, symptoms have improved, and at least 10 days since symptoms first appeared.
- d. All students will continue to **have access to high quality**, online educational programming in the event of illness, quarantine, or exercising prudence in an effort to maintain a healthy school community.

B. Maintaining Healthy Operations

- a. The District will apply **best practices in contact tracing**, and will vigilantly monitor symptoms among students and staff and will isolate them promptly.
- b. Nancy Kimura and Amy Camacho, (County Nurse and District LVN), will take on the role as COVID-19 Student Coordinators this year. They will serve as a **liaison for parents and employees, will coordinate documentation and contact tracing in order to notify local health officials, staff, and families in a prompt and responsible manner.**

PHYSICAL DISTANCING:

How space and routines will be arranged to allow for adequate physical distancing of students and staff.

LISTED BELOW ARE SOME OF THE ROUTINES THAT PROMOTE SOCIAL DISTANCING. OTHERS CAN BE FOUND THROUGHOUT THIS WAIVER AND IN THE ENTIRE REOPENING PLAN.

- i. **Various points of entry** will be used throughout campus to allow for physical distancing to take place.
- ii. SUSD will utilize **multiple access points** for arrivals and departures, and will designate **recommended travel routes** around campus to minimize student congregation.
- iii. Appropriate travel routes will be **clearly marked** with adequate signage to **promote physical distancing** and reduce the potential for congregation points and congestion.
- iv. Students **will be encouraged** to walk onto campus independent of families to limit the number of people on campus at one time
- v. SUSD has **limited class sizes** specifically to allow for **adequate physical distancing** in most indoor spaces. Adequate space will be provided for teacher physical distancing from students, and teachers **will maintain 6 feet of space between students**. Partitions/sneeze guards will be used where deemed necessary to minimize face to face interactions.

A. CO-CURRICULAR

a. Choir

- i. Choir will continue to be taught online outside of instructional hours.

- b. Band
 - i. If and when band returns it will be taught either virtually or outdoors, with 10 feet of spacing between members.
- c. Physical education
 - i. Physical education space will have visual markers to help promote physical distancing when feasible.
 - ii. Physical education curriculum will focus on individualized practice and all group activities will be minimized as feasible.
- d. After School Programs
 - i. After School Programs will be subject to the same rules, policies and guidelines outlined throughout this plan.
 - 1. CHOICES (TCOE) - (***Suspended*** until mixing of cohorts is allowed) – ***Virtual Classes*** may continue
 - 2. Good News Club
 - 3. After School Athletics (***Suspended*** until mixing of cohorts is allowed) – ***Virtual Training*** may be conducted.

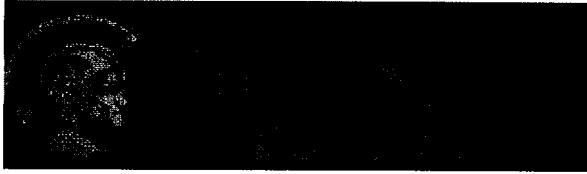
STAFF TRAINING AND FAMILY EDUCATION:

How staff will be trained and families will be educated on the application and enforcement of the plan.

Reference: Reopening Plan Page 9 & 11

A. TEACHER AND STAFF SAFETY

- a. Ensuring staff maintain ***physical distancing*** from each other is critical to reducing the transmission between adults. Therefore, SUSD is committed to:
 - i. Ensuring that all staff ***use face coverings*** in accordance with the CDPH guidelines and Cal/OSHA standards.
 - ii. Conducting all staff meetings, professional learning opportunities and other activities involving staff with ***physical distancing measures in place or virtually***, where physical distancing is a challenge.
 - iii. ***Minimizing*** the use of and congregation of adults in staff rooms, break rooms and other settings.
 - iv. ***Implementing procedures*** for daily symptom monitoring for staff.



B. STAFF AND FAMILY TRAINING AND EDUCATION

- a. SUSD will remain ***committed to training*** all staff and to providing educational materials to families in the following areas:
 - i. Enhanced sanitation practices
 - ii. Physical distancing guidelines
 - iii. Use of face coverings, proper removal and washing of cloth face coverings
 - iv. At home health screenings
 - v. COVID-19 specific symptom identification

- b. All parent and staff training and education ***will be delivered virtually***.
 - i. Upon reopening with in person instruction, the Principal or her/his designee will ensure monthly health and hygiene training for staff.

TESTING OF STUDENTS AND STAFF:

How school officials will ensure that students and staff who have symptoms of COVID-19 or have been exposed to someone with COVID-19 will be rapidly tested and what instructions they will be given while waiting for test results. Describe how staff will be tested periodically to detect asymptomatic infections.

Reference: Reopening Plan Page 13

- a. SUSD is currently working with outside agencies to develop onsite testing capabilities (saliva testing) that would potentially allow for more rapid results. Testing would be available for staff and students who are symptomatic or prior to the start date of any cohort or group.

- b. Until on site testing is available families will be referred to immediately contact their care provider and/or Call 211 for guidance and possible testing.

- c. Staff will follow all state guidelines to period testing (i.e. every two months). If onsite testing becomes available testing for staff would occur prior to cohorts starting.

TRIGGERS FOR SWITCHING TO DISTANCE LEARNING:

The criteria the superintendent will use to determine when to physically close the school and prohibit in-person instruction.

Reference: Reopening Plan Pages 14-15

A. CONSIDERATIONS FOR PARTIAL OR TOTAL CLOSURE

- a. When a student or staff tests positive for COVID-19 and has exposed others at the school, the following steps will be implemented:

- i. In **consultation** with the local public health department and SUSD Board of Trustees, the Superintendent may decide whether school closure is warranted, including the length of time necessary, based on the risk level within the community as determined by the local public health officer.
- ii. SUSD will maintain an effective communications plan **for partial and full school closure** that will include outreach to students, parents, staff, and other invested community members.
- iii. **Consultation** with the Local Health Officer deems closure necessary
- iv. School closure may be necessary if there are **multiple cases in multiple cohorts at school, or when at least 5 percent of the total number of teachers/students/staff are cases within a 14-day period.**

COMMUNICATION PLANS:

How the superintendent will communicate with students, staff, and parents about cases and exposures at the school, consistent with privacy requirements such as FERPA and HIPAA.

Reference: Reopening Plan Pages 18-20

A. COMMUNICATIONS

- a. Questions regarding the communication of COVID-19 to SUSD constituencies
 - i. If a student has COVID-19, what **information** from education records can SUSD share with the community?
 1. **FERPA** does not apply when schools disclose that a student may have COVID-19 as long as SUSD **does not directly or indirectly identify that student.** Most of the time, in order to receive sufficient notification of risks to their children, parents do not need to know which student was or may be infected.
 - ii. If SUSD **suspects** that a student has COVID-19, what information can the school share with its community?
 1. SUSD COVID Coordinator may wish to **proactively** warn parents and students that COVID-19 may be in our school community to facilitate prevention efforts and ensure that people have the information necessary to address a **potential outbreak.**
Given COVID-19's high degree of **infectiousness**, it may be wise for SUSD to err on the side of caution and notify the entire community when **suspected-but-unconfirmed** cases exist. However, **it may not be necessary to identify the symptomatic individual.**
- iii. Communications with Parents/Students, Employees and the Community
 1. **Pro-active communications** for all stakeholders that share information about reopening schools, identifies concerns, and addresses these concerns can help prepare students and their

families for return to schools.

2. The District will coordinate with local emergency management agencies, the local health department and other local officials (e.g. mental health, Fire Marshal, law enforcement, public transportation, etc.) to identify and develop communications structures and communications for students/parents, staff and community members related to COVID-19 and schools.
3. Under the guidance of local public health officials, the District can communicate with parents and staff information about **contact tracing and guidelines for families** about sending students to school and when to keep them at home.
4. The District under the guidance local public health officials, will continue to **monitor, investigate, develop a common plan and understanding** of:
 - a. What SUSD will do if they have one or more positive COVID-19 case(s) on campus and/or if a student or staff member has a family member that tests positive.
 - b. The legal responsibilities/privacy rights for communicating information about cases of the virus on any of the SUSD campuses.
5. Differentiating key messaging across **multiple platforms** (e.g., email, text messaging, push alerts, infographics, website posts, social media, news media outlets, printed mailings, etc.).
6. Developing **frequent messaging** that includes all critical information to reduce confusion, anxiety, or misunderstandings. Certainty reduces stress, even when there are not always specifics to share. For example, if plan or action step specifics are not yet available, provide detailed updates and information about the decision-making process and factors being considered (especially as they pertain to stakeholder feedback).
7. Ensuring communication is **bias free and destigmatizing** and does not perpetuate stereotypes.

Sunnyside Union School District State Preschool Distance Learning Plan

How the contractor will ensure that families are able to fully engage in distance learning services, and how the contractor will solicit information from the family on the available resources and methods they have available and prefer for distance learning services. Contractors must provide distance learning services in the preferred method of the family. (3000 characters maximum)

Sunnyside Union Elementary Preschool distributed a packet of distance learning supplies, books and instructional materials at the beginning of school and then a monthly distribution every month following. Sunnyside Preschool also provided chromebooks and hotspots for families who do not have this access. These chromebooks allow students and families to attend daily zoom meetings and complete seesaw lessons and activities. Instructional binders that were distributed are used daily with the teacher, but the families could also use the binders whenever they want to provide additional learning opportunities. The seesaw activities include a plethora of optional learning activities. The binders include numerous interactive instructional pages using velcro. Parents are encouraged to use all components but teachers are understanding to family and children needs and levels.

Sunnyside Preschool hold monthly parent meetings and parent advisory committees via Zoom to allow the families to voice concerns, give suggestions, and have parents recognize they are the primary stakeholders and have the voice to improve the program. The monthly distributions are a special time for families to see teachers in person and receive additional books and activities.

How the contractor will, to the greatest extent possible, conduct distance learning services in the family's preferred language and how these services will include a combination of teacher interactions and family activities to maintain relationships and supports for families and children with each other and with program staff. (3000 characters maximum)

Sunnyside preschool conducts distance learning services twice daily using Zoom and also provides additional resources using Seesaw. Teachers and aides prepare lessons on Seesaw that can be watched and completed on the families own time schedule. Each instructional aide is encouraged to make at least 2 lessons per week. Our bilingual aides are encouraged to do at least one bilingual lesson for our Spanish Speaking families. Teachers also have monthly family activities, in which children and parents work together and post their work on a provided poster board.

How the contractor will contact each family a minimum of once a week to keep updated on the child and family, and to provide distance learning services. Services and outreach efforts must be documented in accordance with 5 CCR Sections 18273, 18275 and 18276. (3000 characters maximum)

Students are contacted on a daily basis using Zoom. If the student misses 3 sessions, the teacher reaches out to the family. Our preschool staff divided up our families and each employee meets with a parent/guardian via a zoom breakout or phone call at least bi-monthly to discuss learning goals, progress on Seesaw activities and overall student and family well-being. Our office clerk has good relationships with the families also and sends out regular emails with important information and parenting tips. All attendance and parent contact (phone, email or zoom) are documented and shared with the preschool director.

How the contractor will communicate with families about their progress and needs with distance learning services, the child's learning, development, routines, activities, and behavior, as well as the family's overall well-being. (3000 characters maximum)

During the bi-monthly check-in, staff are encouraged to discuss with parents the student's progress and needs and which activities would best suit their child. There are a variety of differentiated activities available to students and families on Seesaw. As positive relationships are built, staff are encouraged to discuss routines, behavior and overall family well being.

How the contractor will provide families with resources and referrals to support services, social services, and health services as needed. (3000 characters maximum)

Sunnyside Preschool has all special educational services, counseling and psychological services, health services, and Save the Children services on site and available to provide support to families. Families are made aware of these services via emails, parent meetings, and our monthly distributions. Staff are encouraged to discuss these services in their bi-monthly check-ins also.

How the contractor will re-engage families whom the contractor has been unable to reach for more than a week, and how re-engagement efforts will be documented. (3000 characters maximum)

Sunnyside has yet to have any students unreachable via phone or email for more than 3 sessions. However, if this were to take place, the preschool director and social worker would do a safe home visit to reach out to the family. All home visits are documented by the preschool director and the office clerk would document in the student's confidential file.

How the contractor will conduct at least two (2) individual conferences with parents during FY 2020-21, in compliance with 5 CCR Section 18275(b)(2). These conferences can be completed virtually if needed. (3000 characters maximum)

Teachers will continue to hold Parent Conferences with parents via Zoom after DRDP's are completed. Parent Conferences are expected to take place in November 2020 and again in May 2021.

How the contractor will provide families with distance learning activities that can be incorporated into daily activities and assist with creating a predictable routine in the family's home. (3000 characters maximum)

At least one time per week, there is a Seesaw lesson or activity that gives parents/guardians suggestions on daily activities that they can do with their children. Sample routines and schedules are shared with families during the parent meetings and via emails. During the bi-monthly check-ins, staff discuss with families which activities would best suit their child, the reason behind having predictable routines and how to create a good routine.

How the contractor will offer developmentally appropriate activities that align with those activities conducted in the program, and how activities that can be done at home will be included. These activities must align with the California Infant/Toddler Learning and Development Foundations, the California Preschool Learning Foundations, the California Infant/Toddler Curriculum Framework, and the California Preschool Curriculum Frameworks. (3000 characters maximum)

Teachers continue to make weekly lesson plans and email the lesson plans to the parents. Each lesson plan displays the DRDP domain and learning goal for each activity. All lessons used are from our adopted curriculum that are aligned with all California Learning and Development foundations. All teacher made activities are aligned to the California Learning and Development Foundations, the California Preschool Learning Foundations, the California Infant/Toddler Curriculum Framework, and the California Preschool Curriculum Frameworks.

How the contractor will provide, to the extent possible, the "accommodations necessary" for children with special needs, and how children's distance learning services will be individualized and focused on activities that would have meaning and interest to the family and the child. (3000 characters maximum)

All students have a student learning plan, which includes individualized learning goals. These learning goals are discussed with parents during the bi-monthly check-ins and provided to parents during parent conferences. The differentiated Seesaw activities provide instruction for all students whether they have special needs or need acceleration. The Seesaw activities and family projects are meant to be chosen by the student/family based on their student interest.

How the contractor will keep records that include the activities planned for distance learning services, and the amount of time each family and child have participated in distance learning services. (3000 characters maximum)

All distance learning services and activities, including Zoom participation, Seesaw activities and check-ins are documented by staff. Seesaw tracks all activities completed. Parents are also asked for estimated times for activities and projects during the bi-monthly check-ins.

How the contractor will provide interactions based on the family's resources and preferred methods of receiving distance learning services. These interactions should include a combination of teacher interactions and family activities to maintain relationships and supports for families and children with each other and with program staff. (3000 characters maximum)

Sunnyside believes that the zoom meetings are the best means of providing teacher student interaction. The zoom meetings are interactive, fun and engaging. The bi-monthly parent check-ins also provide interaction between Sunnyside staff and families. The projects and Seesaw activities are meant to be done with the family to provide meaningful family interaction and meet the children's individual needs and interests.

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:

(title or position)

(address)

(telephone number)

(email)

(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.

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
July 2020

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>

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
July 2020

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>

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:

(title or position)

(address)

(telephone number)

(email)

(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)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
July 2020

All Personnel

BP 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. 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 2017WEB SITESCalifornia 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 4119.12(a)

4219.12

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

4319.12

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) 4319.12

*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 GOVERNMENTCODE

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 DECISIONSDonovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736Davis v. Monroe County Board of Education, (1999) 526 U.S. 629Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447*Management Resources:*WEB SITESCSBA: <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>Regulation
approved:CSBA MANUAL MAINTENANCE SERVICE
July 2020

**Local Control and Accountability Plan (LCAP)
Every Student Succeeds Act (ESSA)
Federal Addendum Template**

LEA name:

Sunnyside Union Elementary

CDS code:

54-72181605-007

Link to the LCAP:

(optional)

[Provide link.]

**For which ESSA programs
will your LEA apply?**

Choose from:

TITLE I, PART A

Improving Basic Programs Operated by
State and Local Educational Agencies

TITLE I, PART D

Prevention and Intervention Programs for
Children and Youth Who Are Neglected,
Delinquent, or At-Risk

TITLE II, PART A

Supporting Effective Instruction

TITLE III, PART A

Language Instruction for English Learners
and Immigrant Students

TITLE IV, PART A

Student Support and Academic
Enrichment Grants

*(NOTE: This list only includes ESSA
programs with LEA plan requirements;
not all ESSA programs.)*

Title I, Part A; Title II, Part A; Title III, Part A; Title IV, Part A

In the following pages, ONLY complete the sections for the corresponding programs.

Instructions

The LCAP Federal Addendum is meant to supplement the LCAP to ensure that eligible LEAs have the opportunity to meet the Local Educational Agency (LEA) Plan provisions of the ESSA.

The LCAP Federal Addendum Template must be completed and submitted to the California Department of Education (CDE) to apply for ESSA funding. LEAs are encouraged to review the LCAP Federal Addendum annually with their LCAP, as ESSA funding should be considered in yearly strategic planning.

The LEA must address the Strategy and Alignment prompts provided on the following page.

Each provision for each program must be addressed, unless the provision is not applicable to the LEA.

In addressing these provisions, LEAs must provide a narrative that addresses the provision **within the LCAP Federal Addendum Template.**

Under State Priority Alignment, state priority numbers are provided to demonstrate where an ESSA provision aligns with state priorities. This is meant to assist LEAs in determining where ESSA provisions may already be addressed in the LEA's LCAP, as it demonstrates the LEA's efforts to support the state priorities.

The CDE emphasizes that **the LCAP Federal Addendum should not drive LCAP development.** ESSA funds are supplemental to state funds, just as the LCAP Federal Addendum supplements your LCAP. LEAs are encouraged to integrate their ESSA funds into their LCAP development as much as possible to promote strategic planning of all resources;

however, this is not a requirement. In reviewing the LCAP Federal Addendum, staff will evaluate the LEA's responses to the ESSA plan provisions. There is no standard length for the responses. LEAs will be asked to clarify insufficient responses during the review process.

California's ESSA State Plan significantly shifts the state's approach to the utilization of federal resources in support of underserved student groups. This LCAP Federal Addendum provides LEAs with the opportunity to document their approach to maximizing the impact of federal investments in support of underserved students.

The implementation of ESSA in California presents an opportunity for LEAs to innovate with their federally-funded programs and align them with the priority goals they are realizing under the state's Local Control Funding Formula (LCFF).

LCFF provides LEAs flexibility to design programs and provide services that meet the needs of students in order to achieve readiness for college, career, and lifelong learning. The LCAP planning process supports continuous cycles of action, reflection, and improvement.

Please respond to the prompts below, and in the pages that follow, to describe the LEA's plan for making the best use of federal ESEA resources in alignment with other federal, state, and local programs as described in the LEA's LCAP.

Strategy

Explain the LEA's strategy for using federal funds to supplement and enhance local priorities or initiatives funded with state funds, as reflected in the LEA's LCAP. This shall include describing the rationale/evidence for the selected use(s) of federal funds within the context of the LEA's broader strategy reflected in the LCAP.

Sunnyside primarily uses federal funds to supplement student literacy skills, mathematical skills and social/emotional needs through instructional support, professional development of staff, English Learner after-school tutoring and technology. Additional supplemental instructional materials and technology are also partially funded using federal funds.

Our LCAP focuses on the following goals:

- (a) Improve student achievement in English Language Arts and Mathematics by implementing Common Core State Standards, Appropriately Assigning Teachers, and Exposing All Students to the Arts, Providing Appropriate Technology Experiences, and Providing Learning Experiences Outside the Core. (State Priorities 1, 2, 4, 7, 8)
- (b) Full implementation of the Common Core State Standards (CCSS), including English Language Development Standards (ELD) training/implementation, providing access to appropriate CCSS materials for all students and maintaining appropriate CCSS materials for teacher use throughout the next three years. (State Priorities 1, 2, 4, 7, 8)
- (c) Improve the rate at which our English Learners are acquiring the English Language through the implementation of English Language Development Standards (ELD). (State Priorities 2, 4, 7, 8)
- (d) By focusing on improving Pupil Attendance, Truancy Rates, Reducing Chronic Absenteeism and SARB Referrals while maintaining a (0%) dropout rate all students will improve in both attendance and academic engagement through a variety of strategies and student opportunities (ex. Incentives, After School Experiences). (State Priorities 3, 4, 5, 6, 7)
- (e) To improve participation and increase learning experiences for all parents, including parents of unduplicated pupils and pupils with special needs. (State Priorities 3, 4, 6)

(f) To improve facilities and climate of the school to improve school environment and safety for all students.

Some of the specific actions include, but are not limited to the following:

- A. Continue to build upon the technology foundation that Sunnyside has built from the beginning of the original LCAP implementation. There will be a continued focus on the Creative STEAM Room. Technology will also be supported by the expansion of the part-time technician being full-time. Students will continue to have the expanded opportunities to use technology in the classroom and in elective classes. The implementation of technology will also be felt in the general core curriculum.
- B. Professional Development - Instructional support will continue to focus on instructional support from the Tulare County Office of Education. The plan will focus on multi-subject implementation of the Classroom Practice. The American Revolution will be developed between the district and county Office of Education. Additional support and resources for all staff will be made available both on and off campus. All activities will be available for all staff and students. Steve Ventura (on campus).
- C. Expanded Physical Education - The district will continue to early education with the hiring of a K-5 Physical Education instructor. All students will receive physical education and health instruction. The district will support the implementation with both material and labor support.
- D. Early Childhood Education - The district will implement a Full Day Transitional Kindergarten class. The district will support the implementation with both material and labor support.
- E. Reading Room - the district will continue expansion of its Professional Reading Room through increased titles and materials. The Reading Room continues to develop through the LCAP.
- G. Safe Learning Environment and Support - the district will implement an one-to-one aide to support students who need that extra guidance. In addition, the district will have a one day per week/or equivalent School Resource Officer to work with both parents and students.

Sunnyside primarily uses Title I funds for Instructional Support Staff and Quality Professional Development. This aligns with our current LCAP actions that include professional development for all staff (the past year's focus being Social Emotional Learning). The support staff was exposed to a myriad of trainings, organized events, and allowed the support staff to become more actively involved in the development of our students both academically and socially. Sunnyside's Title II funds are transferred into Title I, using federal transferability.

Sunnyside hires trained, educated instructional support staff who provide intervention support services for all students including students with academic needs, language needs and social emotional needs. Supplemental materials, library student resources, books, technology and STEM materials will also be purchased using Title I funds to provide the best learning environment for our students.

Sunnyside believes strongly in quality professional development. For the last few years, Sunnyside has primarily used Tulare County Office of Education for professional development. Tulare County Office of Education support will continue to be used but will be reduced from years past. The instructional coaching and support services were in the following academic areas: (a) English Language Arts [all grade levels], (b) Mathematics [grades 6-8], (c) Science [grades 6-8], (d) Technology [grades 2-8], and English Language Development [(K-8)].

For the 2019-2020 school year, we will have an on-site Instructional Coach who works collaboratively with ICDE to ensure the quality professional development is put into practice daily. The District will continue to utilize Educational Specialists, such as Steve Ventura, who will continue to build upon the Sunnyside Way (Instructional visit).

Certified and classified staff will continue to be provided the opportunity to participate in Curriculum and Instructional Steering Committees, the Best Results Conference for English Learners, and additional on-site training applicable to staff and students' needs. The district desires to diligently work on building a learning community that actively involves ALL Staff.

Sunnyside's Title IV funds will be used by providing an extended day after school tutoring for our English Learners. This new additional level of support will be implemented beginning in the 2019-2020 school year. English Learners will be provided instructional support by our trained teachers and/or instructional coach. Teachers have been extensively trained on the EL/D framework and have been coached to give the best instruction using both integrated and designated learning strategies. Many of our instructional staff are bilingual and are able to provide intervention and language support in both English and Spanish.

Sunnyside's Title IV funds are spent by partially funding the salary of our full-time computer technician. The technician supports, maintains, and continually grows our technology. He also maintains the STEAM room which includes, but is not limited to, green screen video technology, 3-D printing, and a laser engraving project. The technician will launch Sunnyside's new website and Smart App in the Summer of 2019. The newly developed parental outreach phone app which will be available to all parents, staff, community members, and students to provide the most updated information for the school. Communication is always an area of constant improvement and we feel this phone application will be a huge step for increased communication between all parties.

Alignment

Describe the efforts that the LEA will take to align use of federal funds with activities funded by state and local funds and, as applicable, across different federal grant programs.

Sunnyside's LCAP is a single plan that guides the use of all funds available to the district, including LCFF (including Supplemental Grant Funds), federal Title I, Title II, Title III, and Title IV funds. Sunnyside regularly monitors our goals and actions depending on our school's needs. Sunnyside's administration, teachers, and stakeholders work to identify areas that need improvement. Once identified, administration works together to meet the needs of these areas of improvement.

Federal Funds are used for Instructional Support, Professional Development, English Learner Support and Technological needs. The budget is created once our needs have been prioritized. State and local funding resources are accounted for first and then federal funds are used to supplement remaining unfunded activities using the most current regulations and guidance for the use of supplemental federal funds. An example of past supplemental support is the purchasing of translation devices for newcomer students to our district. This is to help these students transition quicker to the English Language and feel they are being supported in their educational journey.

Sunnyside will continue to reach out to locally established committees, such as School Site Council and the English Language Acquisition Committee for support and ideas.

ESSA Provisions Addressed Within the LCAP

Within the LCAP an LEA is required to describe its goals, and the specific actions to achieve those goals, for each of the LCFF state priorities. In an approvable LCAP it will be apparent from the descriptions of the goals, actions, and services how an LEA is acting to address the following ESSA provisions through the aligned LCFF state priorities and/or the state accountability system.

TITLE I, PART A

Monitoring Student Progress Towards Meeting Challenging State Academic Standards

ESSA SECTION	STATE PRIORITY ALIGNMENT
1112(b)(1) (A–D)	1, 2, 4, 7, 8 (as applicable)

Describe how the LEA will monitor students' progress in meeting the challenging state academic standards by:

- (A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;
- (B) identifying students who may be at risk for academic failure;
- (C) providing additional educational assistance to individual students the LEA or school determines need help in meeting the challenging State academic standards; and
- (D) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning.

Overuse in Discipline Practices that Remove Students from the Classroom

ESSA SECTION	STATE PRIORITY ALIGNMENT
1112(b)(11)	6 (as applicable)

Describe how the LEA will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the student groups, as defined in Section 1111(c)(2).

Career Technical and Work-based Opportunities

ESSA SECTION	STATE PRIORITY ALIGNMENT
1112(b)(12)(A–B)	2, 4, 7 (as applicable)

If determined appropriate by the LEA, describe how such agency will support programs that coordinate and integrate:

- (A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and

(B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit.

TITLE II, PART A

Title II, Part A Activities

ESSA SECTION	STATE PRIORITY ALIGNMENT
2102(b)(2)(A)	1, 2, 4 (as applicable)

Provide a description of the activities to be carried out by the LEA under this Section and how these activities will be aligned with challenging State academic standards.

TITLE III, PART A

Parent, Family, and Community Engagement

ESSA SECTION	STATE PRIORITY ALIGNMENT
3116(b)(3)	3, 6 (as applicable)

Describe how the eligible entity will promote parent, family, and community engagement in the education of English learners.

ESSA Provisions Addressed in the Consolidated Application and Reporting System

An LEA addresses the following ESSA provision as part of completing annual reporting through the Consolidated Application and Reporting System (CARS).

TITLE I, PART A

Poverty Criteria

ESSA SECTION	STATE PRIORITY ALIGNMENT
1112(b)(4)	N/A

Describe the poverty criteria that will be used to select school attendance areas under Section 1113.

ESSA Provisions Not Addressed in the LCAP

For the majority of LEAs the ESSA provisions on the following pages do not align with state priorities. **Each provision for each program provided on the following pages must be addressed**, unless the provision is not applicable to the LEA. In addressing these provisions, LEAs must provide a narrative that addresses the provision **within this addendum**.

As previously stated, the CDE emphasizes that the LCAP Federal Addendum should not drive LCAP development. ESSA funds are supplemental to state funds, just as the LCAP Federal Addendum supplements your LCAP. LEAs are encouraged to integrate their ESSA funds into their LCAP development as much as possible to promote strategic planning of all resources; however, this is not a requirement. In reviewing the LCAP Federal Addendum, staff will evaluate the LEA's responses to the ESSA plan provisions. There is no standard length for the responses. LEAs will be asked to clarify insufficient responses during the review process.

TITLE I, PART A

Educator Equity

ESSA SECTION 1112(b)(2)

Describe how the LEA will identify and address, as required under State plans as described in Section 1111(g)(1)(B), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside administration works very hard to ensure we only hire the best, most qualified educators. When openings become available the district works with the Tulare County Office of Education (credentialing and instructional support staff) to ensure that openings are filled by qualified educators.

Sunnyside currently has currently built the following staff:

100% Properly Assigned

Multiple Subject Self Contained Classrooms: 11

- All Fully Credentialed

- One (1) First year TIPS

Single Subject Core Classrooms: 7

- All Others Fully Credentialed

- Two (2) First year TIPS

- One (1) First Year TIPS

The district does utilize interns but ensures that they have ongoing support and time to develop their trade. The district works with the Tulare County Office of Education to fulfill their requirements for teachers who are in their first and second year of teaching and working their way towards a clear credential. The district also works with various institutions of higher learning (Brandman, National, CSU Fresno, Etc.).

Parent and Family Engagement

ESSA SECTIONS 1112(b)(3) and 1112(b)(7)

Describe how the LEA will carry out its responsibility under Section 1111(d).

Describe the strategy the LEA will use to implement effective parent and family engagement under Section 1116.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside disseminates its Parent Involvement Policy at the beginning of the school year. The policy is annually evaluated by parents in January or February, then taken to the School Site Council, ELAC and the Board of Trustees annually.

Sunnyside provides ample opportunities to parents and families to be actively engaged. Parent-Student Conferences held three times year with a 71% participation rate, which has increased from previous years. Sunnyside also holds approximately 20 family involvement activities throughout the school year including guest speakers, literary nights, sports nights, Doughnuts for Dads, Muffins for Moms, Night at the Plainview Park, Fall School Carnival, the Cinco de Mayo Health Fair, Grandparents Day, Awards Night and Graduation.

Sunnyside holds monthly Site Council meetings and quarterly English Learner Advisory group meetings. These groups have qualified members who were elected by their peers. Members receive proper training on their roles and responsibilities.

These committees help develop the LCAP actions and goals, give guidance and direction on school budgeting, and decision making. Our teaching staff and administrators are encouraged to actively engage families by making frequent phone calls and hold any needed behavioral and academic parent meetings as needed.

Schoolwide Programs, Targeted Support Programs, and Programs for Neglected or Delinquent Children

ESSA SECTIONS 1112(b)(5) and 1112(b)(9)

Describe, in general, the nature of the programs to be conducted by the LEA's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs.

Describe how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under Section 1115, will identify the eligible children most in need of services under this part.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside is a school wide Title I school district. All students enrolled are part of the National School Lunch Program and receive free breakfast and lunch. The high unduplicated count at Sunnyside allows for the district to provide supplemental services to ALL students.

Administration works with county and outside services to ensure that neglected and delinquent students are receiving the necessary attention and services. The district has established a SARB board to address students and parents with attendance issues. The district also works with mental health services to ensure that students who have special needs are not left behind.

The district works directly with outside organizations such as Save the Children Early Steps to Success and their Community Collaborative agency.

Homeless Children and Youth Services

ESSA SECTION 1112(b)(6)

Describe the services the LEA will provide homeless children and youths, including services provided with funds reserved under Section 1113(c)(3)(A), to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the LEA is providing under the McKinney-Vento Homeless Assistance Act (42 United States Code 11301 et seq.).

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside's has a Homeless District Liaison. The District Liaison receives updated information and attends meetings to stay informed on the best practices to help address Homeless Children needs. Additionally, we have hired an attendance clerk who regularly tracks attendance and brings issues to the District Homeless Liaison. Sunnyside has allotted funds to help Homeless families in times of need. There is a supply closet in the Front Office which allows office staff to help families in need and provide necessary items to families who are identified as Homeless.

Student Transitions

ESSA SECTIONS 1112(b)(8) and 1112(b)(10) (A–B)

Describe, if applicable, how the LEA will support, coordinate, and integrate services provided under this part with early childhood education programs at the LEA or individual school level, including plans for the transition of participants in such programs to local elementary school programs.

Describe, if applicable, how the LEA will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including:

- (A) through coordination with institutions of higher education, employers, and other local partners; and
- (B) through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside has a Save the Children Early Steps to Success Coordinator who helps families with children 0-3. This coordinator will reach out to a mother who is expecting and help the child and family from birth to the age of three.

Sunnyside also has a State Preschool that is comprised of two, half day sessions. The preschool has the capacity to serve 24 low-income students per session. The State provides necessary social, pre-literacy and mathematical skills to qualified students. The Preschool Director ensures the preschool delivers a comprehensive curriculum. The preschool has monthly parent trainings provided to families including topics such as nutrition, school readiness preparation, reading, and parenting skills. The staff works collaboratively with the Transitional Kindergarten and Kindergarten teachers to ensure a smooth transition from preschool to grade school.

Sunnyside implemented a Transitional Kindergarten for the 2018-2019 school year. This crucial transition year is fully funded using LCAP funds. Our stakeholders feel a strong foundation prior to Kindergarten will better prepare the students and allow for a smooth more educational and academic Kindergarten year.

Transition from 8th grade to High School is also a smooth transition. Porterville Unified, our neighboring district is the district in which Sunnyside students attend high school. Porterville Unified works closely with our Junior High staff to keep students and parents informed of their future educational step. Our Junior High staff, 6th-8th grade attend annual events in the Porterville Unified School District. The events showcase Porterville's Pathways and the necessary requisites for the high school of their interest.

Many of our students attend Strathmore High School (natural home school and Pathway for Agricultural) Harmony Magnet Academy, a school that focuses on Performing Arts and Engineering. There are many other pathways offered at the three other Porterville High Schools. Sunnyside students are given the opportunity to attend the high school of their choice.

Additional Information Regarding Use of Funds Under this Part

ESSA SECTION 1112(b)(13) (A-B)

Provide any other information on how the LEA proposes to use funds to meet the purposes of this part, and that the LEA determines appropriate to provide, which may include how the LEA will:

- (A) assist schools in identifying and serving gifted and talented students; and
- (B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside's school library continues to increase the number of titles available to students. Through LCAP funding and other funds, the district is making a concerted effort to transform the current traditional library into a multimedia center. In addition, the district annual budget provides funding for classrooms to increase the title count to individual classroom libraries. Approximately four years ago, the district invested into the 6th-8th grade English Language Arts classroom by creating a fully functioning Junior High Library inside this classroom. The district is looking into expanding classroom library options through the use of digital library resources.

TITLE I, PART D

Description of Program

ESSA SECTION 1423(1)

Provide a description of the program to be assisted [by Title I, Part D].

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Formal Agreements

ESSA SECTION 1423(2)

Provide a description of formal agreements, regarding the program to be assisted, between the

(A) LEA; and

(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system, including such facilities operated by the Secretary of the Interior and Indian tribes.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Comparable Education Program

ESSA SECTION 1423(3)

As appropriate, provide a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Successful Transitions

ESSA SECTION 1423(4)

Provide a description of the program operated by participating schools to facilitate the successful transition of children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Educational Needs

ESSA SECTION 1423(5)

Provide a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Social, Health, and Other Services

ESSA SECTION 1423(6)

As appropriate, provide a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, at-risk children or youth, and other participating children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Postsecondary and Workforce Partnerships

ESSA SECTION 1423(7)

As appropriate, provide a description of any partnerships with institutions of higher education or local businesses to facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as through participation in credit-bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming, and mentoring services for participating students.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Parent and Family Involvement

ESSA SECTION 1423(8)

As appropriate, provide a description of how the program will involve parents and family members in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Program Coordination

ESSA SECTION 1423(9–10)

Provide a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Innovation and Opportunity Act and career and technical education programs serving at-risk children and youth.

Include how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Probation Officer Coordination

ESSA SECTION 1423(11)

As appropriate, provide a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Individualized Education Program Awareness

ESSA SECTION 1423(12)

Provide a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

Alternative Placements

ESSA SECTIONS 1423(13)

As appropriate, provide a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Not Applicable (District does not participate in Title I, Part D)

TITLE II, PART A

Professional Growth and Improvement

ESSA SECTION 2102(b)(2)(B)

Provide a description of the LEA's systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

THIS ESSA PROVISION IS ADDRESSED BELOW:

All Title II funds are transferred into Title I using federal transferability. However, a portion of Title I funds are used for professional development activities. The district has used instructional consultant staff with the Tulare County Office of Education for the last few years and will continue to do so. The TOCE coaches will continue to support our onsite instructional coach. Although there will be a reduction in services with Tulare County Office of Education, the county coaches will continue to support the development of our certificated staff, along with continued support from Educational Specialists such as Steve Ventura, Nancy Frey and others. This will allow the staff to continue to build upon the instructional vision and continue to develop and collaborate together. The district developed its instructional calendar to allow back-to-back professional development days allowing the staff to dig deeper into educational development. Certificated staff will continue to be provided the opportunity to participate in other professional development trainings. Classified staff will continue to be invited into such trainings that will develop their skills to support our learners. Over half of the certificated staff voluntarily attended professional development trainings this past year and we project many will continue with professional development.

Sunnyside will provide our certificated and classified staff with weekly professional development, instructional coaching and collaboration time on early release Mondays. All curriculum, instruction and assessment will be aligned Common Core Standards, English Language Development Standards and Next Generation Science Standards.

The on-site coach, teachers, and consultants will continue to develop relative curriculum, align standards and develop pacing guides and create effective formative and summative assessments.

Sunnyside's on-site instructional coach will continue to work collaboratively with teachers on the implementation of trimester benchmarks in both English Language Arts and Mathematics. Teachers will use the data from these benchmarks to remediate and accelerate their teaching. Sunnyside teachers are continuing to develop in the area of student conferring/conferences. Sunnyside feels as though this conferring/conferencing process will give individualized feedback which will make huge academic gains.

Prioritizing Funding

ESSA SECTION 2102(b)(2)(C)

Provide a description of how the LEA will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under Section 1111(d) and have the highest percentage of children counted under Section 1124(c).

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside is a School wide Title I single school district which implements comprehensive support to all students.

Data and Ongoing Consultation to Support Continuous Improvement

ESSA SECTION 2102(b)(2)(D)

Provide a description of how the LEA will use data and ongoing consultation described in Section 2102(b)(3) to continually update and improve activities supported under this part.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside administration reviews LCAP program goals and actions to make a plan to see where we are and where we want to go both fiscally and programmatically. This includes analysis of data collected through annual measurable outcomes, formative assessments, surveys, and observations. The district annually monitors the LCAP goals and actions with the School Board, Parents, Site Council, ELAC and staff. We continue to explore areas of improvement and determine how best to spend both LCAP and federal funds. Stakeholder meetings are held regularly; however, they are usually not well attended. Administration makes every effort to leverage parent events in order to foster communication with parents which encourages them to express what their concerns are. Administrative staff and the business manager regularly communicate to make a fiscal sound budget based on the needs. State and local funding resources are accounted for first and then federal funds are used to supplement using the most current regulations and guidelines.

TITLE III, PART A

Title III Professional Development

ESSA SECTION 3115(c)(2)

Describe how the eligible entity will provide effective professional development to classroom teachers, principals and other school leaders, administrators, and other school or community-based organizational personnel.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Integrated and Designed ELD is an integral part of Sunnyside's professional development. The On-Site Coach, along with Tulare County Office of Education consultants will continue to provide support and staff development opportunities to teachers and support staff to help our English learners. Our goal for our English learners is to grow at least one language proficiency level each year and eventually be reclassified.

Sunnyside staff continues to be trained in ELD and participates in regular professional development that focuses on ELs. Staff continues to be given support on how to best implement ELD strategies from previous trainings and is provided coaching to support implementation. Sunnyside's teaching staff have been trained in ELD standards, ELPAC testing and ELD strategies and continues to gain a greater insight of a good comprehensive ELD program. The on-site instructional coach continues to review strategies and administration through weekly check-ins to ensure strategies are being properly implemented.

Teachers are also given an opportunity every year to attend the Best Results Conference for English Learners held annually in Fresno, CA. Sunnyside aims for at least 1 teacher per grade level to attend this conference. Title III funds are used to pay for the admission to the conference and the substitute costs for the day. This conference is a one day conference in which we have approximately half of our staff attend. The staff that attends has a huge responsibility to bring back all of the pertinent information. Many staff development days after the conference are spent reviewing information. A plethora of knowledge is gained and shared as a result of attending this conference. Teachers continue to use resources from past conferences such as Tonya Ward's book called EL Excellence Every Day: The Flip-to-Guide for Differentiating Academic Literacy and Opening Doors to Equity to continue to enhance and develop their ELs learning experience.

Enhanced Instructional Opportunities

ESSA SECTIONS 3115(e)(1) and 3116

Describe how the eligible entity will provide enhanced instructional opportunities for immigrant children and youth.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside has approximately 15 immigrant students. These students receive supplemental services such as after-school tutoring, intervention during the school day, and summer school opportunities. The immigrant students are given priority to participate in our supplemental programs. For our immigrant students with the most intensive needs, we provide additional instructional aide support and technology support in the form of a tablet which has electronic translators that they can use to support language development. Immigrant students are placed with teachers/classrooms that best meet their needs that can service them the best.

Title III Programs and Activities

ESSA SECTION 3116(b)(1)

Describe the effective programs and activities, including language instruction educational programs, proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the challenging State academic standards.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside teachers understand the need for both integrated and designated ELD. Designated ELD time is provided to all English learners for a designated time period daily. Integrated ELD occurs throughout the day to provide additional support for English Learners to reinforce understanding of content. The Designated ELD curriculum is designed to support and complement the EL student's core subjects (English Language Arts, Mathematics, Science, or History). This might include frontloading vocabulary, scaffolding or reteaching a lesson for more clarification. Designated ELD might also include helping students with English language acquisition and English grammar. English Learner students are assessed using the ELPAC yearly and this data is used to provide teachers with data from which they can prepare content that supports their student's language needs.

To support our English Learners, all are given an opportunity to attend after school ELD support tutoring intended to support core curriculum. After-school tutoring is offered weekly and can be tailored to each student's needs. After school tutoring will include additional assistance in reading, writing, math with the emphasis on increased vocabulary and language development.

English Proficiency and Academic Achievement

ESSA SECTION 3116(b)(2)(A-B)

Describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under Subpart 1 assist English learners in:

- (A) achieving English proficiency based on the State's English language proficiency assessment under Section 1111(b)(2)(G), consistent with the State's long-term goals, as described in Section 1111(c)(4)(A)(ii); and
- (B) meeting the challenging State academic standards.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Sunnyside strives to have our English learners grow at least 1 level each year on the ELPAC (state language assessment) and achieve proficiency on the state achievement test (CAASPP). Teachers assess their English learner students frequently during the year as means of progress monitoring. With the help of our on-site coach, teachers will use an English Learner Progress monitoring tool which will help improve instruction and be beneficial to both the teacher and student. The teachers, with guidance from the on-site instructional coach, will monitor their English learners every trimester by analyzing their ELPAC scores, CAASPP scores, and the district benchmark data. This comprehensive analyzing is vital for teachers to make a plan for ELD curriculum planning and implementation. This will also help teachers and students to create effective learning goals. As mentioned previously, weekly conferring will take place with all students, including English Learners, to ensure that they are meeting their learning expectations and goals.

The progress monitor tool for all English Learners will be used in conjunction with analyzing DRA scores, state assessments and benchmark assessments. This tool will ensure that our English learners are making the necessary gains to meet proficiency in language and also in academics. The

data derived from the monitoring tool will then be shared with the student during their weekly conferring time and with the parents during parent conferences.

TITLE IV, PART A

Title IV, Part A Activities and Programs

ESSA SECTION 4106(e)(1)

Describe the activities and programming that the LEA, or consortium of such agencies, will carry out under Subpart 1, including a description of:

- (A) any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this subpart;
- (B) if applicable, how funds will be used for activities related to supporting well-rounded education under Section 4107;
- (C) if applicable, how funds will be used for activities related to supporting safe and healthy students under Section 4108;
- (D) if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under Section 4109; and
- (E) the program objectives and intended outcomes for activities under Subpart 1, and how the LEA, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

THIS ESSA PROVISION IS ADDRESSED BELOW:

Although, Title IV could be transferred into Title I using federal transferability, Sunnyside chooses to use Title IV funds primarily for the use of supporting the effective use of technology. Sunnyside plans to continue to purchase, improve, and maintain technology. The district will also continue to provide a full-time technology technician to support technology and provide assistance with technology to both students and staff.

The technology technician plays a key role in the implementation and developing of our school's communication app (APTEGY) which provide parents and staff with current up-to-date information on attendance, school events (calendar), and provides resources to all stakeholders. Sunnyside continues to utilize the Student Scanning Software as a way to better monitor student attendance and behavior. Both the development and implementation of these systems would not be possible without the expertise of our technology technician.

Sunnyside regularly evaluates the effectiveness of all LCAP actions and goals. Sunnyside administration, School Board, School Site Council, ELAC members and other Stakeholders give guidance as to how the all LCAP and Federal Funds can be best spent. The district believes that the need for current up-to-date technology is imperative to creating successful 21st century learners.

2020-2023 SUCCESSOR TENTATIVE AGREEMENT
BETWEEN THE
SUNNYSIDE ELEMENTARY SCHOOL DISTRICT
AND
THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION

CSEA AND DISTRICT AGREE TO CHANGE THE SALARY SCHEDULE LANGUAGE TO REFLECT CONTRACT LANGUAGE REGARDING VACATION

ARTICLE XXIV – DURATION

24.1 Length of Agreement: This Agreement shall become effective July 1, 2020, and shall continue in effect up to and including June 30, 2023, and shall automatically remain in effect for each succeeding twelve (12) months, or until completion of a binding written Agreement by the parties which shall supersede this Agreement.

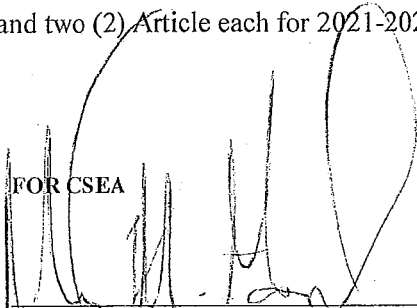
24.2 Re-openers for Salary and Health and Welfare Benefits and two (2) Article each for 2021-2022 and 2022-2023.

FOR THE DISTRICT




Steve Tsuboi, Superintendent

FOR CSEA



Miguel Guajardo



Janice Borba



Brian Roberts

Vanessa Cervantez, Labor Representative



Sunnyside Union School District

21644 Avenue 196
Strathmore, California 93267

Website: www.sunnysideunion.com
Email: comments@sunnysideunion.com

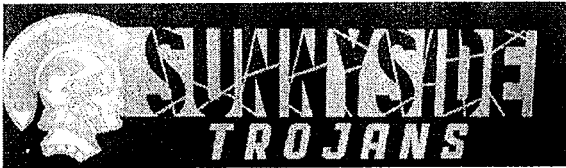
Tentative Agreement

Between
Sunnyside Union Elementary School District
And
Sunnyside Teachers Association (STA) and California Teachers Association (CTA)
September 11, 2020

This Tentative Agreement is made and entered into by and between the Sunnyside Union Elementary School District ("District") and the Sunnyside Teachers Association ("Association") for the 2020-2021 School Year.

Employee and Dependent Insurance Coverage: The District agrees to pay the cost for all eligible employees in the bargaining unit and their dependents for comprehensive programs of insurance according to the rates and schedules established. This cost shall not exceed per month, per employee for the 2020-2021 school year. The maximum contribution rate is \$16,714.00.

<u>Steve Tsuboi</u>	<u>9-16-2020</u>	<u>Joshua Tredway</u>	<u>9-16-2020</u>
For the District	Date	For the Association	Date
Steve Tsuboi, Superintendent-Principal		Josh Tredway, President	
		_____	_____
		For the Association	Date
		_____	_____
		For the Association	Date



Sunnyside Union School District

21644 Avenue 196
Strathmore, California 93267

Website: www.sunnysideunion.com
Email: comments@sunnysideunion.com

Tentative Agreement

Between
Sunnyside Union Elementary School District
And
Sunnyside Administration Team
September 22, 2020

This Tentative Agreement is made and entered into by and between the Sunnyside Union Elementary School District ("District") and the Sunnyside Administration Team ("Administration") for the 2020-2021 School Year.

Employee and Dependent Insurance Coverage: The District agrees to pay the cost for the administrative team and their dependents for comprehensive programs of insurance according to the rates and schedules established. This cost shall not exceed per month, per employee for the 2020-2021 school year. The maximum contribution rate is \$16,714.00.

_____	_____	<u>Steve Tsuboi</u>	<u>9/17/2020</u>
For the District	Date	Administrative Team Steve Tsuboi, Superintendent-Principal	Date
		<u>Jody Gunderman</u>	<u>9/17/20</u>
		Jody Gunderman Vice Principal - Categorical Manager	Date
		_____	_____
		For the Association	Date



Sunnyside Union School District

21644 Avenue 196
Strathmore, California 93267


Website: www.sunnysideunion.com
Email: comments@sunnysideunion.com

Tentative Agreement

Between
Sunnyside Union Elementary School District
And
Sunnyside Unrepresented Group
September 22, 2020

This Tentative Agreement is made and entered into by and between the Sunnyside Union Elementary School District ("District") and the Sunnyside Unrepresented Team ("Unrepresented") for the 2020-2021 School Year.

Employee and Dependent Insurance Coverage: The District agrees to pay the cost for the administrative team and their dependents for comprehensive programs of insurance according to the rates and schedules established. This cost shall not exceed per month, per employee for the 2020-2021 school year. The maximum contribution rate is \$16,714.00.

	<u>9-17-2020</u>		
For the District	Date	Unrepresented Group	Date
Steve Tsuboi, Superintendent-Principal		Jeannette Torres-Marquez	