

Galt Joint Union Elementary School District
Board of Education
“Building a Bright Future for All Learners”

Regular Board Meeting
Wednesday, May 25, 2016
6:00 p.m. Closed Session
7:00 p.m. Open Session

Galt City Hall Chamber
380 Civic Drive, Galt, CA 95632

AGENDA

Anyone may address the Board regarding any item that is within the Board's subject matter jurisdiction. However, the Board may not take action on any item which is not on this agenda as authorized by Government Code Section 54954.2.

Community members and employees may address items on the agenda by filling out a speaker's request form and giving it to the board meeting assistant prior to the start of that agenda item.

Comments are limited to no more than 3 minutes or less pending Board President approval.

- A. 6:00 p.m. – Closed Session: Galt City Hall Chambers Conference Room**
- B. Announce Items to be Discussed in Closed Session, Adjourn to Closed Session**
 - 1. CONFERENCE WITH LABOR NEGOTIATOR, Government Code §54957.6
Agency Negotiator: Karen Schauer, Robert Nacario, Claudia Del Toro-Anguiano, Tom Barentson
 - Employee Agency: (GEFA) Galt Elementary Faculty Association
 - Employee Agency: (CSEA) California School Employee Association
 - Non-Represented Employees
 - 2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE, Government Code §54957
- C. Adjourn Closed Session, Call Meeting to Order, Flag Salute, Announce Action Taken in Closed Session**
- D. Public Comments** for topics not on the agenda
Public comment should be limited to three minutes or less pending Board President approval. Community members who cannot wait for the related agenda item may also request to speak at this time by indicating this on the speaker's request form.
- E. Recognition**
 - 1. Robert Nacario Retirement
- F. Reports**
Business Services Director
 - 1. Lori Raineri, Government Financial Services: Potential Facilities Bond Measure and Financial Plan
 - 2. School Services May Revision Workshop
 - 3. GJUESD Food Services and the Community Eligibility Provision (CEP)

Coordinator of Instructional Technology Integration & Innovation

1. Special Education Update
2. Summer Academy Services

Educational Services Director

1. Electronic Board Agenda Packet
2. Technology Infrastructure and Sustainability

Superintendent

1. Local Control Accountability Plan (LCAP) Update

G. Recommended Actions

1. Routine Matters/New Business

131.747 Consent Calendar

MOTION

a. Approval of the Agenda

At a regular meeting, the Board may take action upon an item of business not appearing on the posted agenda if, first, the Board publicly identifies the item, and second, one or more of the following occurs:

- 1) The Board, by a majority vote of the full Board, decides that an emergency (as defined in Government Code section 54956.5) exists; or
- 2) Upon a decision by a two-thirds vote of the Board, or if less than two-thirds of the Board members are present, a unanimous vote of those present, the Board decides that there is a need to take immediate action and that the need for action came to the attention of the District after the agenda was posted; or
- 3) The item was posted on the agenda of a prior meeting of the Board occurring not more than five calendar days prior to the date of this meeting, and at the prior meeting, the item was continued to this meeting.

b. Minutes: April 27, 2016 Regular Board Meeting

Minutes: May 12, 2016 Special Board Meeting

c. Payment of Warrants –

Certificated/Classified Payrolls Dated: 4/29/16, 5/10/16, 5/6/16, 5/13/16

Vendor Warrant Numbers: 16373639- 16373722; 16374904-16374979; 16375432-16375433; 16375917-16375984; 16376534-16376535; 16377128-16377195; 16378214-16378283; 16379424-16379459; 16380440-16380493

d. Personnel

1. Resignations/Retirement
2. Leave of Absence Requests
3. New Hires

e. Donations

- f. Out of State Conference Attendance by Jamie Hughes, Amanda Johnson, Stephanie Gutierrez, and Laura Papineau to attend the 9th Annual Kansas Multi-Tier System of Supports Symposium (MTSS) in Wichita, Kansas, September 8-9, 2016.

131.748 Consent Calendar (Continued) – Items Removed for Later Consideration

CC
Items Removed

- | | | |
|---------|--|------------------------------------|
| 131.749 | Board Consideration of Approval to Increase School Lunch Prices for 2016-17 | MOTION |
| 131.750 | 1 st Reading of Board Policies/Administrative Regulations/Exhibit <ul style="list-style-type: none"> ▪ Community Relations <ul style="list-style-type: none"> ○ BP/AR 1312.3: Uniform Complaint Procedures ▪ Certificated Personnel <ul style="list-style-type: none"> ○ AR 4161.1/4361.1: Personal Illness/Injury Leave ▪ All Personnel <ul style="list-style-type: none"> ○ AR 4161.2/4261.2/4361.2: Personal Leaves ▪ Classified Personnel <ul style="list-style-type: none"> ○ AR4261.1: Personal Illness/Injury Leave ▪ Instruction <ul style="list-style-type: none"> ○ BP/AR 6142.7: Physical Education and Activity ▪ Business and Noninstructional Operations <ul style="list-style-type: none"> ○ BP/E 3515.7: Firearms on School Grounds ○ BP/AR 3553: Free and Reduced Price Meals | 1 st Reading
BP/AR/E |
| 131.751 | Board Consideration of Approval of Board Consideration of Approval of Resolution #12; GJUESD Resolution For Exception To The 180-Day Wait Period | MOTION |
| 131.752 | Board Consideration of Approval of Memorandum of Understanding Between Galt Elementary Faculty Association (GEFA) and GJUESD to Support Time for Planning, Collaboration and/or Direct Learner Services for Equity, Excellence, Engagement and Innovation for the 2016-17 School Year | MOTION |
| 131.753 | Board Consideration of Approval of Memorandum of Understanding Between Galt Elementary Faculty Association (GEFA) and GJUESD Regarding the Use of Professional Development Days for the 2016-17 School Year | MOTION |

H. Pending Agenda Items

1. School Furniture Analysis
2. Governance Team Continuous Improvement

I. Public Comments for topics not on the agenda

Public comment should be limited to three minutes or less pending Board President approval.

J. Adjournment

The next regular meeting of the GJUESD Board of Education: June 22, 2016

Board agenda materials are available for review at the address below.

Individuals who require disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing:

Karen Schauer Ed.D., District Superintendent
Galt Joint Union Elementary School District
1018 C Street, Suite 210, Galt, CA 95632

(209) 744-4545



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: Closed Session
Presenter: Karen Schauer	Action Item: Information Item: XX
<ol style="list-style-type: none">1. CONFERENCE WITH LABOR NEGOTIATOR, Government Code §54957.6 Agency Negotiator: Karen Schauer, Robert Nacario, Claudia Del Toro-Anguiano, Tom Barentson<ul style="list-style-type: none">▪ Employee Agency: (GEFA) Galt Elementary Faculty Association▪ Employee Agency: (CSEA) California School Employee Association▪ Non-Represented Employees2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE, Government Code §54957	



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: Recognition
Presenter: Karen Schauer	Action Item: Information Item: XX

1. Robert Nacario Retirement



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: Reports
Presenter: Karen Schauer	Action Item: Information Item: XX

Business Services Director

1. Lori Raineri, Government Financial Services: Potential Facilities Bond Measure and Financial Plan
2. School Services May Revision Workshop
3. GJUESD Food Services and the Community Eligibility Provision (CEP)

Coordinator of Instructional Technology Integration & Innovation

1. Special Education Update
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Educational Services Director

1. Electronic Board Agenda Packet
2. Technology Infrastructure and Sustainability

Superintendent

1. Local Control Accountability Plan (LCAP) Update



Potential Facilities Bond Measure and Financial Plan

- Tom Barentson will give a brief overview of updated facilities planning in the next three months. Lori Raineri, President Governmental Financial Strategies and GJUESD's Financial Advisor will update the Board of Education regarding next steps for a potential GO Bond election.

Budget Revisions

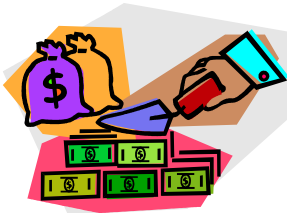
- Each year in January California's Governor presents the upcoming fiscal year's budget. The "May Revise" is the benchmark for all governmental entities, especially School Districts, to build their upcoming year's budget. On Thursday, May 19th, GJUESD staff attended School Services' May Revise workshop to get an update of the 2016-17 budget. Tom Barentson will provide the School Board members and Public a summary of the major highlights and trends.

GJUESD Food Services and Community Eligibility Provision (CEP)

- GJUESD is ending the 2015-16 year and getting ready for the 2016-17 school year. Besides the grants GJUESD has already earned to help modernize food service equipment this year, the entire Food Services team has responded to the requirements of Food Nutrition policies and have seen growth in student meal participation. Next year, GJUESD will be able to offer free lunch to all students at three schools due to the CEP program. Laurel Goins, GJUESD Food Services Supervisor, will provide an update as to the opportunities with this program.

Galt Joint Union Elementary School District

Facilities and Financial Planning for Potential November 2016 Bond Measure



Presented by Lori Raineri
May 25, 2016

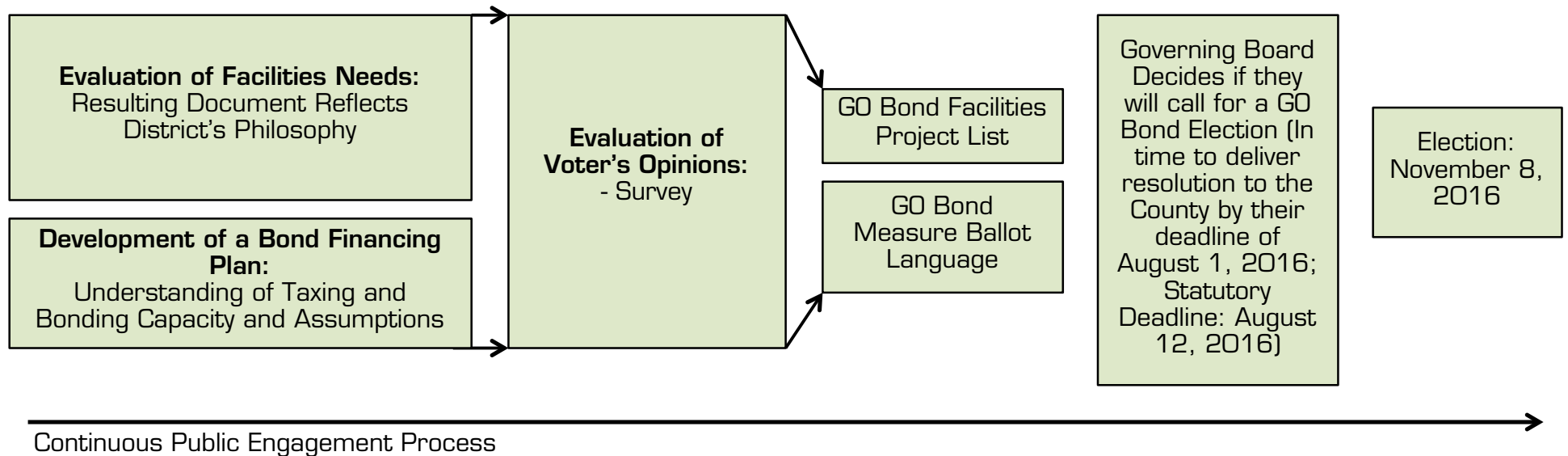
Tonight's Agenda

- ◆ Process for a G.O. Bond Measure
- ◆ Bond Financial Plan
- ◆ Identifying Projects for Inclusion in Bond Measure
- ◆ Next Steps for Possible November Election
- ◆ For Reference
 - ▶ February 17, 2016 Board Workshop Presentation

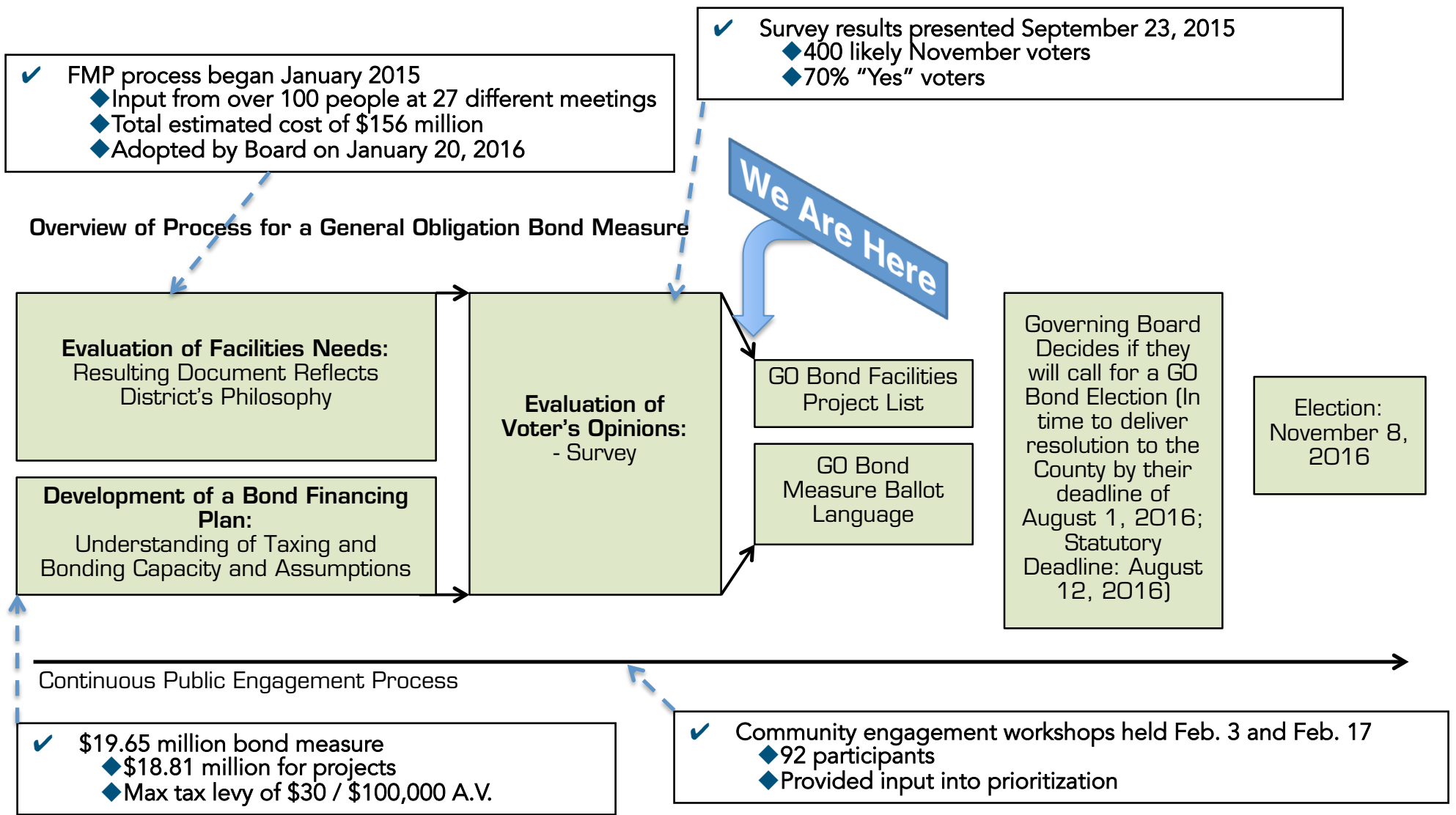


Process for a G.O. Bond Measure

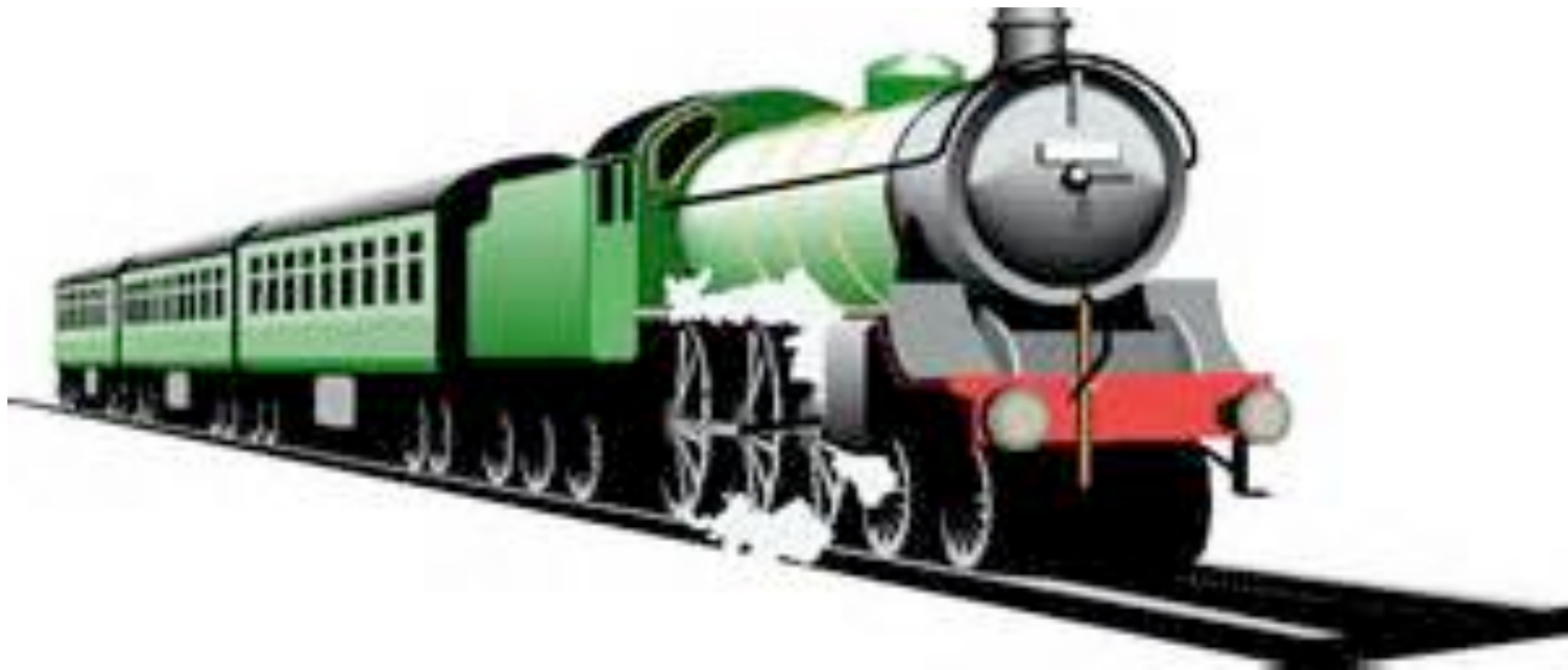
Overview of Process for a General Obligation Bond Measure



We Are On Target and On Time

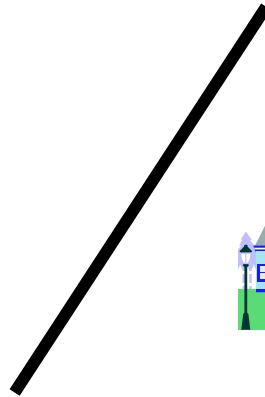


Financial Work On Track Also

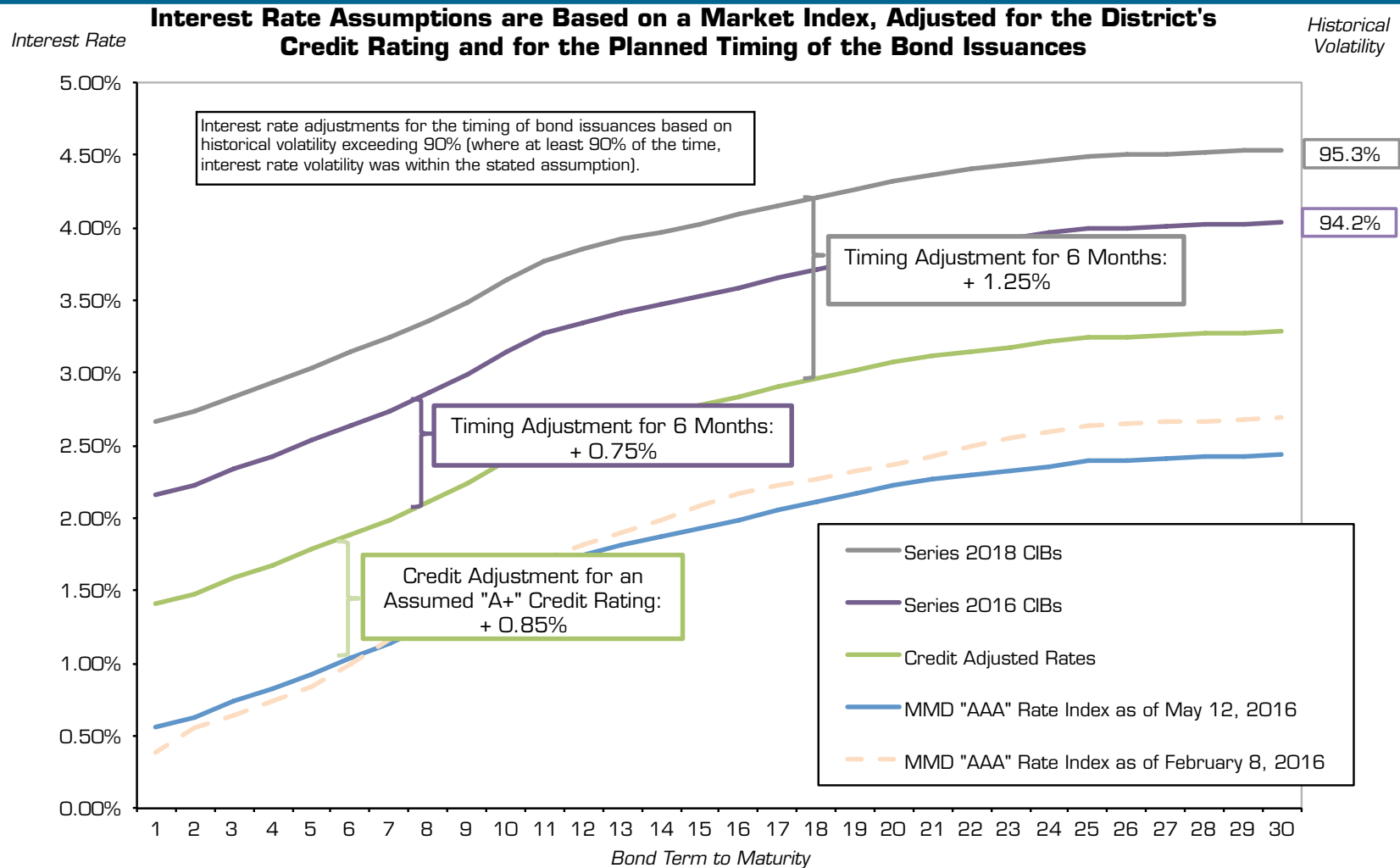


Review: G.O. Bond Tax Rates

- ◆ Bond tax rate \approx debt service \div assessed value
- ◆ Each property in the District pays its pro rata share, based on its individual assessed value (not market value)



Est. Longer Term Rates Have Improved

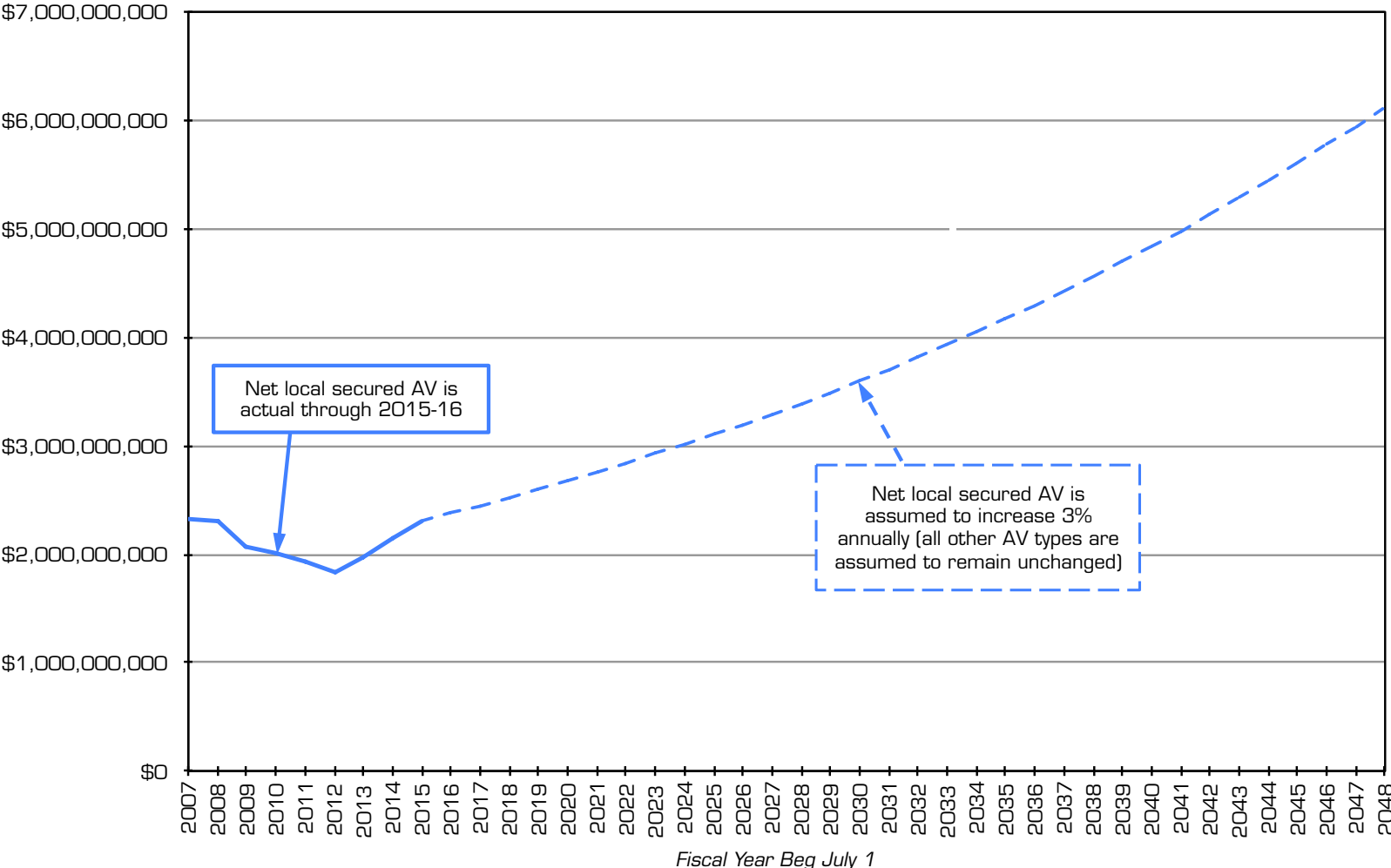


Notes: market index for "AAA" credit based on the Municipal Market Data (MMD) scale as of May 12, 2016. Assumed "A+" credit rating based on most recent District rating of "A+" on 2002 GO Bonds (most recently affirmed in 2015). Credit adjustment based on review of GO bonds with same "A+" credit rating. The 20-Bond Index is the average yield on the 20th year maturity for 20 general obligation bonds with average rating equivalent to Moody's Investors Service's "Aa2" and Standard & Poor's Rating Service "AA". The Index is weekly as of each Thursday. Historical volatility based on 20-Bond Index over same timeframe, January 1, 1984 until May 5, 2016.

Net Local Secured AV Still Assumed to Increase 3% Annually

Net Local Secured Assessed Value

Constant, Moderate Net Local Secured AV Growth is Assumed

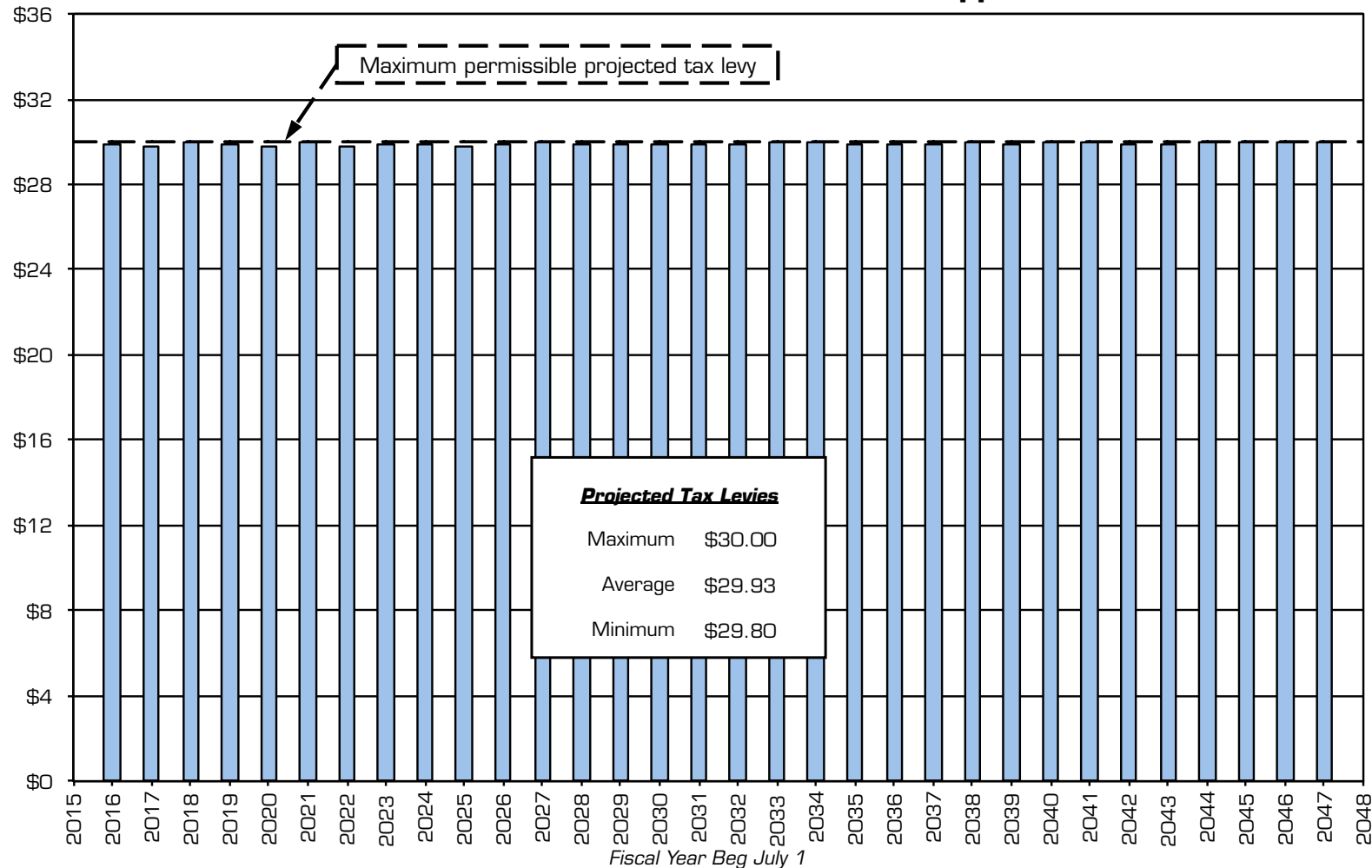


Historic data provided by Sacramento and San Joaquin Counties. The District's total AV is comprised of net local secured, utility, homeowners exemption, and unsecured values. Since 1992-93, net local secured has annually comprised 93% - 97% of the District's total AV. As individually the other components are relatively small and tend to be subject to less predictable volatility, the AV focuses on net local secured.

Updated Bond Plan Maintains Projected Levy ≤ \$30

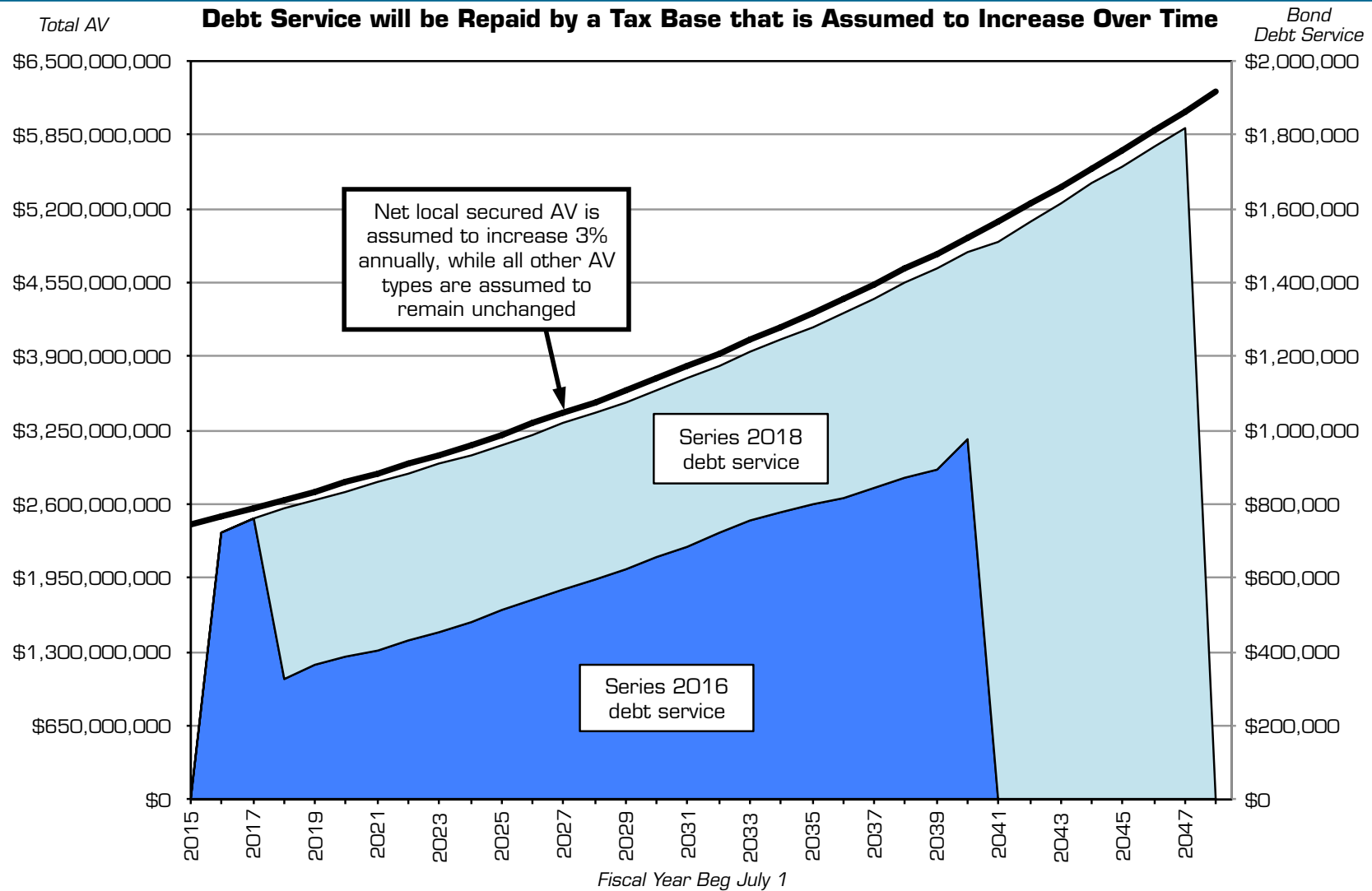
Tax Levy per \$100,000 of AV

Tax Levies are Projected at the Maximum Allowable Projection of \$30 per \$100,000 of Assessed Value for a 55% Voter Approval Bond Measure



Tax levies projected based on assumed debt service, actual 2015-16 AV, with net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged.

Stable Tax Rate → Payments Grow w/Proj. AV

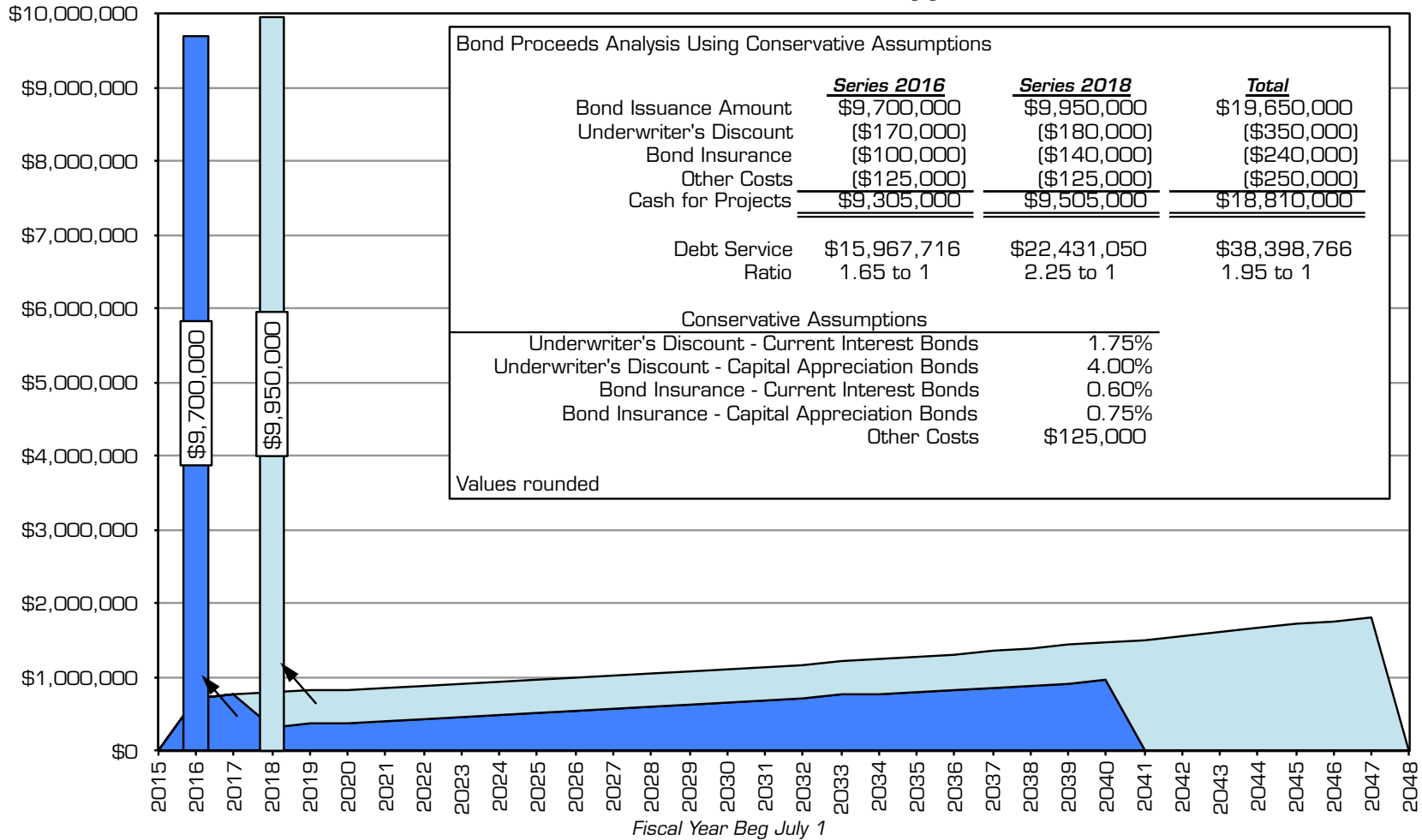


Debt service based on MMD "AAA" rates as of May 12, 2016, adjusted +85bp for assumed "A+" rating, plus timing adjustments for potential rate increasing prior to bond issuance of +75bp (2016) & +125bp (2018), and +180bp for callable capital appreciation bonds.

Current Estimate is now \$18,810,000 For Projects

It is Preliminarily Estimated the District Can Issue a Total of \$19.65 Million Over 2 Years Under a 55% Voter Approval Bond Measure

GO Bonds To Be Issued

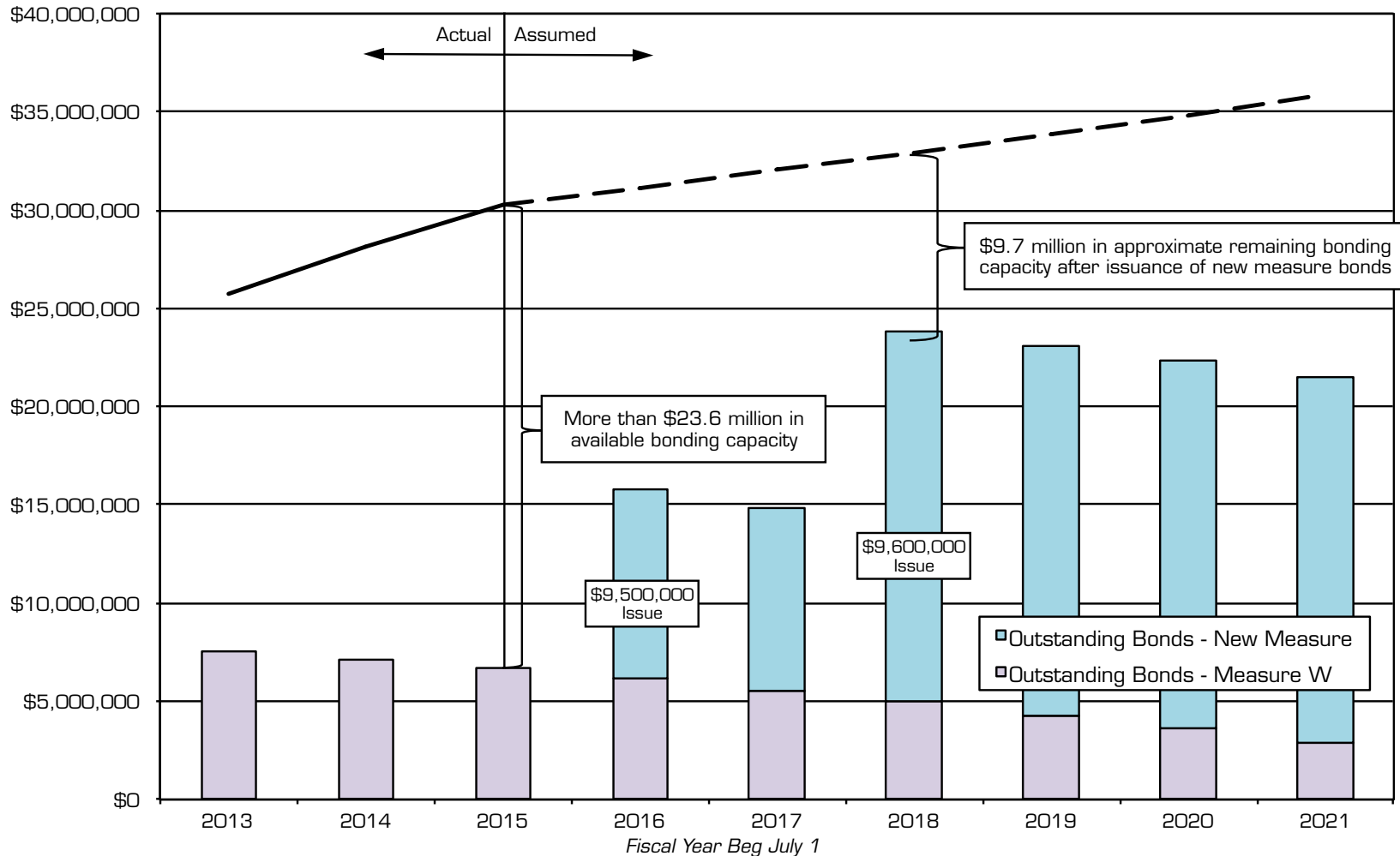


Debt service based on MMD "AAA" rates as of May 12, 2016, adjusted +85bp for assumed "A+" rating, plus timing adjustments for potential rate increasing prior to bond issuance of +75bp (2016) & +125bp (2018), and +180bp for callable capital appreciation bonds. Net local secured AV is assumed to increase 3% annually, while all other AV types are assumed to remain unchanged.

Bonding Capacity Remains Sufficient

Bonding Capacity/
Outstanding Bonds

Bonding Capacity is Not a Hindrance for \$19.65 Million Bond Measure Issued over Two Series



Unified district's bonding capacity is 1.25% of total AV. 2015-16 AV is actual; net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged. Values rounded.

Ad Valorem Taxes ≈ \$1.08 Per \$100 of Assessed Value

Sacramento County's Online Property Tax Bill Information System

Parcel Number [REDACTED] Today's Date 05/18/2016 Tax Rate 05-033
 Address [REDACTED] Effective Date of Ownership 03/06/2009

Bill Number	Bill Type	Direct Levy's Portion	Original Bill Amount	Bill Status*
15375716	Secured Annual	\$341.36	\$2,473.02	Paid

* Scroll down to Bill Status Information below.

Sacramento County's Online Property Tax Bill Information System

Parcel Number [REDACTED] Today's Date 05/18/2016 Tax Rate 05-033
 Address [REDACTED] Effective Date of Ownership 03/06/2009

Direct Levy Number	Levy Name	Levy Amount
0216	Mello-Roos GALT CFD #1988-1	\$246.78
0212	NORTHEAST GALT LANDSCAPING & LIGHT	\$94.58

**SACRAMENTO COUNTY
2015-2016 COMPILATION OF TAX RATES BY CODE AREA**

CODE AREA 05-006	CODE AREA 05-027	CODE AREA 05-028
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198
TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754
CODE AREA 05-009	CODE AREA 05-030	CODE AREA 05-031
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198
TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754
CODE AREA 05-032	CODE AREA 05-033	CODE AREA 05-034
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198
TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754
CODE AREA 05-035	CODE AREA 05-036	CODE AREA 05-037
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198
TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754
CODE AREA 05-038	CODE AREA 05-039	CODE AREA 05-040
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198
TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754
CODE AREA 05-041	CODE AREA 05-042	CODE AREA 05-043
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198	SAN JOAQUIN DELTA GOB 0.0198
TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754
CODE AREA 05-044	CODE AREA 05-045	CODE AREA 05-046
*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000	*COUNTY WIDE 1% 1.0000
GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213	GALT JT ELEM GOB 2012REF 0.0213
GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343	GALT JT HIGH GOB 0.0343
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TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754	TOTAL RATE ON NET VALUE 1.0754

- ◆ Sample Tax Bill at approximately the median single family residential assessed value (\$198,220)
- ◆ Ad Valorem Taxes = \$1.0754 per \$100 of Assessed Value
- ▶ In this case, a total of \$2,131.66 + direct levies totaling \$341.36 for a grand total of \$2,473.02

School Learning Environment Needs

- ◆ Follow our Facilities Master Plan
 - ▶ Opportunities and Projects That Can Make the Most Impact for our Students and Must Be Done NOW!!!
 - School Safety & Security
 - Modernize Schools
 - Update Existing Building Systems
 - Support 21st Century Learning Styles and Resulting Achievement

Impactful and Feasible Bond Projects

Safety & Security	\$2,311,400
➤ Security Cameras & Upgraded Fencing	
Modernize Schools (outside the classroom)	\$4,454,800
➤ Upgrade/replace portables, roofs, flooring	
Existing Building Systems (inside the classroom)	\$7,040,600
➤ Lighting, HVAC, plumbing, controls, communications	
21 st Century Learning Environments	\$4,732,000
➤ New classroom configurations, furniture	
Total	\$18,538,000

Next Steps

- ◆ Now through June 14: development of general obligation bond project list and proposed ballot measure language
 - ◆ June 8: Informational meeting with community members on establishing a Bond Oversight Committee
 - ◆ June 22 Board Meeting: Informational presentation to Board on bond resolution and related documents
 - ◆ July 27 Board Meeting: Board considers resolution calling for election
 - ◆ November 8: Election Day
- ✓ *Public engagement is ongoing*



Any Questions?

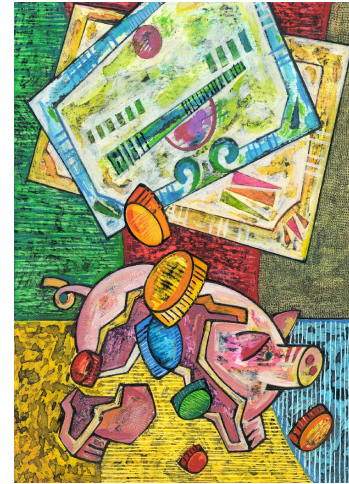


For Reference

- ◆ February 17, 2016 Board Workshop Presentation

Galt Joint Union Elementary School District

Bond Measure and Tax-Base Demographics



Presented by Lori Raineri
February 17, 2016

Tonight's Agenda

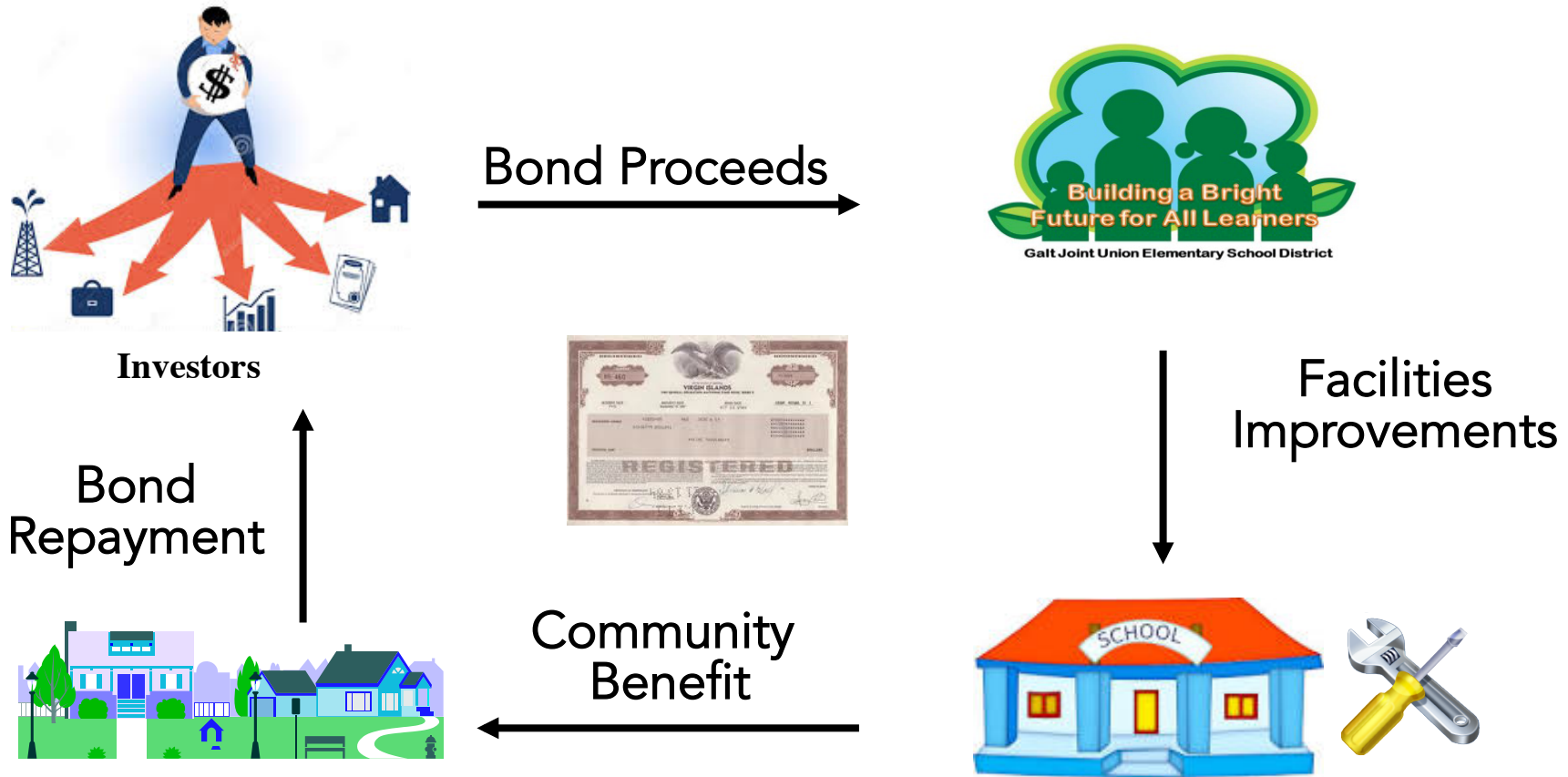
- ◆ Bond Basics
 - ▶ How a Bond Measure Works
 - ▶ Accountability and Oversight
- ◆ Tax-Base Demographics



General Obligation (G.O.) Bonds

- ◆ Authorized in CA Constitution (1879)
 - ▶ In 1978, Proposition 13 superseded authority
 - ▶ In 1986, restored at 2/3 voter approval level
 - ▶ In 2000, 55% voter approval measures allowed with additional accountability requirements
 - Maximum projected tax levy and specified citizens' oversight
- ◆ "Full Faith and Credit Bond" - Unlimited taxing authority
- ◆ "Ad Valorem" taxation
- ◆ Bonding capacity limited to 1.25% of AV for union districts (2.50% of AV for unified districts)
- ◆ County is responsible for ongoing administration
- ◆ No political discretion
- ◆ General obligation bonds are the most common local funding source for school facilities.

A G.O. Bond is a Loan



- ◆ A bond is a loan. Just like a home mortgage, a bond allows the taxpayers to buy and receive the benefit of the facilities now, and pay for them over time.

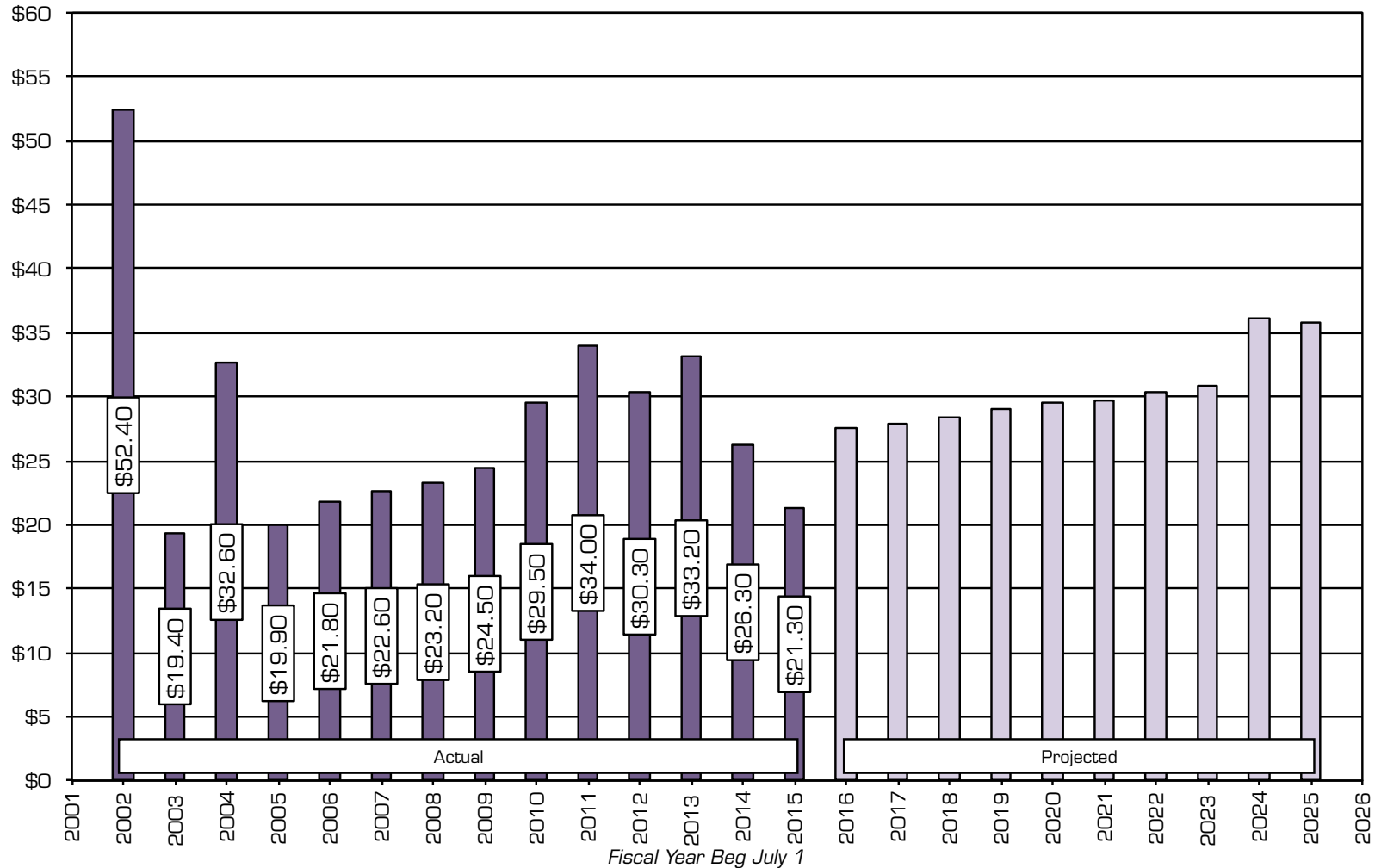
District's Experience with Bond Measures

- ◆ 1999's Measure B – not approved by voters
 - ▶ Received 64.9% of vote, but required 66.7%
 - To enable the Galt Elementary School District to acquire and construct a new middle school and a new elementary school on sites already owned by the District, and to acquire and construct other necessary student facilities, shall the District be authorized to issue bonds in the amount of not to exceed \$7 million with an interest rate not to exceed the maximum set by law?
 - ◆ 2001's Measure W* - approved by voters
 - ▶ Received 71.1% of vote, required 66.7%
 - Shall Galt Joint Union Elementary School District relieve overcrowding, improve education and increase student safety throughout the district by constructing an elementary and middle school on district owned land, by issuing \$9.24 million of bonds at interest rates within the legal limit, with citizen oversight, annual audits of expenditures and performance and no proceeds used for teacher or administrator salaries or other school operating expenses?
- * Bonds currently outstanding = \$6,653,684

Tax Levies for Measure W

Tax Levy per
\$100,000 of AV

Tax Levies Mostly Under \$30



Actual tax levies provided by Sacramento Co. Financing Department. Tax levies projected based on actual AV through 2015-16, with net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged.

2/3 vs. 55% Voter Approval G.O. Bonds

Subject	55% Voter Approval	Two-Thirds Voter Approval
Board Approval Required To Place Measure on Ballot	Two-thirds	Majority
Allowable Election Dates	Primary or general election, regularly scheduled local election, or statewide special election	1) Any established election date pursuant to Section 1000 or 1500 of the Elections Code or 2) any Tuesday that is not the day before or the day after a State holiday, or within 45 days of a statewide election
Maximum Projected Tax Rates/Levies	For unified district, \$60 per \$100,000 of assessed value; for union district, \$30 per \$100,000 of assessed value	No projected maximum tax rate
Bonding Capacity (i.e. Maximum Bonds Outstanding)	2.5% of assessed value for unified districts and 1.25% of assessed value for union districts	2.5% of assessed value for unified districts and 1.25% of assessed value for union districts
Audits	Independent financial and performance audits must be conducted annually	None specifically required
Oversight Committee	If election is successful, Board must establish independent citizens oversight committee within 60 days of Board adoption of resolution declaring election results	None specifically required
Allowable Expenditures	Construction, reconstruction, rehabilitation, or replacement of school facilities, including furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities	Acquisition or improvement of real property
Facilities List	State Constitution requires a list of the specified school facilities project(s) to be funded	No requirement for a specific facilities list

Pro Forma Bond Financial Plan

Key Legal Constraints

◆ Bonding Capacity: limit on amount of outstanding bonds
(this is for all bond measures combined)

- ▶ 1.25% of total assessed value for union districts
 - Education Code 15268 ✓
- ▶ 2.50% of total assessed value for unified districts
 - Education Code 15270(a)

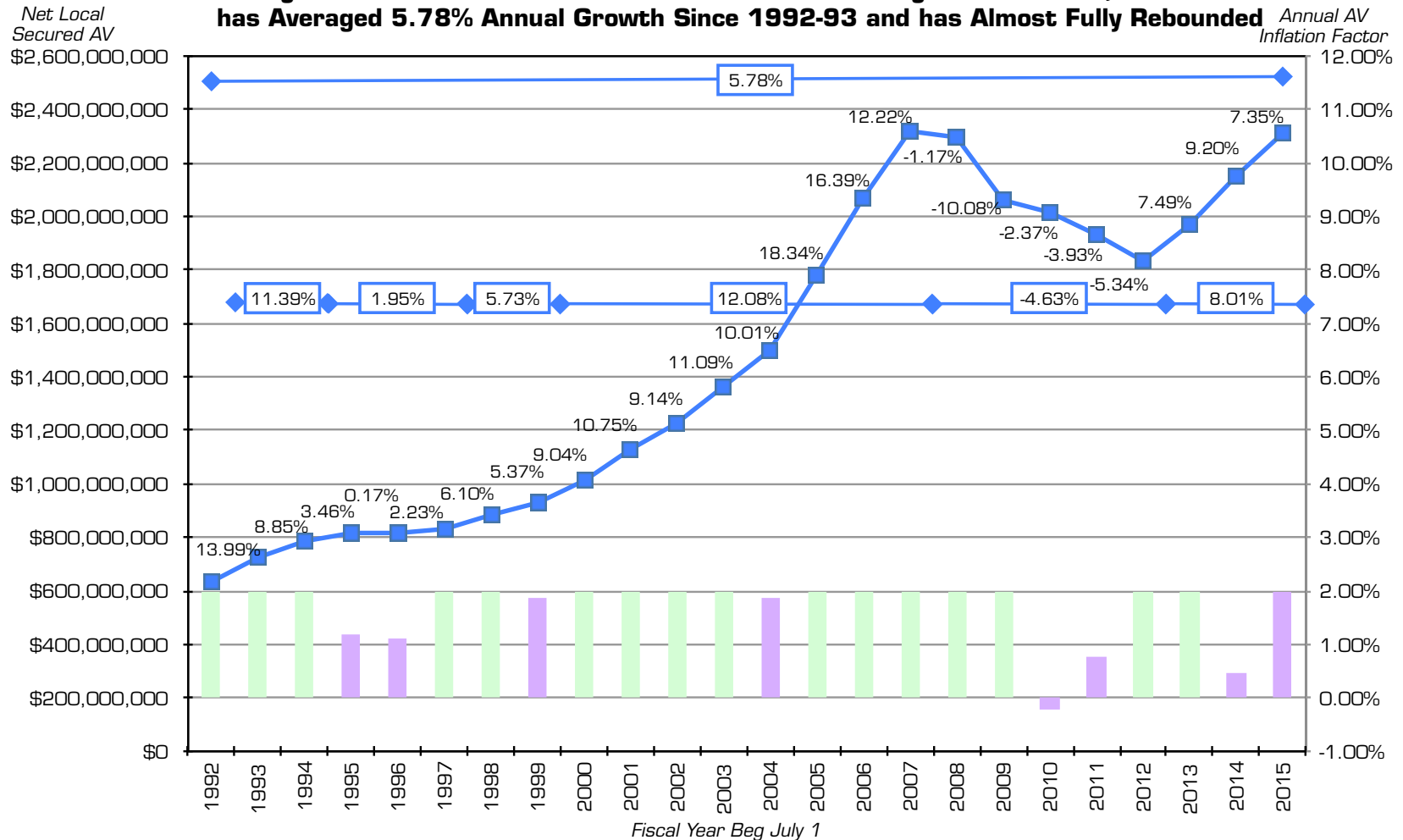


◆ Taxing Capacity: limit on maximum projected tax levies
(this is for 55% voter approval bond measures only)

- ▶ \$30 per \$100,000 of assessed value for union districts
 - Education Code 15268 ✓
- ▶ \$60 per \$100,000 of assessed value for unified districts
 - Education Code 15270(a)

Tax Base – Historical Rate of Change

Although the District's Assessed Valuation Declined During the Recession, the Tax Base has Averaged 5.78% Annual Growth Since 1992-93 and has Almost Fully Rebounded



District is within Sacramento & San Joaquin Counties, with approximately 90% within Sacramento. Sacramento Co. data from 1997-2015 provided by Sacramento Co Finance Department, while San Joaquin Co Auditor-Controller's Department provided data from 1998-2015. Prior year data from 2002 GO bond Official Statement citing California Municipal Statistics, Inc., except 2002-03 San Joaquin data which was estimated as it was not readily available. California Municipal Statistics' data did not break out HOX; thus net local secured AV and HOX are estimated based on last available data. The District's total AV is comprised of net local secured, utility, homeowners exemption, and unsecured values. Net local secured AV, which has annually comprised 93% - 97% of the District's total AV since 1992-98, is assumed to increase 3% annually, while all other AV types are assumed to remain unchanged.

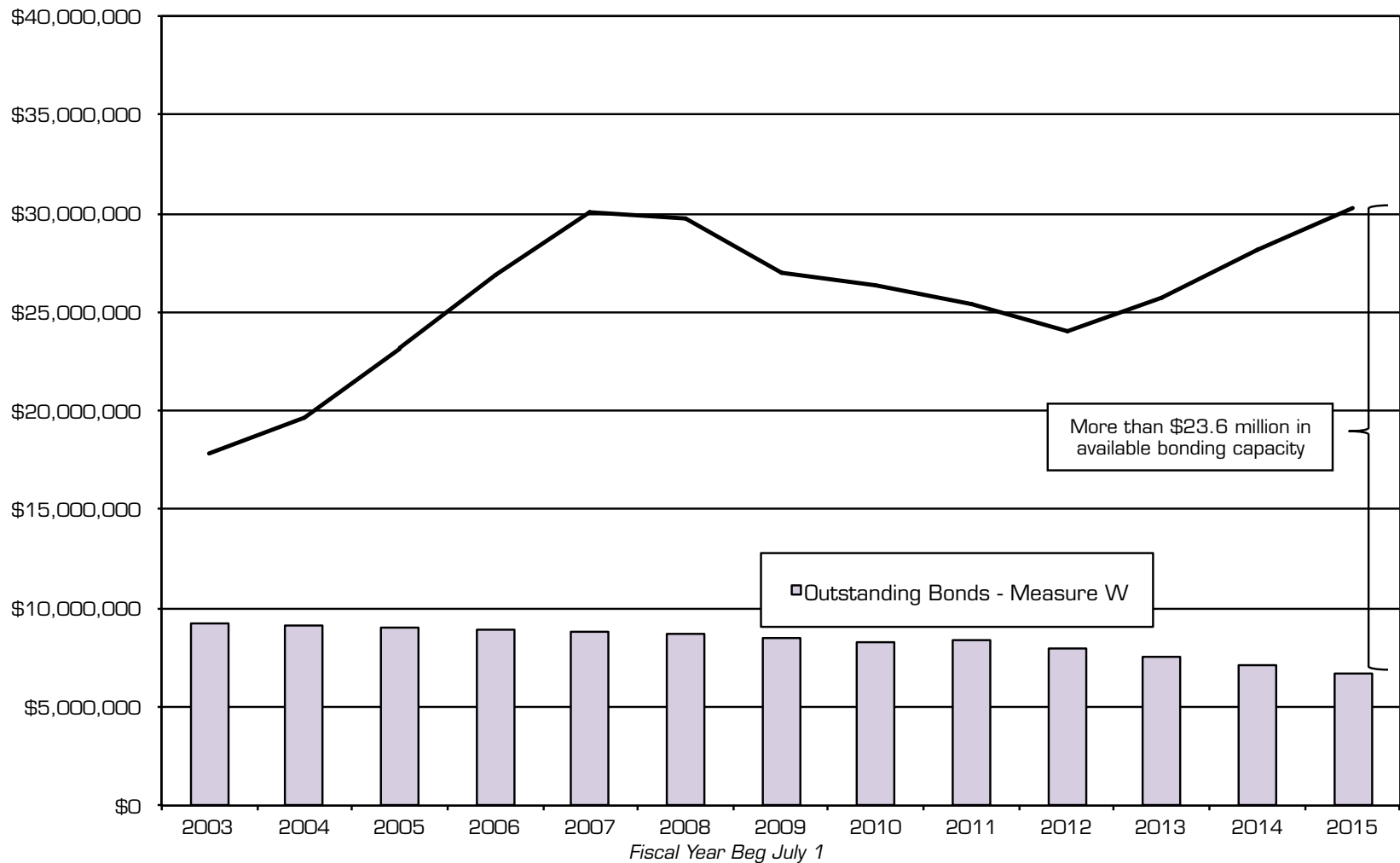
Reasons Assessed Value Can Change

- ◆ Pursuant to Proposition 13 (and embodied in Article 13A of the California Constitution), a school district's property tax base can change for four reasons:
 - ▶ Properties are sold (and reassessed at the sale price).
 - ▶ Properties are improved (and reassessed with the value of the improvement).
 - ▶ A year passes (each property's assessed value increases by the lesser of 2% or the change in the California Consumer Price Index).
 - ▶ Market value of one or more properties declines below assessed value - assessed value can be adjusted downward to the market value. If market value subsequently increases, assessed value can "catch up" to pre-decline AV plus allowable adjustments (e.g. 2% annual increase).

Bonding Capacity Depends on Tax Base

Bonding Capacity/
Outstanding Bonds

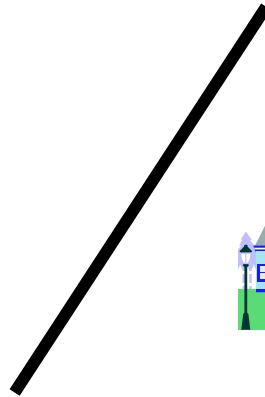
\$23.6 Million in Available Bonding Capacity



Unified district's bonding capacity is 1.25% of total AV. 2015-16 AV is actual; net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged. Values rounded.

G.O. Bond Tax Rates

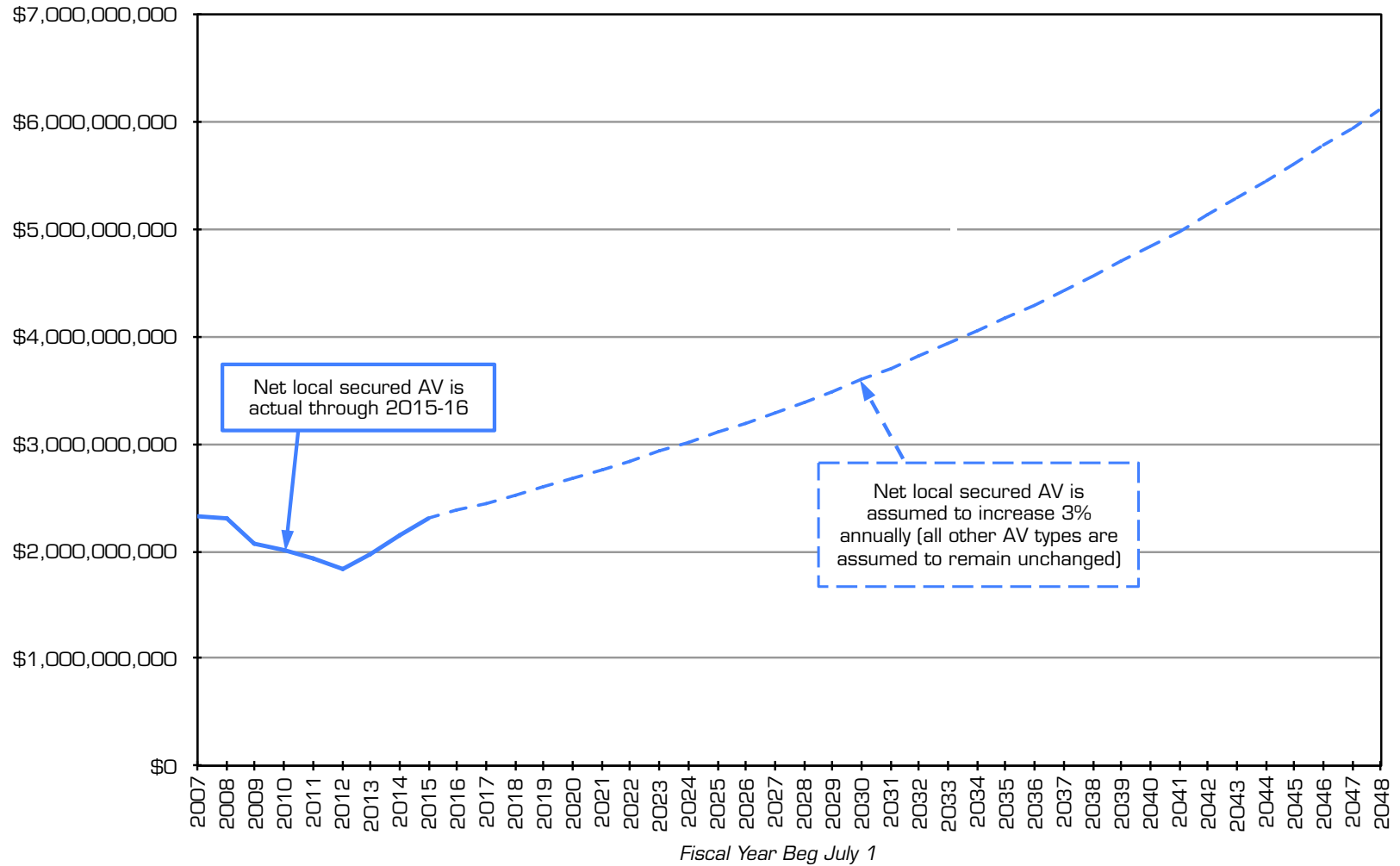
- ◆ Bond tax rate \approx debt service \div assessed value
- ◆ Each property in the District pays its pro rata share, based on its individual assessed value (not market value)



Currently Assumed Future Assessed Value

Net Local Secured Assessed Value

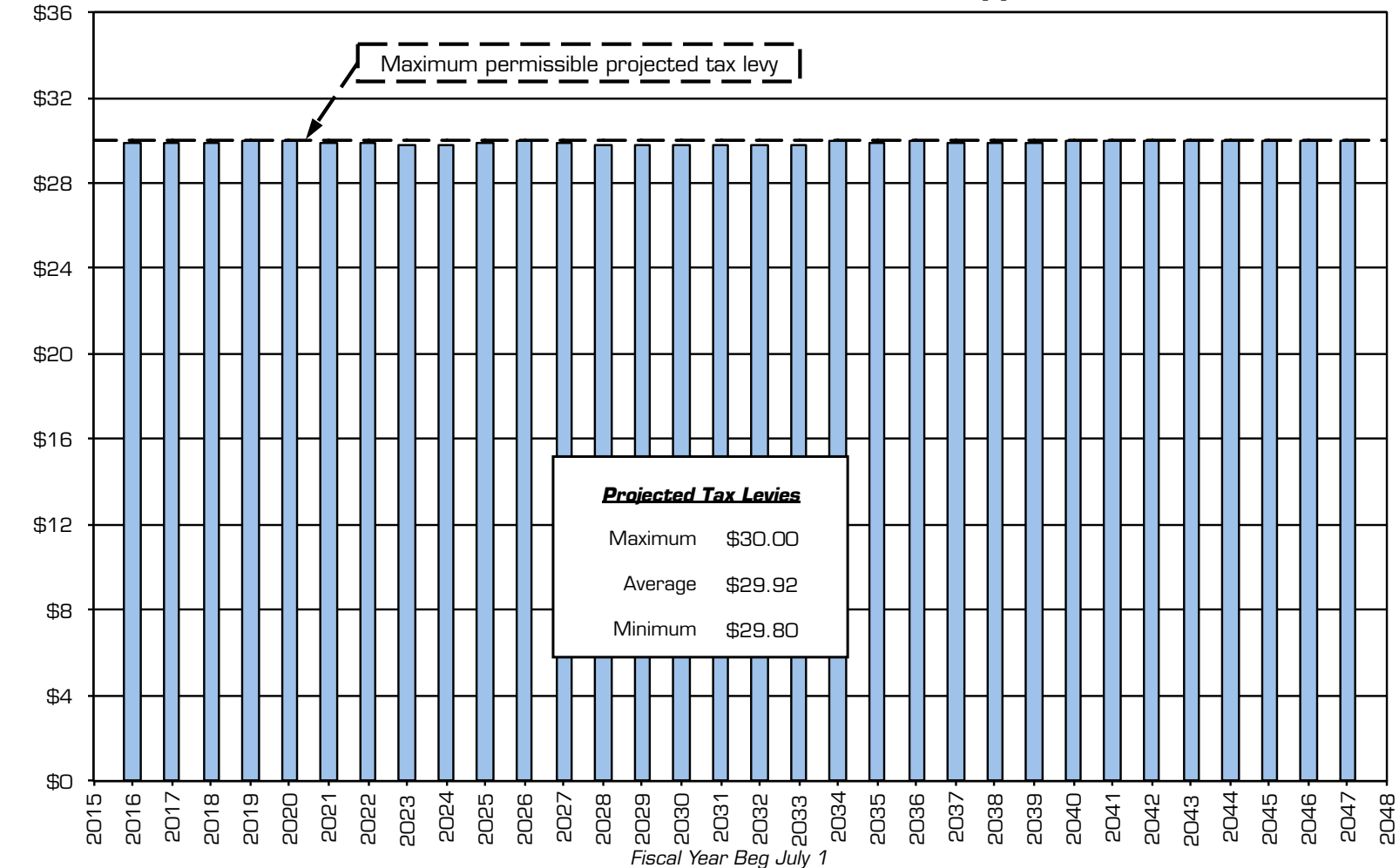
Constant, Moderate Net Local Secured AV Growth is Assumed



Historic data provided by Sacramento and San Joaquin Counties. The District's total AV is comprised of net local secured, utility, homeowners exemption, and unsecured values. Since 1992-93, net local secured has annually comprised 93% - 97% of the District's total AV. As individually the other components are relatively small and tend to be subject to less predictable volatility, the AV focuses on net local secured.

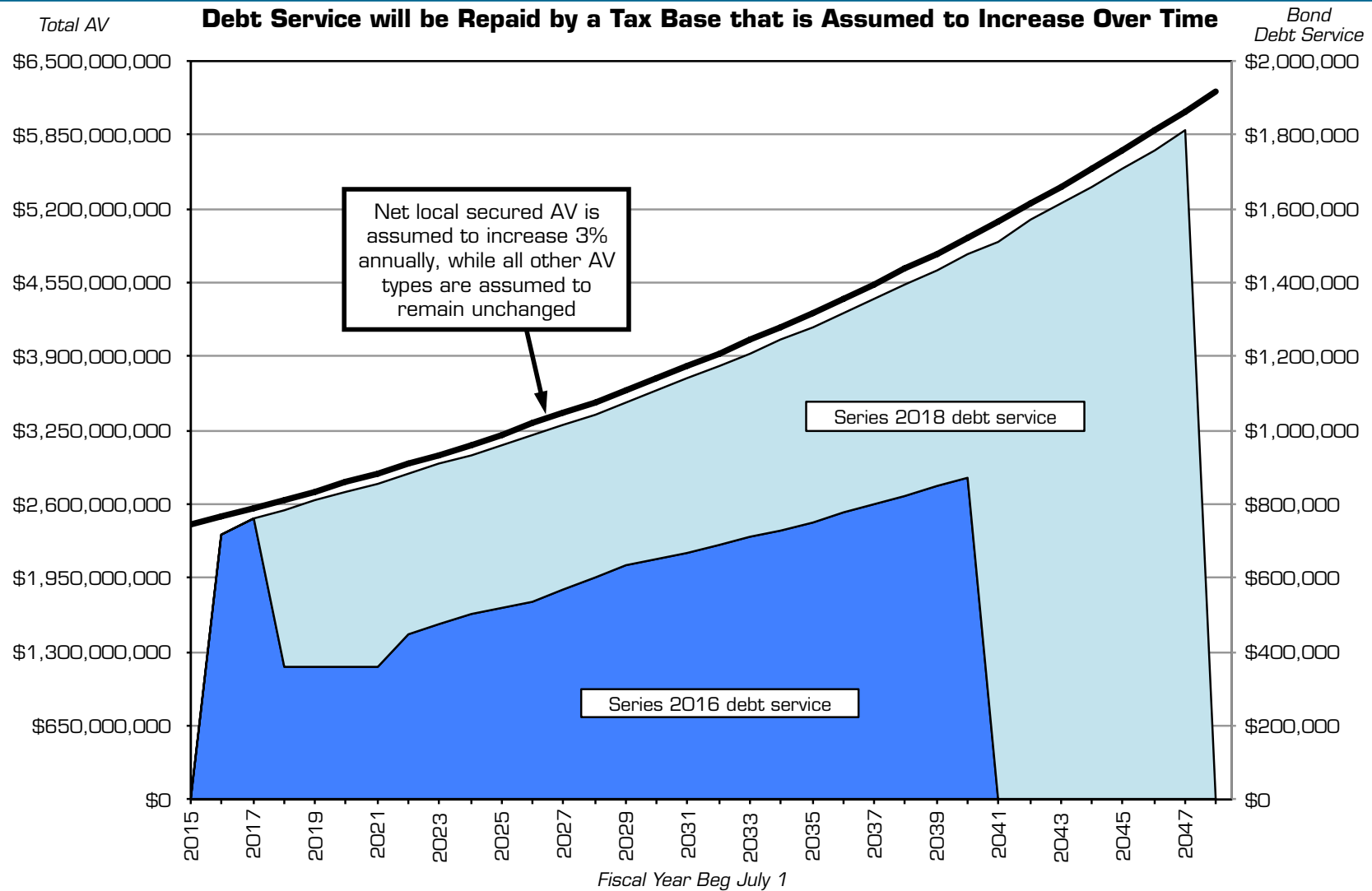
Potential New Measure Limited by \$30

Tax Levies are Projected at the Maximum Allowable Projection of \$30 per \$100,000 of Assessed Value for a 55% Voter Approval Bond Measure



Tax levies projected based on assumed debt service, actual 2015-16 AV, with net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged.

Stable Tax Rate → Payments Grow w/Proj. AV

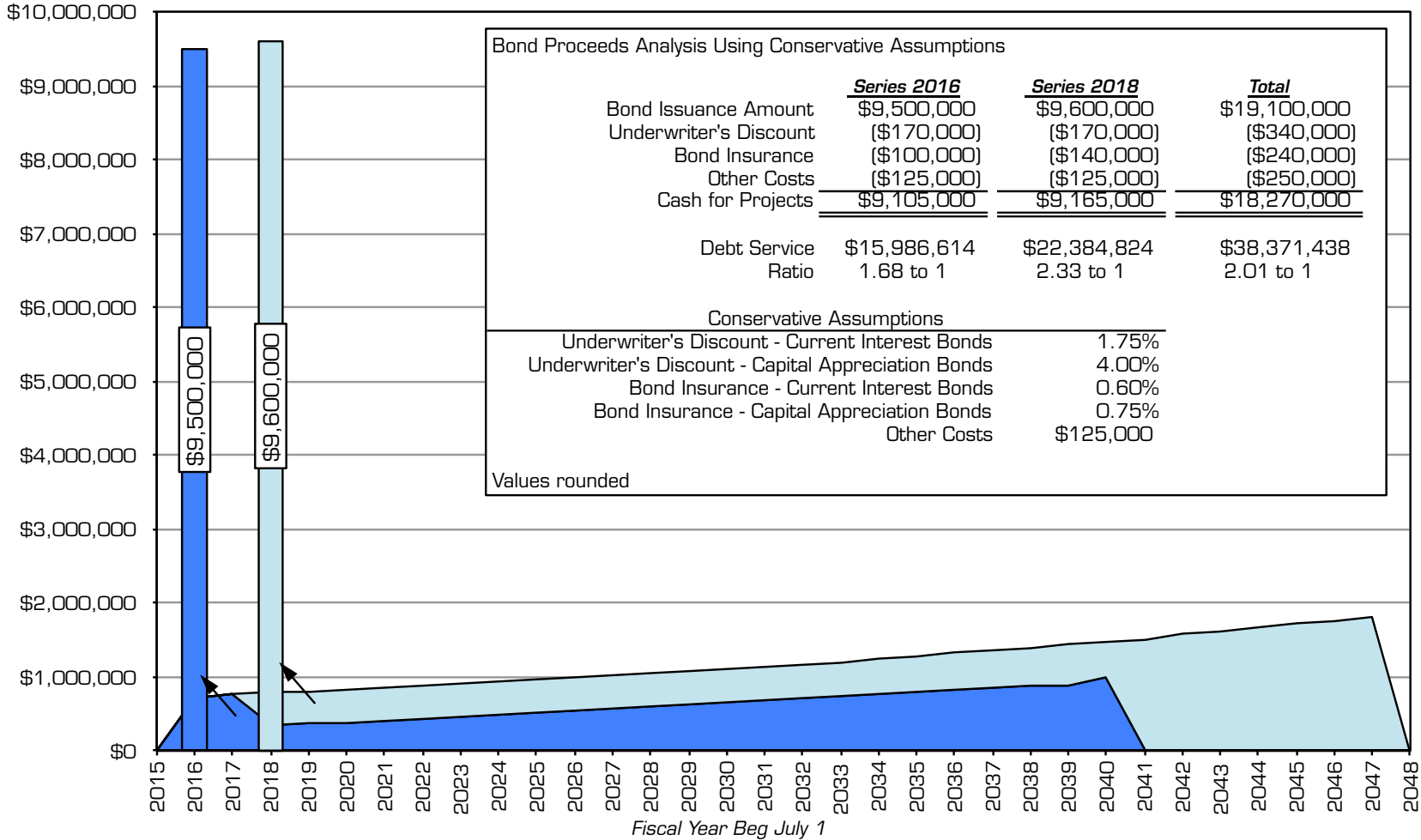


Debt service based on MMD "AAA" rates as of October 21, 2015, adjusted +85bp for assumed "A+" rating, plus timing adjustments for potential rate increasing prior to bond issuance of +100bp (2016) & +150bp (2018), and +180bp for callable capital appreciation bonds.

Potential of \$18,270,000 For Projects

It is Preliminarily Estimated the District Can Issue a Total of \$19.1 Million Over 2 Years Under a 55% Voter Approval Bond Measure

GO Bonds To Be Issued

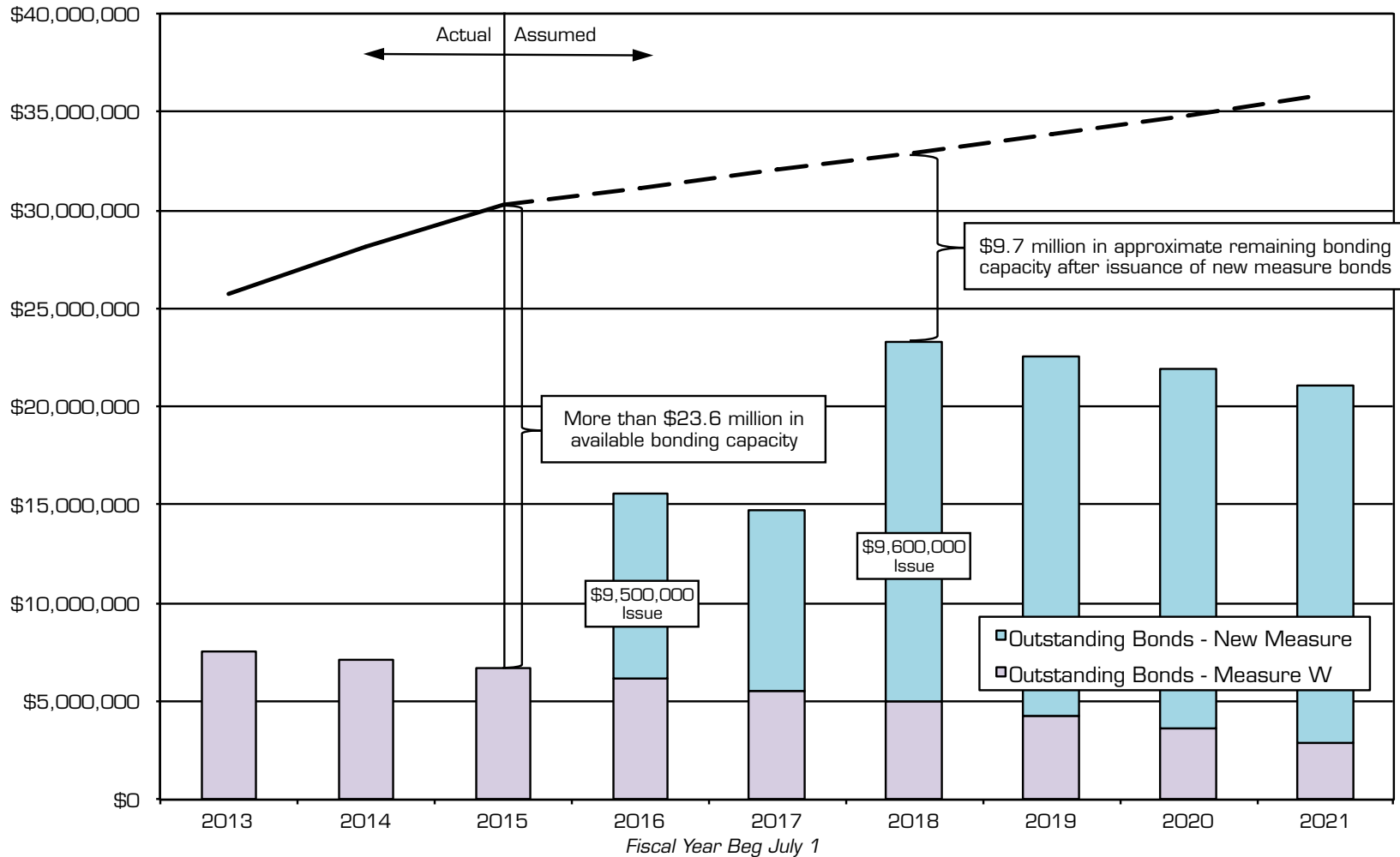


Debt service based on MMD "AAA" rates as of February 8, 2016, adjusted +85bp for assumed "A+" rating, plus timing adjustments for potential rate increasing prior to bond issuance of +75bp (2016) & +125bp (2018), and +180bp for callable capital appreciation bonds. Net local secured AV is assumed to increase 3% annually, while all other AV types are assumed to remain unchanged.

Bonding Capacity Sufficient

Bonding Capacity/
Outstanding Bonds

Bonding Capacity is Not a Hindrance for \$19.1 Million Bond Measure Issued over Two Series



Unified district's bonding capacity is 1.25% of total AV. 2015-16 AV is actual; net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged. Values rounded.

Oversight

- ◆ What is the purpose of a citizens' oversight committee?

"The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues"

-Education Code Section 15278 (b)

- ◆ What are the goals of the oversight committee?

- ▶ Ensure bond funds are spent only on the proper purposes.
- ▶ Ensure no funds are used for teacher or administrative salaries or other school operating expenses.

-Education Code Section 15278 (b)(1)&(2)



Accountability

- ◆ Annual independent performance and financial audits conducted to ensure bond proceeds are only spent on the school projects listed in the Bond Project List
 - ▶ Reports are made public and provided to the Citizens' Oversight Committee

-Education Code Section 15286

- ◆ Any taxpayer can file for "an action to obtain an order restraining and preventing any expenditure of funds" if the District veers from the Bond Project List

-Education Code Section 15284 (a)

- ◆ Law enforcement agencies are permitted and strongly encouraged to vigorously pursue any violations

-Education Code Section 15288

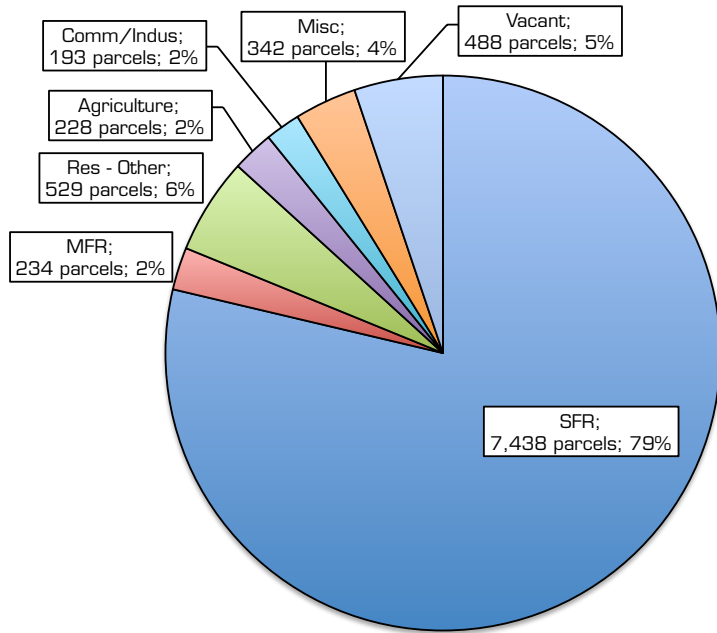


Ad Valorem Taxes \approx \$1.08 Per \$100 of Assessed Value

- ◆ Sample Tax Bill at approximately the median single family residential assessed value (\$198,220)
- ◆ Ad Valorem Taxes = \$1.0754 per \$100 of Assessed Value
 - ▶ In this case, a total of \$2131.66 + direct levies totaling \$341.36 for a grand total of \$2,473.02

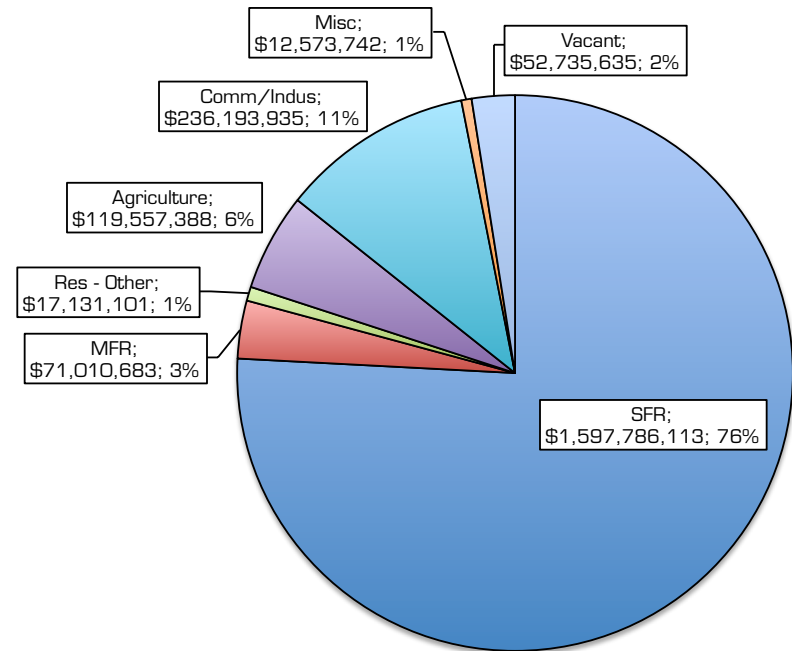
Distribution is Consistent

79% of District Parcels are SFR



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Mobile Homes included in Res - Other; Institutional, Public & Utilities, and Recreation included in Misc. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

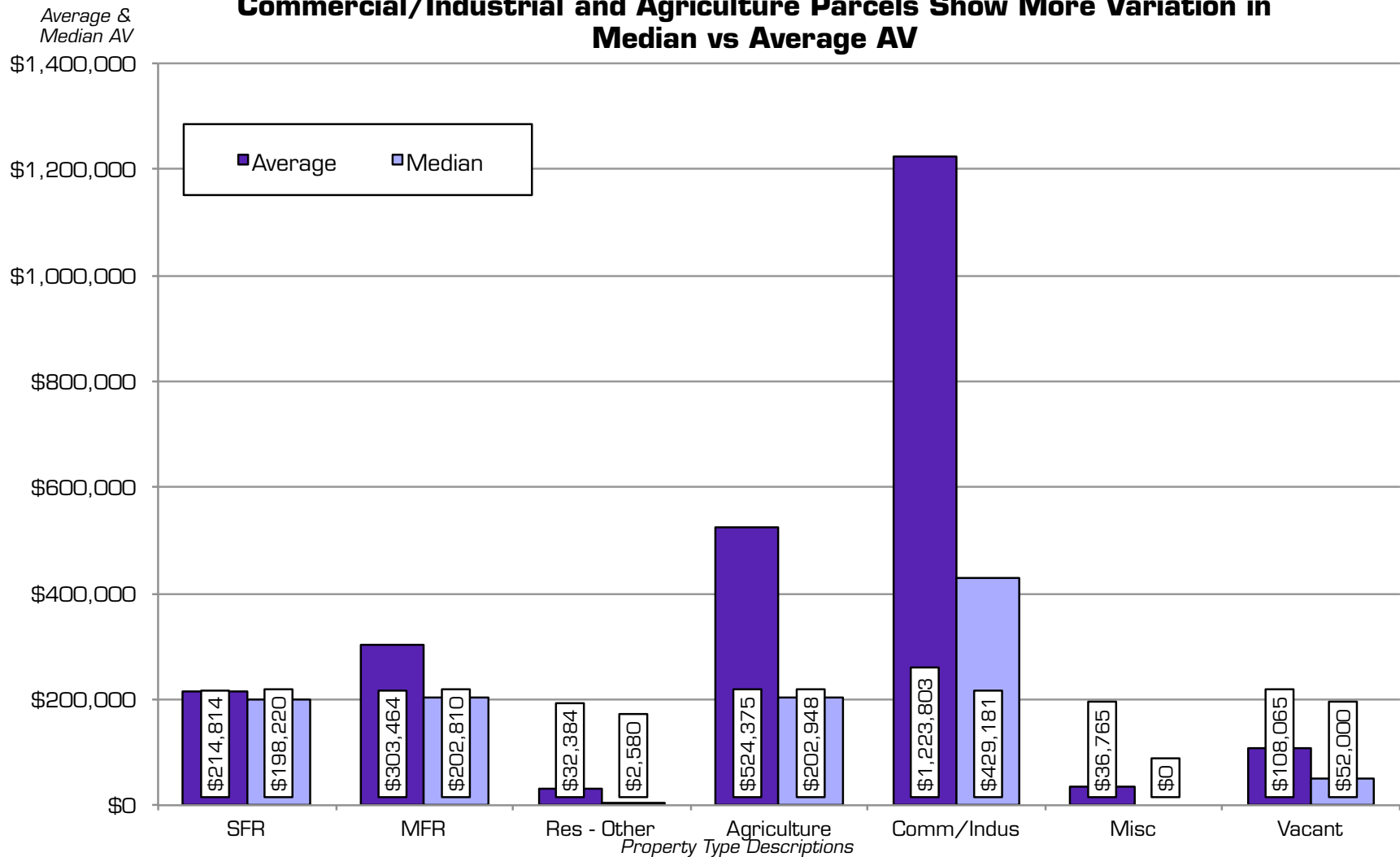
76% of AV in District is SFR



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Mobile Homes included in Res - Other; Institutional, Public & Utilities, and Recreation included in Misc. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

SFR Median and Average AV Both ≈ \$200K

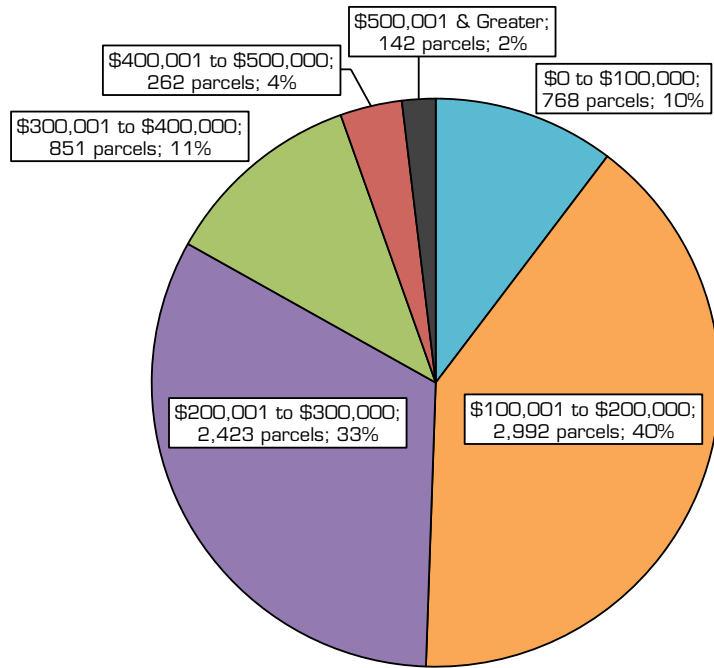
Commercial/Industrial and Agriculture Parcels Show More Variation in Median vs Average AV



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Mobile Homes included in Res - Other; Institutional, Public & Utilities, and Recreation included in Misc. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

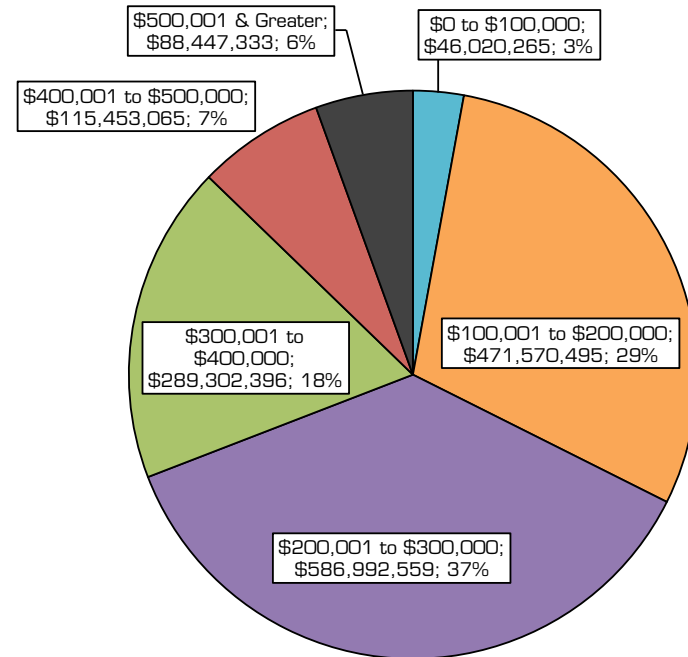
Property Taxes Are Progressive

83% of SFR Parcels have an AV of \$300,000 or Less



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

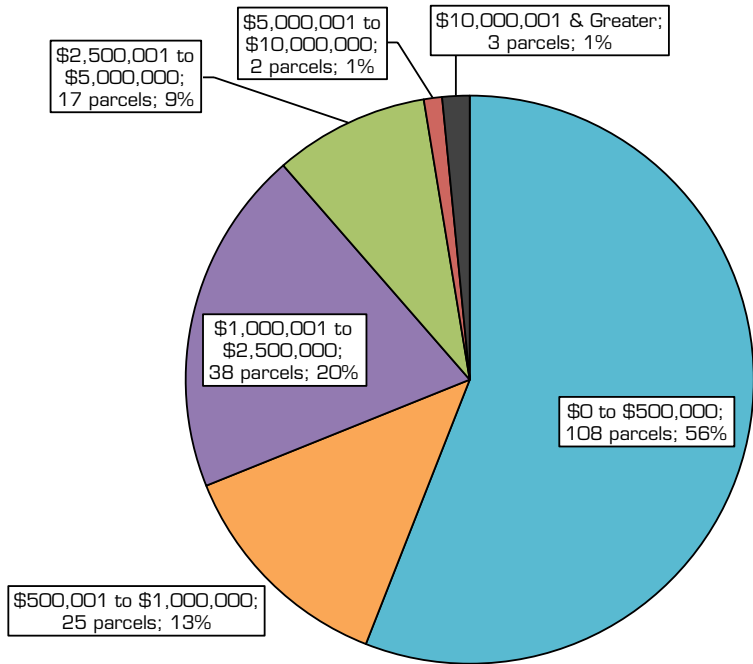
31% of SFR AV is from Parcels with an AV of \$300,000 or More



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

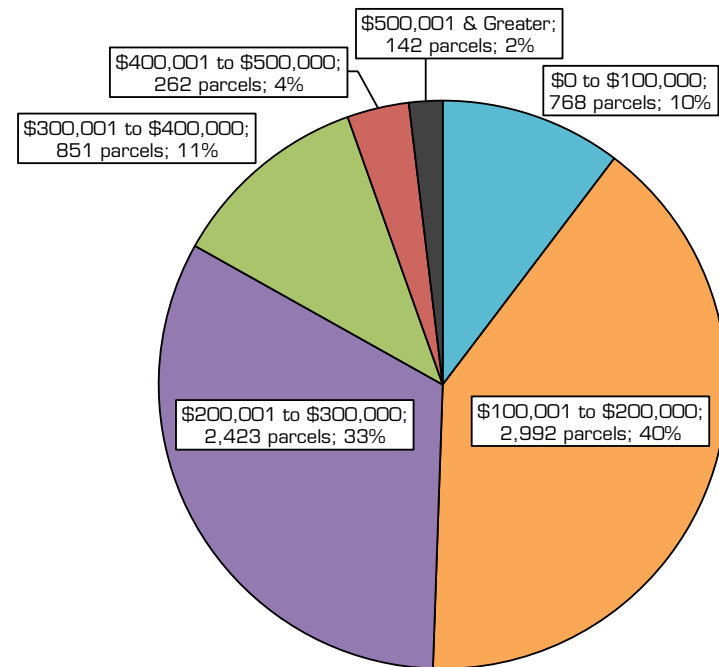
Noblesse Oblige

69% of Commercial/Industrial Parcels Have an AV of \$1,000,000 or Less



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

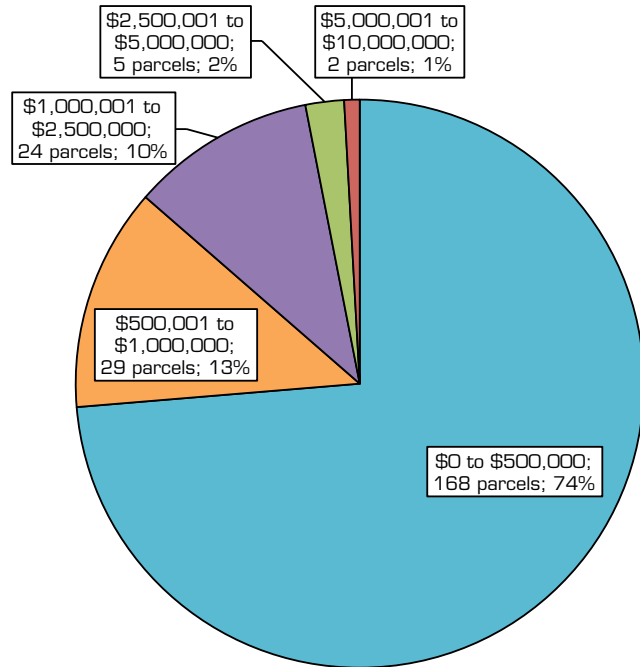
83% of SFR Parcels have an AV of \$300,000 or Less



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

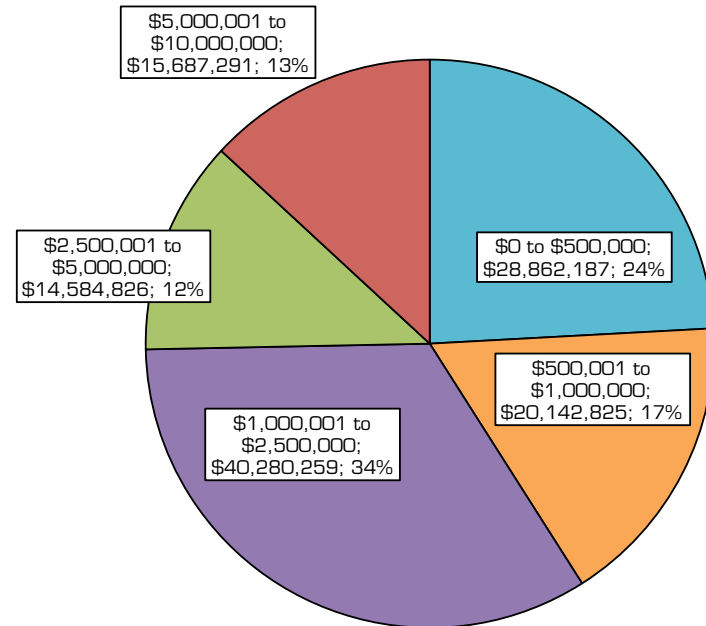
“Land is the only thing in the world worth workin' for, worth fightin' for, worth dyin' for, because it's the only thing that lasts.” *

87% of Agricultural Parcels Have an AV of \$1,000,000 or Less



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

59% of Agricultural AV is from Parcels with an AV of \$1,000,000 or More

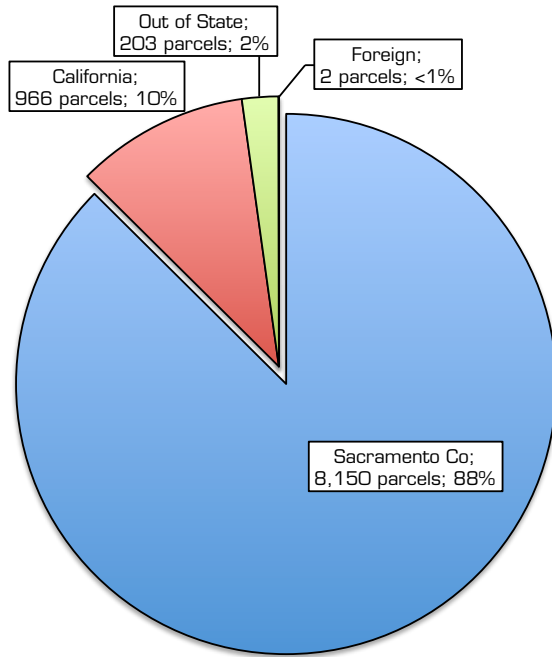


Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

* From *Gone with the Wind*

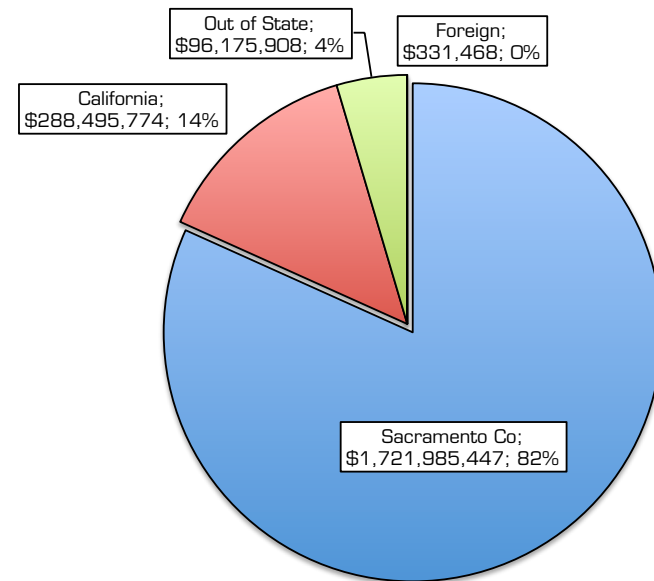
Local Ownership is the Norm

88% of Tax Bills are Sent Within Sacramento Co



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Mobile Homes included in Res - Other; Institutional, Public & Utilities, and Recreation included in Misc. Chart excludes 131 Exempt parcels. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

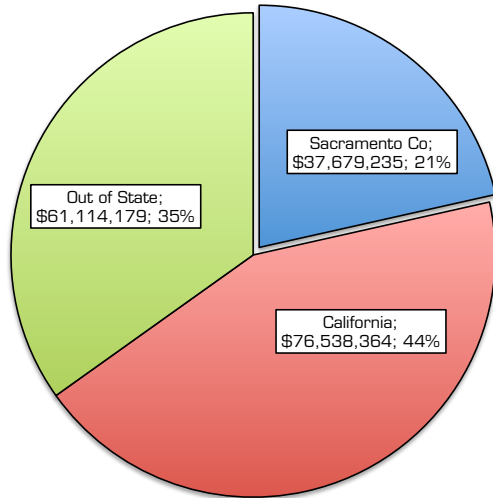
82% of District's AV Owned Inside County



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Mobile Homes included in Res - Other; Institutional, Public & Utilities, and Recreation included in Misc. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

Top 20 Taxpayers Are Mostly "Foreign"

For Top 20 Taxpayers (by Billing Address), Only 21% of AV is Owned Within Sacramento County



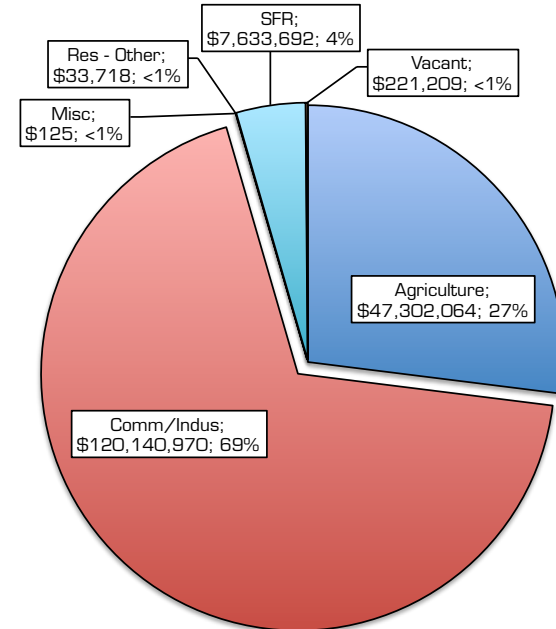
Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

Top 20 Taxpayers

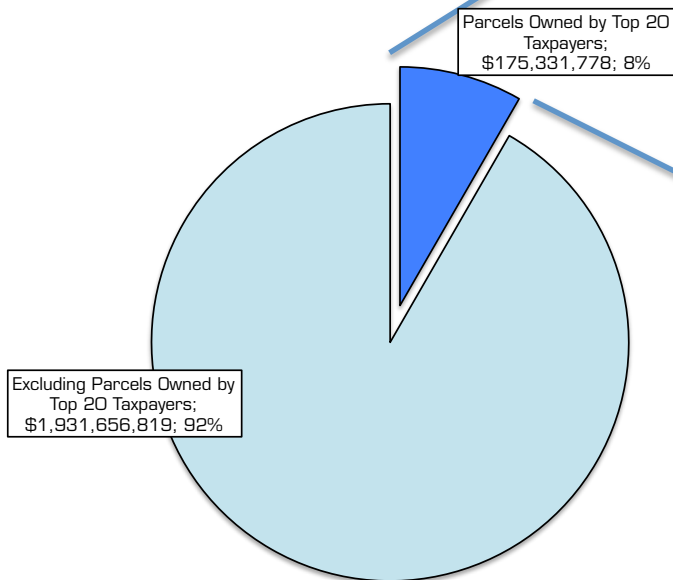
<u>Mailing Address</u>	<u>Net Value</u>	<u>% of District's AV</u>	<u># of Parcels</u>	<u>Owner/Mailing Location</u>	<u>Owners</u>
775 PRAIRIE CTR DR 200 EDEN PRAIRIE, MN 55344	\$31,874,726	1.5%	2	Out of State	Cardinal Glass
2392 MORSE AV IRVINE, CA 92614	\$20,231,300	1.0%	6	California	Liberty Ranch LLC
1792 TRIBUTE RD 270 SACRAMENTO, CA 95815	\$17,380,951	0.8%	7	Sacramento Co	Guttridge/Taylor LLC
PO BOX 8050 BENTONVILLE, AR 72712	\$14,100,000	0.7%	1	Out of State	Wal Mart Stores Inc
10898 INSPIRATION CIR DUBLIN, CA 94568	\$10,250,671	0.5%	4	California	Chiu Family Revocable Trust, Jenkins Stephen L/Tiana C
5490 BEAR CREEK RD LODI, CA 95240	\$8,328,561	0.4%	4	California	Kautz Row Crop Farms, Kurt A/Sandra R Kautz Revocable Fmly Tr
538 SAN RAMON VLY BL 126 DANVILLE, CA 94526	\$8,196,879	0.4%	3	California	85 Enterprise Real Estate LLC
600 YOSEMITE BL MODESTO, CA 95354	\$7,383,231	0.4%	3	California	Gallo Vineyards Inc
175 ENTERPRISE CT STE A GALT, CA 95632	\$6,009,746	0.3%	1	Sacramento Co	DKCR Props Inc
901 MAIN ST STE 4700 DALLAS, TX 75202	\$5,789,588	0.3%	34	Out of State	Invitation Homes
PO BOX 1660 ELK GROVE, CA 95759	\$5,598,951	0.3%	2	Sacramento Co	Beldt Amer Self Storage Llc, Beldt Family Trust
PO BOX 4278 MODESTO, CA 95352	\$4,962,235	0.2%	1	California	Save Mart
PO BOX 3165 HARRISBURG, PA 17105	\$4,821,685	0.2%	1	Out of State	Ichord Paul S/Julia L (Rite Aid)
11583 VALENSIN RD GALT, CA 95632	\$4,796,109	0.2%	5	Sacramento Co	Beer Kenneth E, Beer Kenneth E/Lori Kay, Fishery Inc
14620 ARMINTA ST VAN NUYS, CA 91402	\$4,605,170	0.2%	4	California	Miel Properties Llc, Michael Melideo Revocable Trust
7201 HAMILTON BL ALLENTOWN, PA 18195	\$4,528,180	0.2%	1	Out of State	Air Products/Chemicals Inc
2644 DOUGLAS FIR DR LODI, CA 95242	\$4,452,187	0.2%	3	California	S/P Vineyards LLC
827 BLACK DIAMOND WY A LODI, CA 95240	\$4,128,130	0.2%	2	California	Beldt Family Trust/Beldt Enterprises Inc
1120 MAYBROWN AV MENLO PARK, CA 94025	\$4,000,000	0.2%	1	California	LRP Properties LLC
9414 KOST RD GALT, CA 95632	\$3,893,478	0.2%	6	Sacramento Co	Joe A Cotta Vineyards Inc, Cotta Joe A, Cotta Joe A/Sherry
	<u>\$175,331,778</u>	<u>8.3%</u>	<u>91</u>		

Most of the Top 20 Taxpayers are Commercial/Industrial

Commercial/Industrial Accounts for 69% of the AV for the Top 20 Taxpayers (by Billing Address)



Top 20 Taxpayers (by Billing Address) Comprise 8% of Total District AV



Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Mobile Homes included in Res - Other; Institutional, Public & Utilities, and Recreation included in Misc. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

Note: 2015-16 assessment roll as provided by Sacramento County Assessor's office. Approximately 90% of District is within Sacramento County. San Joaquin County not included. Percentages rounded.

1st Round - Questions to Consider



- ◆ How do we prioritize our facilities expenditures given that we won't be able to address all facilities needs even with a local bond measure?
- ◆ Are there projects which should specifically be funded with a local bond measure?
 - ▶ If so, what are the reasons?
- ◆ What are the reasons to consider a school bond measure?
 - ▶ What would happen if there's no local bond funding for school facilities?

2nd Round - Questions to Consider



- ◆ Is there any information that your table group knows that voters don't know?
- ◆ What would be the importance of raising public awareness and understanding about the District's facility needs?

Additional Information and Next Steps

- ◆ Karen Schauer, Ed.D., GJUESD Superintendent
 - ▶ E-mail: kschauer@galt.k12.ca.us
 - ▶ Phone: 209-744-4545 Ext 310
- ◆ Tom Barentson, Director of Business Services
 - ▶ E-mail: tbarentson@galt.k12.ca.us
 - ▶ Phone: 209-744-4545 Ext 315
- ◆ GJUESD Website: www.galt.k12.ca.us
- ◆ Community Internet Access: Marion O. Lawrence Library
 - ▶ Address: 1000 Caroline Avenue
 - ▶ Phone: 209-745-2066
- ◆ Next Board Meeting Date and Location
 - ▶ Wednesday, February 24th, 2016 @ 7:00 p.m.
 - ▶ Galt City Hall Chambers

For Reference

- ◆ A.V. Assumptions - Historical Tests
- ◆ Projected Combined Tax Levies

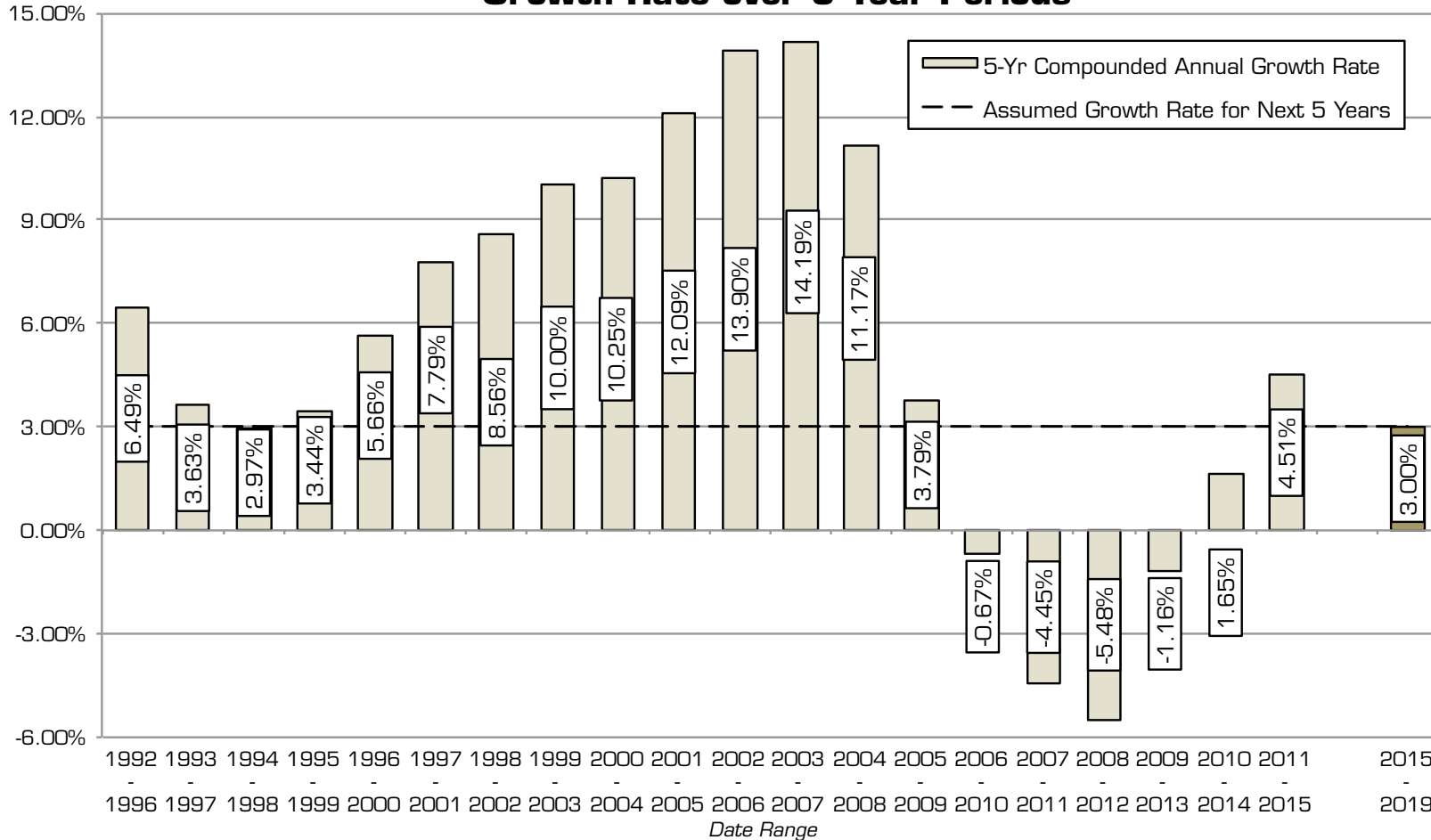
A.V. Assumptions – Historical Tests

- ◆ A.V. Assumptions – Short Term – 5 Years
- ◆ A.V. Assumptions – Mid Term – 10 Years
- ◆ A.V. Assumptions – Mid Term – 15 Years
- ◆ A.V. Assumptions – Long Term – 20 Years

Short Term - 5 Years

Compounded Annual Growth Rate - Net Local Secured AV

Comparing Net Local Secured AV Assumption of 3% Annual Growth Rate over 5 Year Periods

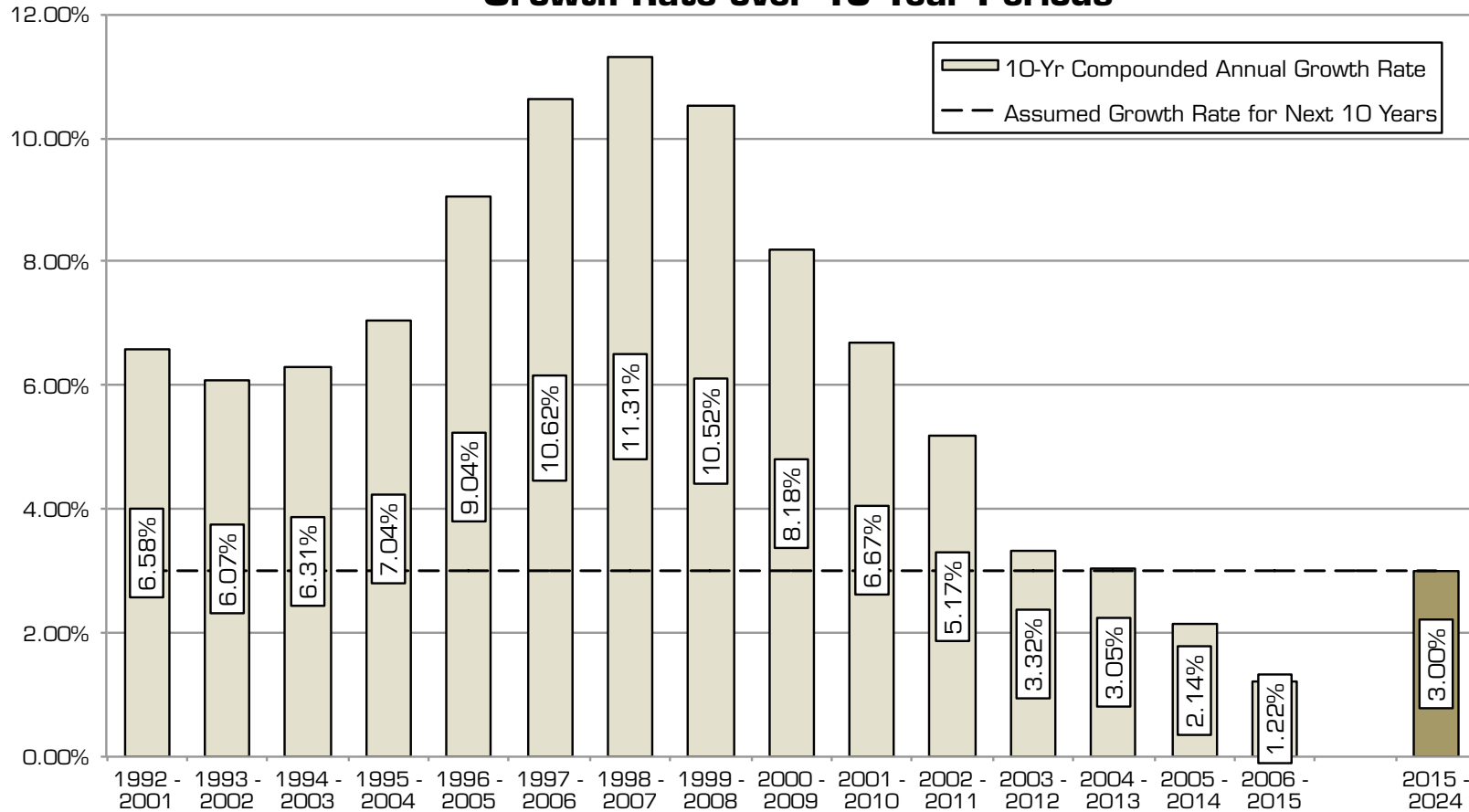


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Mid-Term - 10 Years

Compounded Annual
Growth Rate - Net
Local Secured AV

Comparing Net Local Secured AV Assumption of 3% Annual Growth Rate over 10 Year Periods



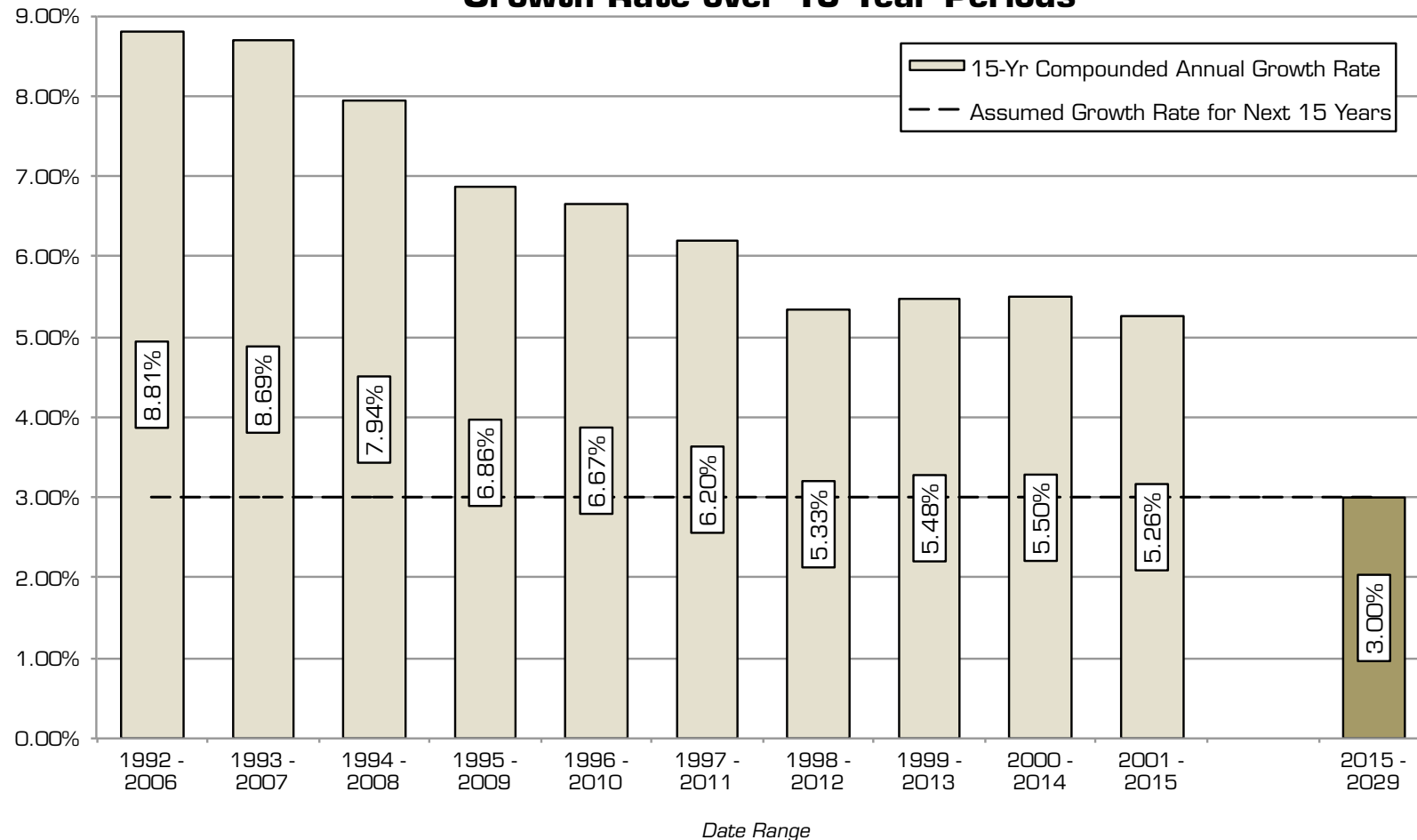
Date Range

District is within Sacramento & San Joaquin Counties, with approximately 90% within Sacramento. Sacramento Co. data from 1997-2015 provided by Sacramento Co Finance Department, while San Joaquin Co Auditor-Controller's Department provided data from 1998-2015. Prior year data from 2002 GO bond Official Statement citing California Municipal Statistics, Inc., except 2002-03 San Joaquin data which was estimated as it was not readily available. California Municipal Statistics' data did not break out HOX; thus net local secured AV and HOX are estimated based on last available data. The District's total AV is comprised of net local secured, utility, homeowners exemption, and unsecured values. Net local secured AV, which has annually comprised 93% - 97% of the District's total AV since 1992-98, is assumed to increase 3% annually, while all other AV types are assumed to remain unchanged.

Mid-Term - 15 Years

Compounded Annual
Growth Rate - Net
Local Secured AV

Comparing Net Local Secured AV Assumption of 3% Annual Growth Rate over 15 Year Periods

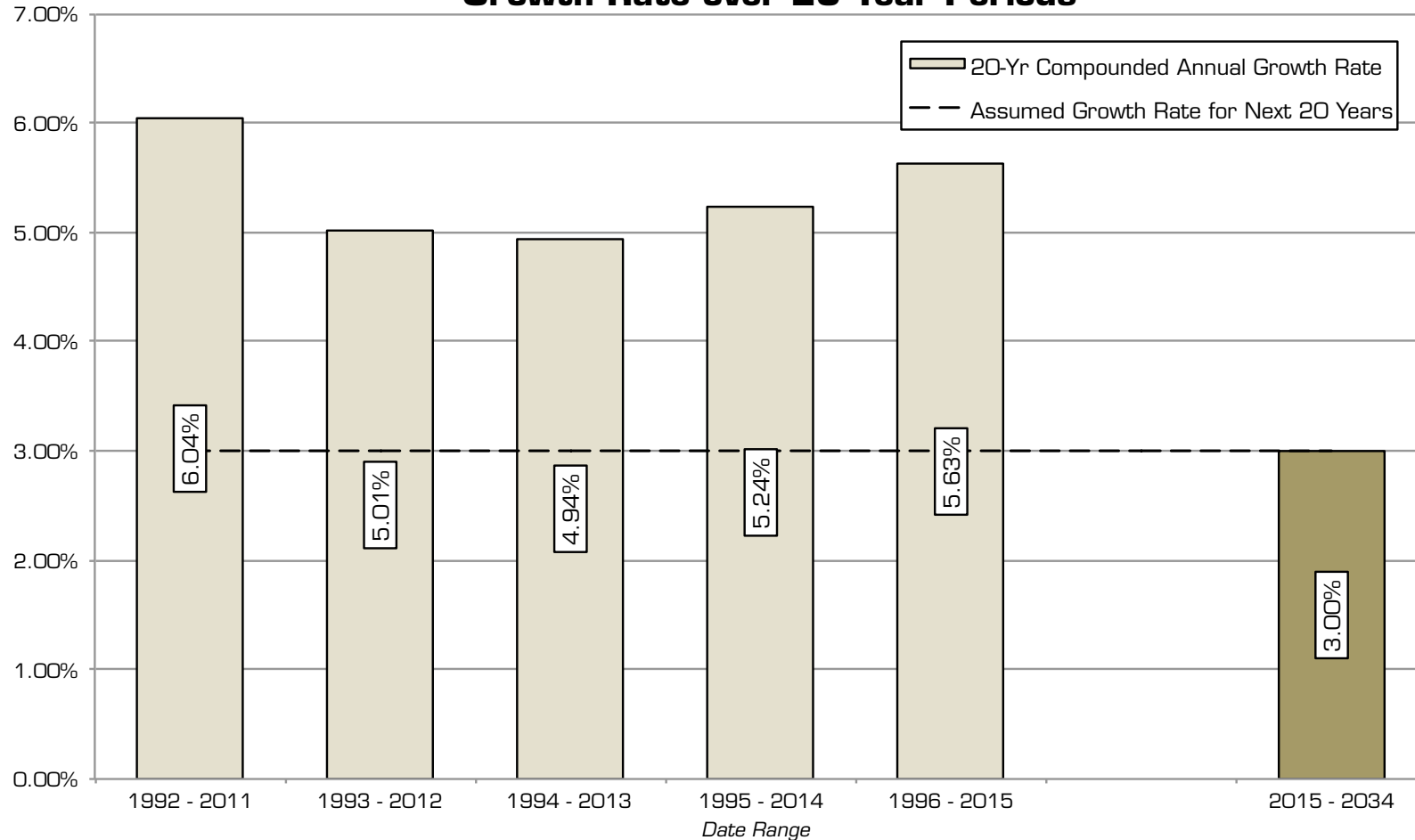


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Long-Term - 20 Years

Compounded Annual
Growth Rate - Net
Local Secured AV

Comparing Net Local Secured AV Assumption of 3% Annual Growth Rate over 20 Year Periods

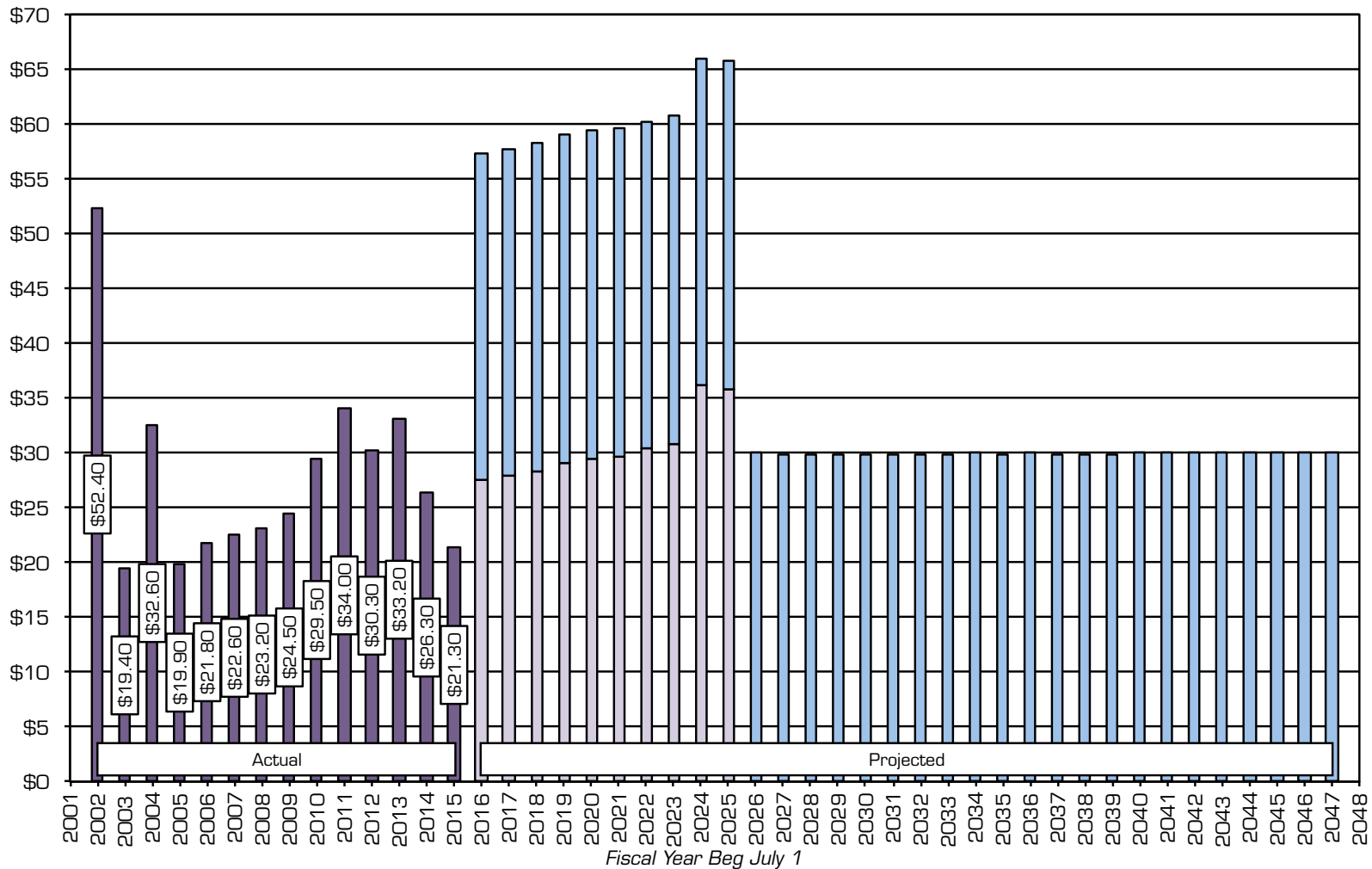


District is within Sacramento & San Joaquin Counties, with approximately 90% within Sacramento. Sacramento Co. data from 1997-2015 provided by Sacramento Co Finance Department, while San Joaquin Co Auditor-Controller's Department provided data from 1998-2015. Prior year data from 2002 GO bond Official Statement citing California Municipal Statistics, Inc., except 2002-03 San Joaquin data which was estimated as it was not readily available. California Municipal Statistics' data did not break out HOX; thus net local secured AV and HOX are estimated based on last available data. The District's total AV is comprised of net local secured, utility, homeowners exemption, and unsecured values. Net local secured AV, which has annually comprised 93% - 97% of the District's total AV since 1992-98, is assumed to increase 3% annually, while all other AV types are assumed to remain unchanged.

Projected Combined Tax Levies ≤ \$70 / \$100,000 AV

Tax Levy per
\$100,000 of AV

Combined Tax Levies Projected to Peak at Less Than \$70



Actual tax levies provided by Sacramento Co. Financing Department. Tax levies projected based on actual AV through 2015-16, with net local secured AV assumed to grow 3% annually, while all other AV types are assumed to remain unchanged.

The 2016-17 May Revision

The buzz preceding the release of Governor Jerry Brown’s May Revision mainly focused on the fact that state revenue collections in April were well below the level projected in January. While many braced for funding reductions, the May “surprise” was that there were no budget reductions proposed for education. In fact, both ongoing and one-time dollars for education increase slightly from the planned January expenditure levels.

Looking to the future, the Governor is careful to point out that the state’s projections do not assume a recession, but do assume that Proposition 30 temporary taxes expire. Under these assumptions, the state forecasts large deficits, which grow even higher if a recession should develop.

Proposition 98

2014-15 ADJUSTMENT

The May Revision shows that the Proposition 98 guarantee had been underestimated for 2014-15 and that a \$463 million increase is due. This results in a revised guarantee for the prior year of \$67.2 million compared to \$66.7 million estimated in January.

CURRENT-YEAR MINIMUM GUARANTEE AND MAINTENANCE FACTOR

For the current year, the May Revision reflects a decrease in Proposition 98 of \$125 million to \$69.1 billion, from \$69.2 billion in January.

Proposition 98 also requires the state to account for state funding that falls below the long-term target established by Test 2 (i.e., adjustments required by annual changes in per capita personal income). This cumulative shortfall is termed the Maintenance Factor. As of June 30, 2014, the state owed K-14 education approximately \$6.4 billion in Maintenance Factor payments. While the Governor’s January Budget anticipated that the \$6.4 billion Maintenance Factor would be fully repaid by the end of the current fiscal year, the May Revision now projects that \$155 million will remain unpaid on June 30, 2016.

2016-17 MINIMUM GUARANTEE AND NEW MAINTENANCE FACTOR

For 2016-17, the May Revision proposes an increase of \$288 million in Proposition 98 funding from the level proposed in January, bringing the minimum funding level to \$71.9 billion. Because Proposition 98 would be funded based on Test 3 in 2016-17, the January Governor’s Budget projected that a new Maintenance Factor would be created totaling \$548 million in 2016-17. The May Revision revises that amount to \$908 million.

Cost-of-Living Adjustment

The statutory cost-of-living adjustment (COLA) is revised downward from 0.47% in January to 0% in May. This reduces funding for categorical programs including Special Education, Child Nutrition, Foster Youth, Preschool, American Indian Education Centers, and American Indian Early Childhood Education.

Local Control Funding Formula

The Governor’s 2016-17 May Revision continues implementation of the Local Control Funding Formula (LCFF) and provides an additional \$154 million above the January State Budget proposal.

LCFF TARGET ENTITLEMENTS FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS

The target base grants by grade span for 2016-17 are unchanged from 2015-16 because the statutory COLA is zero:

Grade Span	2016-17 Target Base Grant per Average Daily Attendance (ADA)	Grade Span Adjustment (GSA)	2016-17 Adjusted Base Grant per ADA
TK-3	\$7,083	\$737	\$7,820
4-6	\$7,189	-	\$7,189
7-8	\$7,403	-	\$7,403
9-12	\$8,578	\$223	\$8,801

School districts and charter schools are entitled to supplemental increases equal to 20% of the adjusted base grant (which includes class-size reduction and

career technical education funding) for the percentage of enrolled students who are English learners, eligible for the free and reduced-price meals program, or in foster care (the unduplicated pupil percentage). An additional 50% per-pupil increase is provided as a concentration grant for the percentage of eligible students enrolled beyond 55% of total enrollment.

Bear in mind that the LCFF target entitlement is the full funding level for each local educational agency (LEA), in today’s dollars, that the state intends to provide at some point in the future under the formula. It is not the amount an LEA will receive in 2016-17, which is based on the difference, or “gap,” between the current-year LCFF funding level, the LEA’s target entitlement, and the proportion of the gap that can be funded with the LCFF increase.

LCFF TRANSITION ENTITLEMENTS AND GAP FUNDING

The difference between a district’s or charter school’s current funding and its target entitlement is called the LCFF gap, and it is this gap that is funded with the additional dollars dedicated each year to implementation of the LCFF. For 2016-17, the May Revision proposal calls for \$2.979 billion to close more than half (54.84%) of the gap remaining to full implementation of the LCFF.

The lack of a COLA will affect the per-pupil grants used to calculate the LCFF target, but does not directly impact the level of the appropriation for the LCFF gap closure. Rather than the COLA, it is the appropriation, and its corresponding gap closure percentage, which determines revenue growth for most school districts and charter schools. The lack of a COLA will; however, affect the LCFF funding for LEAs that are at their LCFF target.

Pupil transportation and Targeted Instructional Improvement Grants continue as separate add-ons to the LCFF allocations and do not receive a COLA.

Community-Funded School Districts

School districts with property tax revenues that exceed the LCFF levels will continue to retain their

local tax growth, and will receive a lower minimum state aid allocation that is reduced by the ongoing cuts incurred by these districts during the recession. Under the LCFF, these cuts are carried forward into future years for these districts.

County Offices of Education

As of 2014-15, the LCFF for county offices of education (COEs) was fully implemented and, therefore, with no statutory COLA, the basic funding amounts that drive COE LCFF entitlements in 2016-17 will remain unchanged from 2015-16 levels. State funding for COEs in 2016-17 is adjusted in the May Revision to account for changes in ADA.

K-3 Grade Span Adjustment

The K-3 GSA program requirements are unchanged in the May Revision; however, the revised gap funding of 54.84% should be used to measure progress toward the 24:1 target for 2016-17.

One-Time Discretionary Funds

The Governor’s May Revision includes more than \$1.4 billion in one-time Proposition 98 funding for school districts, charter schools, and COEs. The funds are unrestricted and the use of the dollars is discretionary. Funding is estimated at \$237 per ADA. Consistent with prior-year proposals, the funds provided will offset outstanding mandate reimbursement claims.

Special Education

There is no proposed increase in funding in the Governor’s May Revision for special education base programs or special education preschool. The Governor has called for another study regarding special education financing. The Public Policy Institute of California will release its findings in the fall of 2016.

Child Care

The May Revision proposes administrative adjustments from the Governor’s Budget to the

California Work Opportunity and Responsibility to Kids (CalWORKs) child care system.

Capped child care programs (non-CalWORKs) are proposed to see a net decrease of \$3.5 million due to the 0% COLA. Child care and development funds are proposed to receive a net increase in the May Revision of \$55.6 million in federal funds, of which \$9.2 million will be allocated to child care activities in compliance with the federal Child Care and Development Block Grant Act of 2014.

Preschool/Early Childhood Education

The Administration updated its Early Education Block Grant proposal. As revised, the proposal would include a “funding model that maintains current levels of funding for school districts and regions for a period of time as the transition to the new Block Grant model occurs. Future state spending investments will be targeted to those areas of the state that have traditionally lacked an equitable share of total funding.”

The May Revision includes \$20 million (\$10 million ongoing and \$10 million one time) for COEs to begin work in the budget year to ensure a successful transition to the new early education program beginning in 2017-18.

Adult Education

The Governor’s May Revision maintains \$500 million in ongoing funding for the Adult Education Block Grant. In the community college budget, an additional \$5 million in one-time funds is proposed to provide consortia with technical assistance, coordination, and capacity building assistance through 2018-19.

Charter Schools

The Governor’s January Budget included an increase of \$61 million in Proposition 98 funding to support projected charter school ADA growth and an additional \$20 million in one-time funds for charter school start-up grants. The May Revision makes no changes to these proposals.

School Facilities and Proposed “Emergency Repair Revolving Loan Program”

The May Revision includes no statement on the statewide school bond that qualified for the November 2016 ballot. However, it appropriates \$100 million in one-time funding to create a revolving loan program to expedite funds to districts with emergency facilities needs that pose health and safety risks that could cause the displacement of students from educational settings. The new bridge loan program is intended to assist districts with insufficient resources to address their health and safety issues. The Governor proposes that the program be administered by the California Department of Education under an expedited review and approval process.

Districts receiving loans would have the option of repaying the loan in full within one year without interest or by structuring long-term, low-interest repayment plans over a 20-year period.

Proposition 39—The California Clean Energy Jobs Act

The May Revision includes an increase of \$33.3 million for K-12 education and \$4.1 million for community colleges for Proposition 39 energy efficiency projects from the January Budget. For 2016-17, total funding would be \$398.8 million for K-12 education and \$49.3 million for community colleges.

Teacher Workforce Actions

In response to statewide teacher shortages, the May Revision proposes \$10 million in one-time funds for investment grants to be awarded to private and public postsecondary institutions to improve upon or develop four-year integrated teacher credential programs, reducing the time to a preliminary teaching credential by up to three years. Competitive grants of up to \$250,000 would be administered by the Commission on Teacher Credentialing and will be

awarded with preference to proposals that include partnerships with local community colleges and K-12 LEAs.

Federal Programs

There was a small uptick in funding for some of the major federal education programs. Title I, which supports services to assist low-achieving students enrolled in the highest poverty schools, will receive a \$139 million increase, of which \$29.1 million is one time. Special education base grants will increase by only \$41.4 million, of which \$5 million is one time. Migrant education programs, which support services to meet the needs of highly mobile children, receive a \$14 million increase, of which half is one-time funding.

Dartboard Factors

The School Services of California, Inc., (SSC) Financial Projection Dartboard factors presented below are developed by SSC with input from independent state agencies and private economic consulting firms based on the latest information available. These factors are provided to assist school agencies in preparing their upcoming budgets and multiyear projections.

Factor	2015-16	2016-17	2017-18	2018-19	
LCFF Planning Factors	SSC Simulator	SSC Simulator	SSC Simulator	SSC Simulator	
Statutory COLA	1.02%	0.00%	1.11%	2.42%	
Ten-Year Treasuries	1.98%	2.05%	2.43%	2.58%	
California Consumer Price Index	2.02%	2.15%	2.26%	2.49%	
Lottery	Base	\$140	\$140	\$140	\$140
	Prop. 20	\$41	\$41	\$41	\$41

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POCKET BUDGET 2016-17

A Summary Analysis of the May Revision Proposal for the 2016-17 State Budget for California’s Schools

Prepared by



May 2016

Public Education’s Point of Reference for Making Educated Decisions

SCHOOL SERVICES OF CALIFORNIA, INC.

The Community Eligibility Provision (CEP)

What Does It Mean For Your School or Local Educational Agency?

What does it do?

- Allows schools and local educational agencies (LEAs) located in low-income areas to provide free breakfast and lunch to all students
- Eliminates the burden of collecting household applications to determine eligibility for school meal programs

Who benefits? Everyone!

- **Students**
Access to free nutritious meals for all students, no stigma, and less time spent in cashier lines and more time to eat nutritious meals
- **Parents**
No household application means less paperwork and no worries about lunch accounts
- **School staff**
Streamlined meal service operation and more time for students to consume their food
- **Administrators**
Reduced paperwork and administrative costs, no need to track unpaid meal charges, improved program integrity, and more nourished students ready to learn and grow



Who can participate?

- Schools and LEAs with a minimum Identified Student Percentage (≥ 40 percent) in the prior school year

Identified students = those certified for free meals without the use of household applications (for example those directly certified through SNAP).

- Available to:
 - All schools in an LEA
 - A group of schools in an LEA
 - An individual school in an LEA

Background

- Authorized by Congress as a part of the Healthy, Hunger-Free Kids Act of 2010.
- Phased in over a period of 3 years, starting with D.C., Illinois, Kentucky, Michigan, New York, Ohio, West Virginia, Florida, Georgia, Maryland, and Massachusetts.
- Available nationwide beginning July 1, 2014 (School Year 2014-15).

What must interested schools and LEAs do?

- Meet eligibility requirements.
- Serve free breakfasts and lunches to all students during the 4-year cycle.
- Count total breakfasts and total lunches served to students daily.
- Agree not to collect household applications for school meal programs.
- Determine if non-Federal funds are needed to cover costs above USDA reimbursement.

What do interested schools and LEAs do next?

- Determine if CEP is right for you.
- Contact your State for more information: <http://www.fns.usda.gov/cnd/contacts/StateDirectory.htm>.
- If eligible, submit required documentation to your State Agency.



REPORTS
COORDINATOR OF INSTRUCTIONAL TECHNOLOGY INTEGRATION & INNOVATION

1. Special Education Update
2. Summer Academy Services



Special Education

Galt Joint Union Elementary School District

May 2016

Where we have been...

- o Proficiency Based Model with a Rtl system
- o Data driven (and continue to be)
- o Common District Assessments aligned to California State Standards
- o Academic Conferences (and continue to do)
- o Rtl system at individual school sites

Shift...

- o Personalizing Learning with technology integration
- o Growth Model
- o Common Core State Standards
- o Exploring Curriculum options
- o Developing District Wide Assessments
- o Exploring Data

Currently in Special Education:

As of 5/9/16:

- o 625 Active IEPs TK-8 (15%)

Of those 625 IEPs:

- o 251 - Speech & Language Impairment (40%)

- o 210 - Specific Learning Disability (34%)

Speech & Language Impairment

- o What instruction are the learners missing for pull out services? Are the pull out services aligned with the instruction in the classroom? Is there push in support opportunities for application?
- o For our English Learners, learning the language or language impairment?
- o What does the early intervention support system look like?

Next Steps for Speech & Language

- o Continue Bi-Monthly Speech Meetings
- o Speech Early Support Model
- o SLP's provide general education teachers Professional Learning opportunities with strategies and support for Language Development, Speech Articulation, and Collaborative Conversations.

Specific Learning Disability

State Criteria:

A student must have a disorder in one or more basic psychological processes involved in understanding or using spoken or written language that may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations. State criteria ALSO requires a student to have a severe discrepancy between intellectual ability and achievement in one or more academic areas [5 C.C.R. Sec. 3030(j).] The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities. [5 C.C.R. Sec. 3030(j)(1).]

* Title 5 California Code of Regulations

How does our district determine eligibility for SLD?

- o Severe Discrepancy Model

If a student has a severe discrepancy between his/her ability (as measured by intelligence testing) and his/her achievement (as measured by standardized tests of academic achievement), it can be assumed that something is getting in the way of the learning that would otherwise be expected for that students that he/she has a learning disability. HOWEVER, school districts no longer have to use this model. [34 C.F.R. Secs. 300.307 & 300.309.]

* 34 Code of Federal Regulations

Also...

State regulations specify that eligibility under the specific learning disability criteria shall not be primarily the result of:

- o Limited school experience
- o Poor school attendance
- o Visual, Hearing or Motor disability
- o limited English proficiency
- o Environmental, cultural, or economic disadvantage

[5 C.C.R. Sec. 3030(j)(5)] and [34 C.F.R. Secs. 300.8(10)(ii) & 300.309(a)(3).]

Response To Intervention (RTI) Model

School districts may use “a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures” instead of the discrepancy model. [20 U.S.C. Sec. 1414(b)(6); 34 C.F.R. Secs. 300.307 & 309.]

Next Steps

- o Develop a district wide RtI Model with levels of supports (16-17)
- o Implement the model at school sites (17-18)
 - o District Leadership Team
 - o Three levels of research based interventions
 - o Data driven – Common system
 - o Personalized Learning & Growth
 - o Support system
 - o Universal Screening
 - o Problem solving teams
 - o Focus on CCSS
 - o Align with learner’s talents and strengths

More Next Steps...

- o Develop a district wide MTSS Model through Personalization focusing on EVERY learner
- o Evaluate & Refine the Autism Program
- o Develop a Parent Education and Outreach Program
- o Continue with Monthly Meetings:
 - o Psychologist Meetings
 - o Special Education Staff Meetings
 - o Special Education Professional Development



GJUESD Summer Programs 2016



Joint Union Elementary School District





Migrant Summer Education

- Serving over 160 learners at Fairsite School Readiness Center and V.E. Greer Elementary School
- 8 teachers and 1 bi-national teacher from Mexico
- 3 CSUS Mini Corps Assistants
- Science based thematic instruction units and integrated technology
- Learners attend classes in the morning and have opportunity to attend BFLC Summer Academies in the afternoon
- Exciting STEM based Field Trips



Summer Blended Learning Academy

- Serving 60+ long term English learners with online resources and face to face instruction
- Providing personalized and individualized support
- Heavy emphasis on Reading and Writing
- Learners attend classes in the morning and have opportunity to attend BFLC Summer Academies in the afternoon
- Face to face instruction to take place at the learners nearest Bright Future Learning Center



Special Ed. Extended School Year

- Serving our Special Education learners at River Oaks Elementary School, Fairsite School Readiness Center and McCaffrey Middle School
- Providing continued support through the summer
- Learners attend classes in the morning and have opportunity to attend BFLC Summer Academies in the afternoon



Bright Future Learning Center Summer Academies

- Serving up to **750 learners** district wide
- **FREE** Lunch, T-Shirt and Transportation!
- Science Academy - VAPA Academy - Culinary Academy - Technology Academy - Cosumnes River Preserve Outdoor Academy
- **Additional Summer Activities**
Summer Band at Valley Oaks and GALEP Horse Masters
- **McCaffrey:** Summer Boot Camp/Culinary/Technology and Art Academies
- Welcoming learners who are attending other district summer programs
- BFLC's **OPEN** 8:00am - 3:00pm for every TK-8 GJUESD learner
3678 children!



Bright Future Learning Center

Summer Academy 2016

Science Academy

This summer come to the BFLC and have fun with Science. We will be experimenting with many fun filled activities. Bring your super smart brains and imaginations.

Technology Academy

At the Technology Academy we will be exploring Cartooning and Comic Maker. This is a great opportunity to discover new ideas and practice our skills. Our 4-6th graders we will be building Mindstorms Robots.

Culinary Academy

Food, nutrition, cooking, Do you love FOOD? Culinary Academy is for you! We will have special guest, chef Laurel Goins, join us for this academy. We will be creating and discovering recipes plus gardening too.

Visual And Performing Arts (VAPA) Academy

At the VAPA academy students will be working together to create a performance by the end of the week. The performances may include music, acting, art design and much more.

Cosumnes River Preserve Outdoor Academy

This academy is held at Cosumnes River Preserve. John Durand will lead students in exploring, hiking, canoeing, and working on the Cosumnes River Preserve! See attached flyer/form for further information.

~~~~~Summer Opportunities in Addition to Academies~~~~~

Summer Band: June 27-July 1 only

This summer join music teacher Omar Anzaldua at Valley Oaks Elementary School. Open to: all intermediate 2nd year band students i.e. any student that has played in band for only one year. THIS IS NOT AN ADVANCED CLASS.

See attached flyer/forms for further information.

GALEP Horse Masters: Wednesdays, July 6, 13, 20, or 27 only

This Academy is held at McCaffrey Middle School in the outdoor arena.

See attached flyer /forms for further information.

Start Time 12:00pm Pick up Time 3:00pm	Lake Canyon Elementary 1-6 grades	Marengo Ranch Elementary 1-6 grades	River Oaks Elementary 1-6 grades	Valley Oaks Elementary 1-6 grades	V. E. Greer Elementary 1-6 grades	Cosumnes River Preserve 4-5 grades
June 27 - July 1 Monday-Friday	Technology	Technology	Culinary	VAPA	Science	Outdoor
July 11 - July 15 Monday-Friday	VAPA	Science	Technology	Culinary	Culinary	Outdoor
July 18 - July 22 Monday-Friday	Culinary	VAPA	Science	Technology	VAPA	N/A
July 25- July 29 Monday-Friday	Science	Culinary	VAPA	Science	Technology	Outdoor
Showcase	Aug 15 9:00am	Aug 15 12:00pm	Aug 16 9:00am	Aug 17 9:00am	Aug 17 12:00pm	August 15 at RO August 16 at LC August 17 at GR

All Academies are FREE. Plus a FREE Summer T-shirt.

A FREE Lunch for students attending Summer Academy from 11:30am-12:00noon.

Registration Forms are DUE June 1. Turn in forms to the BFLC at your school.

This is a first come first serve opportunity. Each student may participate in ONE Academy.

For summer **only**, transportation will be provided. Bus stops will be posted in confirmation letter.

Please contact Jennifer Collier at 209-744-4545 ext. 331 with any questions.



Bright Future Learning Center Summer Academy at McCaffrey Middle School

Summer Boot Camp

June 27 - July 1 ~ Monday-Friday ~ 12:00-3:00pm

This is an introduction to ASES Boot Camp! Boot Campers will spend the week learning leadership skills, team building activities, and working on fitness and stamina through various games. You and other boot campers will be placed into your own squad and compete in capture the flag, dodge ball, and other original boot camp games. The week will end with the Squad Games and a banquet! Get ready for some fun!

Note: you do not have to be an ASES student to participate in this boot camp!

Art Academy

July 11 - July 15 ~ Monday-Friday ~ 12:00-3:00pm

The Art Academy is going to focus on PAINTING! We have a special guest, artist Nancy Quiaoit, on Monday during the Art Academy. She is an expert painter and an excellent youth art teacher.

We will also be exploring other painting media.

Technology Academy

July 18 - July 22 ~ Monday-Friday ~ 12:00-3:00pm

The Technology Academy will be exploring Pixel Design and CODE.

This is a great opportunity to discover new ideas and practice our skills.

Plus, we will be building LEGO Mindstorms Robots.

Culinary Academy

July 25- July 29 ~ Monday -Friday ~ 12:00-3:00pm

Food, nutrition, cooking, Do you love FOOD? Culinary Academy is for you! We have a special guest, chef Laurel Goins, joining us for this beginning academy. We will be creating and discovering ideas from recipes to gardening.

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For summer **only**, transportation will be provided. Bus stops will be posted in confirmation letter.

Please contact Jennifer Collier at 209-744-4545 ext. 331 with any questions.

Showcase: August 16 at 12:00pm

Have an AWESOME summer. See you at the BFLC!



REPORTS

Technology Infrastructure and Sustainability

Presenters: Robert Nacario, Jamie Hughes and Willie Marlin

The current status and future plans for technology infrastructure with sustainability considerations will be reported. Session content includes future needs and funding considerations.



REPORTS

Local Control Accountability Plan Update

Local Control Accountability Plan (LCAP) Update

1. May 27, 2016: Post LCAP on GJUESD website
2. May 31, 2016: Public meeting to give public an opportunity to comment on specific actions and expenditures
3. May 31, 2016: Board of Education Study Session for LCAP and Budget
4. June 15, 2016: LCAP presented at Board of Education meeting for public hearing
5. June 22, 2016: Board of Education meeting to approve LCAP and budget



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: 131.747 Consent Calendar
Presenter: Karen Schauer	Action Item: XX Information Item:
<ul style="list-style-type: none"> a. Approval of the Agenda b. Minutes: April 27, 2016 Regular Board Meeting Minutes: May 12, 2016 Special Board Meeting c. Payment of Warrants – <u>Certificated/Classified Payrolls Dated:</u> 4/29/16, 5/10/16, 5/6/16, 5/13/16 <u>Vendor Warrant Numbers:</u> 16373639- 16373722; 16374904-16374979; 16375432-16375433; 16375917-16375984; 16376534-16376535; 16377128-16377195; 16378214-16378283; 16379424-16379459; 16380440-16380493 d. Personnel: See attachment <ul style="list-style-type: none"> 1. Resignations/Retirement 2. Leave of Absence Requests 3. New Hires e. Donations: See attachment f. Out of State Conference Attendance by Jamie Hughes, Amanda Johnson, Stephanie Gutierrez, and Laura Papineau to attend the 9th Annual Kansas Multi-Tier System of Supports Symposium (MTSS) in Wichita, Kansas, September 8-9, 2016. 	

Galt Joint Union Elementary School District
Board of Education
“Building a Bright Future for All Learners”

Regular Board Meeting
Board of Education
Galt Joint Union Elementary School District

Wednesday, April 27, 2016
Galt City Hall Chambers
380 Civic Drive, Galt, CA 95632

Board Members Present

Kevin Papineau
Wesley Cagle
Grace Malson- absent
John Gordon
Matthew Felix

Administrators Present

Karen Schauer	Claudia Del Toro-Anguiano
Robert Nacario	Donna Whitlock
Thomas Barentson	Jamie Hughes
Emily Peckham	Laura Marquez
James Freeman	Gerardo Martinez
Donna Gill	David Nelson
	Judith Hayes

MINUTES

A. Closed Session was called to order at 5:35 p.m. by Kevin Papineau.

Administrators present for closed session: Karen Schauer, Tom Barentson and Claudia Del-Toro Anguiano.

Chris Keiner, Dannis Woliver, Kelly LLP, entered closed session at 5:35 p.m.

Wesley Cagle entered closed session at 5:45 p.m.

Chris Keiner exited closed session at 6:35 p.m.

Addison Covert, Parker & Covert LLP, entered closed session at 6:35 p.m.
Addison covert exited closed session at 7:05 p.m.

Closed session adjourned at 7:05 p.m.

1. CONFERENCE WITH LABOR NEGOTIATOR, Government Code §54957.6
Agency Negotiator: Karen Schauer, Robert Nacario, Claudia Del Toro-Anguiano, Tom Barentson
 - Employee Agency: (GEFA) Galt Elementary Faculty Association
 - Employee Agency: (CSEA) California School Employee Association
 - Non-Represented Employees

2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE, Government Code §54957

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, Government Code §54956.8
Property: 148-0090-016, 032, 035, 038, 055 & 059, Galt, CA

B. Closed Session Adjourned at 7:05 p.m. The open meeting was called to order at 7:10 p.m. by Kevin Papineau followed by the flag salute. He announced no action taken in closed session.

C. GJUESD Feature Report/Presentation

1. Valerie Seamons, Lake Canyon Elementary Teacher, shared a student video called Genius Hour that included some of her 6th grade students. Genius Hour is a movement that allows students to explore their own passions and encourages creativity in the classroom. It provides students a choice in what they learn during a set period of time during school.
2. Leesa Klotz shared information on an Earth Day Poster Contest sponsored by Cal-Waste. She indicated the contest focused on reduce, reuse and recycle. The winners of the contest were:

D. Communications

1. Karen Schauer shared a communication from Sacramento County Office of Education (SCOE) 2015-16 Second Period Interim Report. The report confirmed the district's positive certification. In addition, Dr. Schauer announced that Galt Elementary Faculty Association (GEFA) and GJUESD have reached a tentative agreement.

At this time John Durand shared information related to the Canoemobile program. He indicated the program has received national and state recognition and we have students participating in the program for every school site. The program is supported through Bureau of Land Management.

At this time Emily Peckham announced that Greer Elementary School is being recognized as one of 772 California Gold Ribbon Schools for 2016.

E. Reports

Superintendent

1. Karen Schauer provided a Local Control Accountability Plan (LCAP) Update. She highlighted upcoming dates that involve refinement work that is part of LCAP requirements and additional stakeholder feedback and to respond to stakeholder feedback. Concurrently, the district will have WestEd conduct interviews and focus groups to support continuous improvement.

Dr. Schauer shared the timeline for LCAP and budget adoption.

2. Karen Schauer shared Open House Dates with School Facilities Tours. She indicated that the District continues to share information about facilities needs through school open houses and advertising tours in local media. Dr. Schauer consulted with Lori Raineri, Government Financial Services, to review strategic, civic engagement activities that move beyond open houses. This could involve interest-based civic service learning with our middle school students. Lori Raineri will attend the regular May and June board meetings to address next steps.

3. Karen Schauer reported no complaints during the Williams Uniform Complaint 3rd Quarterly Report

Curriculum Director

1. Claudia Del Toro-Anguiano provided a Math Resources Update. She shared base programs [TK=Everyday Math, K-6=Eureka Math, 7-8=CPM] that are being used and the need to address pacing concerns. Grade level meetings will begin in May to address pacing challenges and to share a planning tool (for some modules) that will allow for compaction. She indicated that 6th grade is unique as their *standards span* is part of the middle school model.

Ms. Del Toro-Anguiano shared information on a new opportunity through the Stanford Math Project. Researchers are creating teacher centered curriculum. This curriculum can then be adapted for students. The pilot project is available to 6-8 grade teachers. It strongly aligns to common core and is supported by top researchers in the field of mathematics. The project provides specific strategies for EL/SPED learners and is free and adaptable.

8:52 p.m. Wesley Cagle exited the meeting.

Tom Barentson stated that this is a great opportunity for our district.

Karen Schauer stated that researchers found the greatest need was coming from 6-8 grades. They indicated that without a solid background, 6-8 grade students would not be as successful as they could be in higher math.

Staff/Board

1. John Gordon reported on 2016 National School Boards Association (NSBA) Conference. He indicated conference objectives included strengthening work as a governance team, engaging with other board members from other states and learning about barriers affecting K-12 education on a national scale.

F. Recommended Actions

1. Routine Matters/New Business

- 131.735 Karen Schauer acknowledged retirees: Judith Hayashida, Rudy Gonzales, Richard Hutchinson, Jacqueline Hill, Candace Howell, Linda Wadle, Donald Lindsley, Devan Rappleye, Cathy Aschwanden, Janet Crandell, Kathy Green, Lauren Smith and Robert Nacario.

**Consent
Calendar**

A motion was made by John Gordon to approve the Consent Calendar, seconded by Matthew Felix and unanimously carried.

- a. Approval of the Agenda
- b. Minutes: March 8, 2016 Special Board Meeting
Minutes: March 16, 2016 Regular Board Meeting
Minutes: March 31, 2016 Special Board Meeting
Minutes: April 14, 2016 Special Board Meeting

c. Payment of Warrants –

Certificated/Classified Payrolls Dated: 3/11/16, 3/31/16, 4/8/16, 4/15/16

Vendor Warrant Numbers: 16369546-16369711; 16370855-16370904; 16371725-16371792; 16372761-16372808

d. Personnel

Last Name	First Name	Assignment	Location	New Hire	Resignation	Retirement	Leave of Absence
Orozco	Nancy	Yard Supervisor	RO	X			
Shelly	Steven	Yard Supervisor	RO	X			
Flores	Erica	Classified Substitute	NA	X			
Munoz	Alondra	Classified Substitute	NA	X			
Hartzell	Steven	Classified Substitute (Bus Driver)	NA	X			
Plageman	Monica	Sub Teacher	NA		3/31/2016		
Grant	Brad	Teacher	RO		3/31/2016		
Fleeman	Sydney	IA ASES	MMS		4/1/2016		
Nunez	Natalie	Classified Substitute	NA		4/4/2016		
Usher	Lorraine	IA SPED	MRE		4/7/2016		
Duran	Sandi	Instructional Assistant SPED	RO		4/22/2016		
Hayashida	Judith	Teacher	RO			6/14/2016	
Gonzales	Rudy	Teacher	VO			6/14/2016	
Hutchinson	Richard	Bus Driver	Transportation			6/14/2016	
Hill	Jacqueline	Teacher	MRE			6/15/2016	
Howell	Candace	Teacher	MRE			6/16/2016	
Wadle	Linda	Teacher	RO			6/29/2016	
Lindsley	Donald	Teacher	MMS			6/30/2016	
Rapplepe	Devan	Teacher	MRE			6/30/2016	
Aschwanden	Cathy	Teacher	LC			6/30/2016	
Crandell	Janet	Teacher	VO			6/30/2016	
Green	Kathy	Teacher	MMS			6/30/2016	
Smith	Lauren	Administrative Assistant	DO			7/5/2016	
Moura	Marla	Psychologist	DO				3/28/16-3/30/16
Jimenez De Sanchez	Alma	Instructional Assistant Bilingual	GES				3/28/16-4/8/16
Hayes	Judith	Principal	LC				4/13/16-4/26/16
Hernandez	Rachel	Instructional Assistant ASES	GES				4/29/16-6/14/16
McGroarty	Nina	Teacher	MMS				4/4/16-4/8/16
Nilson	Sarah	Teacher	MMS				4/4/16-4/8/16
Ortega	Laurie	Instructional Assistant	VO				4/4/16-5/27/16
Hopper	Joyce	Bus Driver	Transportation				4/6/16-5/6/16
Cuevas-Ortega	Marta	Nurse	DO				5/18/16-6/14/16

e. Donations

Lake Canyon

- Salon 21 LLC, Buchanan Auto Glass, Jason M. Roach DDS, Galt Fitness Pro Inc., Jay's Auto Repair, M&M & Associates, Kimberlee Sakai OD, Ronald R. Hilder DDS and Hayes Chiropractic made a monetary donation towards the Color Me Run Event
- McDonald's donated \$100.00 towards the Color Me Run Event
- Lifetouch donated \$424.00 for site use
- Kelton Crawford donated \$516.00 through the PG&E YourCause program towards site use
- Katie Sickels donated \$250.02 through the PG&E YourCause program towards site use
- Jon Adams made a monetary donation through the PG&E YourCause program towards site use

Marengo Ranch

- Target donated \$212.52 for the 2016 Take Charge of Education Program towards site use

River Oaks

- River Oaks PTA donated \$652.80 towards site use
- Margo Aguirre donated \$232.44 through the PG&E YourCause program towards Mrs. Sunseri's and Mrs. Widermuth's classes
- Debbie McCaffrey made a monetary donation through the PG&E YourCause program for the Robotics Club
- Wells Fargo made a monetary donation through the Educational Matching Gift program

McCaffrey

- Barbara Welch made a monetary donation towards ASB Leadership
- Justin Reich donated \$100.00 towards ASB Leadership
- Progressive Instruction Club Z! Tutoring \$250.00 towards ASB Leadership

GALEP

- Christine McParland donated \$150.00

131.736	Consent Calendar (continued) – Items Removed for Later Consideration: No items removed.	CC Items Removed
131.737	A motion was made by Kevin Papineau to Appoint Donna Whitlock to Director of Educational Services, seconded by Wesley Cagle and unanimously carried.	Director of Ed Services
131.738	A motion was made by John Gordon to approve Supplemental Retirement Plan (SRP) with Public Agency Retirement Services (PARS) for Certificated Non-Management Employees, seconded by Matthew Felix and unanimously carried.	SRP PARS Agreement
131.739	A motion was made by Kevin Papineau to approve Out of State Conference Attendance by Gail Bruce to Attend the Teachers College Summer Writing Institute at Columbia University in New York, June 20-24, 2016 and the Advancement Via Individual Determination (AVID) Summer Institute in Honolulu, Hawaii, June 6-8, 2016, seconded by Wesley Cagle and unanimously carried.	Out of State Conference G Bruce
131.740	A motion was made by Wesley Cagle to approve Out of State Conference Attendance by Tammy Trinnaman to Attend the 24 th Symposium on Books for Young Readers in Provo, Utah, July 14-15, 2016, seconded by Matthew Felix and unanimously carried.	Out of State Conference T Trinnaman

- | | | |
|---------|---|--|
| 131.741 | A motion was made by Matthew Felix to approve Out of State Conference Attendance by Carmen Mejia to Attend Promoting Maternal Mental Health During Pregnancy Workshop in Seattle, Washington, May 9-10, 2016, seconded by John Gordon and unanimously carried. | Out of State
Conference
C Mejia |
| 131.742 | A motion was made by John Gordon to approve Out of State Conference Attendance by Karen Schauer, Claudia Del Toro-Anguiano, Jennifer Porter and Julie Grandinetti to Attend the Race to the Top-District 2016 Personalized Learning Summit in Denver, Colorado, June 23-25, 2016 and the International Society for Technology in Education (ISTE) Conference in Denver, Colorado, June 26-29, 2016, seconded by Wesley Cagle and unanimously carried. | Out of State
Conference
K Schauer
J Porter
J Grandinetti
C Del Toro |
| 131.743 | A motion was made by Kevin Papineau to approve Disposal of Obsolete or Unusable Instructional Materials, seconded by Matthew Felix and unanimously carried. | Disposal of
Inst Materials |
| 131.744 | A motion was made by John Gordon to approve 2016-17 School Calendar, seconded by Matthew Felix and unanimously carried. | School
Calendar |

G. Pending Agenda Items

1. Electronic Board Agenda Packet
2. School Furniture Analysis
3. Governance Team Continuous Improvement
4. Special Education Update
5. Technology Infrastructure and Sustainability

H. Adjournment

The meeting adjourned at 8:54 p.m.

Grace Malson, Clerk

Date

Galt Joint Union Elementary School District
Board of Education
“Building a Bright Future for All Learners”

Special Board Meeting & Study Session
Board of Education
Galt Joint Union Elementary School District

Thursday, May 12, 2016
Galt Joint Union Elementary School District Office
1018 C Street, Suite 210, Galt, CA 95632

Board Members Present

Kevin Papineau
Wesley Cagle
Grace Malson
John Gordon
Matthew Felix

Administrators Present

Karen Schauer
Robert Nacario
Claudia Del Toro-Anguiano
Tom Barentson

MINUTES

A. Open session was called to order at 5:43 p.m. by Kevin Papineau.

B. Recommended Actions

1. Routine Matters/New Business

131.745 A Public Hearing of Tentative Compensation, Benefits and Related Issues Agreement Between GJUESD and Galt Elementary Faculty Association (GEFA) was held. There was no public comment.

**GEFA TA
PUBLIC
HEARING**

131.746 A motion was made by John Gordon to approve Tentative Compensation, Benefits and Related Issues Agreement Between GJUESD and Galt Elementary Faculty Association (GEFA), seconded by Wesley Cagle and unanimously carried.

GEFA TA

John Gordon request to have a future discussion about the District's reserve.

C. Announce Items to be Discussed in Closed Session, Adjourn to Closed Session

1. CONFERENCE WITH LABOR NEGOTIATOR, Government Code §54957.6
Agency Negotiator: Karen Schauer, Robert Nacario, Claudia Del Toro-Anguiano & Tom Barentson

- Employee Agency: (GEFA) Galt Elementary Faculty Association
- Employee Agency: (CSEA) California School Employee Association
- Non-Represented Employees

2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE, Government Code §54957

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code §54957
 - Superintendent

D. Closed Session Adjourned at 8:55 p.m. There was no further action.

E. Pending Agenda Items

1. Electronic Board Agenda Packet
2. School Furniture Analysis
3. Governance Team Continuous Improvement
4. Special Education Update
5. Technology Infrastructure and Sustainability

F. Adjournment

The meeting adjourned at 8:55 p.m.

Clerk

Date



CONSENT CALENDAR DONATIONS

Greer

- Greer Partners in Education donated \$4,142.15 towards Apple iPads for site use
- Greer Partners in Education made a monetary donation towards site use
- River City Network of Schools made a monetary donation towards site use

Lake Canyon

- Raley's donated \$252.83 towards site use

Marengo Ranch

- Valarie Cannon made a monetary donation towards site t-shirts
- General Mills donated \$475.10 through Box Tops for Education Program towards site use
- Larry and Cristi Martin made a monetary donation towards School Beautification Day
- Tondria Sanders donated \$250.00 towards Science Camp

River Oaks

- River Oaks PTA made a monetary donation towards site use
- Adrian Delgado donated \$200.00 through the PG&E Corporation Campaign for the Community Program for Mrs. Funk's class
- Adam Kotko made a monetary donation towards site use

Valley Oaks

- Save Mart made a monetary donation towards site use
- Target donated \$106.82 towards site use
- Vicky Scott donated art materials valued at \$70.00 for site use

McCaffrey

- Raley's donated \$167.32 for site use
- Save Mart made a monetary donation towards Color Guard and site use



CONSENT CALENDAR

Out of State Conference Attendance

Board consideration is requested for Out of State Conference Attendance by Jamie Hughes, Amanda Johnson, Stephanie Gutierrez, and Laura Papineau to attend the 9th Annual Kansas Multi-Tier System of Supports Symposium (MTSS) in Wichita, Kansas, September 8-9, 2016.

The 9th Annual Kansas MTSS is an integrated, comprehensive framework that focuses on Common Core State Standards (CCSS), core instruction, differentiated learning, learner-centered learning, individualized learner needs, and alignment of systems necessary for all learners' academic, behavioral, and social success.

The symposium will strengthen the district team's ability to develop, lead and facilitate a MTSS model for GJUESD to align with California's One System Model.

Funding Source: Educator Effectiveness Funds



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: 131.748 Consent Calendar (continued)- Items Removed For Later Consideration
Presenter: Karen Schauer	Action Item: XX Information Item:
<p>The Board will have the opportunity to address any items that are moved from the consent calendar.</p>	



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: 131.749 Board Consideration of Approval to Increase School Lunch Prices for 2016-17
Presenter: Tom Barentson, Laurel Goins	Action Item: XX Information Item:

Effective July 1, 2011, section 205 of the Healthy, Hunger-Free Kids Act of 2010 requires school food authorities (SFA's) participating in the National School Lunch Program to provide the same level of support for lunches served to students who are not eligible for free or reduced price lunches (i.e., paid lunches) as they are for lunches served to students eligible for free lunches.

This will require us to increase our paid lunch prices to at least \$2.78 over time. We are required to increase the rate by no more than \$0.10 per year.

We are recommending the following increase be approved by the board for 2016-2017:

<u>Current Lunch Prices</u>	<u>New Lunch Prices</u>
K-6 \$1.85	K-6 \$1.95
7/8 \$2.10	7/8 \$2.20
Adult \$3.75	Adult \$3.75



Board Meeting Agenda Item Information

<p>Meeting Date: 5/25/16</p>	<p>Agenda Item: 131.750 1st Reading of Board Policies/Administrative Regulations/Exhibit</p> <ul style="list-style-type: none"> ▪ Community Relations <ul style="list-style-type: none"> ○ BP/AR 1312.3: Uniform Complaint Procedures ▪ Certificated Personnel <ul style="list-style-type: none"> ○ AR 4161.1/4361.1: Personal Illness/Injury Leave ▪ All Personnel <ul style="list-style-type: none"> ○ AR 4161.2/4261.2/4361.2: Personal Leaves ▪ Classified Personnel <ul style="list-style-type: none"> ○ AR4261.1: Personal Illness/Injury Leave ▪ Instruction <ul style="list-style-type: none"> ○ BP/AR 6142.7: Physical Education and Activity ▪ Business and Noninstructional Operations <ul style="list-style-type: none"> ○ BP/E 3515.7: Firearms on School Grounds ○ BP/AR 3553: Free and Reduced Price Meals
<p>Presenter: Karen Schauer, Robert Nacario, Tom Barentson</p>	<p>1st Reading: XX</p> <p>Information Item:</p>

Board Policy Revisions as recommended by the California School Boards Association. Preliminary edits (if any) reflect district practice as allowed by law or relevance based on the grade levels the GJUESD serves.

This is a first reading for board comment and direction. Policy summaries are attached.

Following the first reading, policies will be returned for a second reading or possible approval.

POLICY GUIDE SHEET

Page 1 of 2

Changes are shaded, with new language appearing in **bold** font and deleted language appearing ~~struckthrough~~ font. Language that is shaded but does not have **bold** or ~~struckthrough~~ font was already in the policy but has been moved to a different part of the document.

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

BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAWS** which authorize the use of uniform complaint procedures to resolve complaints of noncompliance with requirements related to accommodations for lactating students (AB 302, 2015), educational rights of foster youth and homeless students (AB 379, 2015), assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed (AB 1012, 2015), and physical education instructional minutes in elementary schools (AB 1391, 2015). Regulation also reflects provisions of these laws which allow appeals of the district's decision related to these complaints to the California Department of Education and provide that, if any complaint regarding physical education instructional minutes is found to have merit, the district must provide a remedy to all affected students and parents/guardians.

AR 4161.1/4361.1 - Personal Illness/Injury Leave

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 375, 2015) which requires differential pay for a certificated employee who has exhausted all available sick leave and continues to be absent due to maternity or paternity leave for the birth, adoption, or foster care placement of a child. Regulation also reflects **NEW LAW** (SB 579, 2015) which allows an employee to use sick leave, up to the amount he/she would accrue during six months, for all the purposes specified in the Healthy Workplaces, Healthy Families Act. Regulation reflects **NEW LAW** (AB 304, 2015) which allows districts to use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.

AR 4161.2/4261.2/4361.2 - Personal Leaves

(AR revised)

Regulation updated to reflect **NEW LAW** (SB 579, 2015) which expands the purposes of leave for child-related activities to include (1) enrolling or reenrolling a child in a school or with a licensed child care provider and (2) addressing a school or child care emergency, as defined. Regulation also adds definition of "parent/guardian" for purposes of such leave, expanded by SB 579 to include a stepparent, foster parent, or person who stands in loco parentis to the child.

AR 4261.1 - Personal Illness/Injury Leave

(AR revised)

Regulation updated to reflect **NEW LAW** (SB 579, 2015) which allows employees to use sick leave, in an amount not less than the employee would accrue during six months at his/her current rate of accrual, for the purposes specified in the Healthy Workplaces, Healthy Families Act, rather than just for attending to the illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child. Regulation also clarifies circumstances under which the district may require an employee to verify the need for sick leave.

POLICY GUIDE SHEET

Page 2 of 3

BP/AR 6142.7 - Physical Education and Activity

(BP/AR revised)

Policy updated to add information regarding required qualifications of physical education teachers. Policy also incorporates material formerly in AR regarding the minimum school day for high school students who are granted two-year or permanent exemptions from physical education courses, and adds the amount of instructional time in physical education that must be provided to students who are excused from physical education courses in order to participate in driver training. Regulation updated to reflect clarify instructional time requirements, describe recent lawsuits alleging districts' noncompliance with these requirements, provide optional methods for documenting the number of instructional minutes provided, and reflect related CSBA Legal Alert. Regulation also reflects **NEW LAW** (AB 1391, 2015) which authorizes the use of uniform complaint procedures for any complaint that an elementary school has not complied with the instructional minute requirement.

BP/E 3515.7 - Firearms on School Grounds

(BP/E added)

New policy reflects **NEW LAW** (SB 707, 2015) which eliminates the exception that had allowed persons with a Carry Concealed Weapon (CCW) license to possess a firearm on campus. The law now requires such persons to obtain written permission of the Superintendent or designee in order to possess a firearm and/or ammunition on school grounds. Policy contains options for the Board either to prohibit any person from possessing a firearm on campus, unless that person is specifically allowed such possession by law, or to authorize the Superintendent or designee to use his/her legal authority to permit persons with a CCW license to possess a firearm and/or ammunition on campus. For districts choosing to allow such permission to be granted on a case-by-case basis, the policy establishes optional criteria and conditions that must be met. Two new Exhibits provide (1) a sample form for persons to apply for permission to possess a firearm and/or ammunition on school grounds and (2) a sample agreement describing responsibilities and restrictions on such possession which should be signed by the Superintendent or designee and by the person granted permission.

BP/AR 3553 - Free and Reduced-Price Meals

(BP/AR revised)

Policy updated to reflect the timeline for submitting a request to the State Board of Education for a waiver of the requirement to provide free and reduced-price meals during summer session. Policy also revised to reflect law authorizing sharing of students' free and reduced-price meal eligibility information with another local educational agency serving another child living in the same household as the student and with the Superintendent of Public Instruction for purposes of determining local control funding formula allocations. Regulation updated to reflect **NEW LAW** (SB 708, 2015) which authorizes districts to make free and reduced-price meal applications available electronically as long as the online application complies with specific requirements, including the provision of clear instructions for homeless or migrant families.

Galt Joint Union Elementary School District Board Policy

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Pursuant to 5 CCR 4610, districts are required to adopt a uniform system of procedures that meets specified requirements for investigating and resolving complaints alleging (1) unlawful discrimination (such as discriminatory harassment, intimidation, and bullying); (2) ~~a violation of~~ **noncompliance with** state and federal laws and regulations governing educational programs; or (3) noncompliance with state law prohibiting the charging of student fees. Although some bullying incidents may not fall within the provisions of 5 CCR 4610, BP 5131.2 - Bullying strongly recommends that districts use the UCP to investigate all bullying incidents, regardless of whether there is an allegation of discriminatory bullying, to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of his/her actual or perceived membership in a legally protected class. After investigation, bullying incidents found to involve discrimination would then be resolved using the UCP. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with the accompanying administrative regulation.

Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan. For plan requirements, see BP/AR 0460 - Local Control and Accountability Plan. **In addition, legislation enacted in 2015 authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified in items #3 and #6-9 below.** Finally, a district should adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging retaliation in response to a complaint.

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying administrative regulation. As a result, the sample policy and regulation have been drafted to go beyond the requirements of California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on the samples, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board ~~shall adopt~~ **adopts** the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on ~~his/her~~ **the person's** actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code

UNIFORM COMPLAINT PROCEDURES (continued)

422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, ~~in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance~~ (5 CCR 4610)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Note: Pursuant to Education Code 222, as added by AB 302 (Ch. 690, Statutes of 2015), a district is required to provide specified accommodations to lactating students on campus, and a complaint may be filed using the UCP when any such student is denied such accommodations.

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

3-4. Any complaint alleging district ~~violation of~~ **noncompliance with** the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

Note: Item **#5** below is **mandated** pursuant to Education Code 52075.

4-5. Any complaint alleging ~~that the district has not complied~~ **district noncompliance** with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

Note: Item **#6** below permits the use of the UCP for resolving complaints of district noncompliance with law related to specified educational rights of a foster youth pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). For details of the educational rights of foster youth, see BP/AR 6173.1 - Education for Foster Youth.

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational

UNIFORM COMPLAINT PROCEDURES (continued)

liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

Note: Item #7 below permits the use of the UCP for resolving complaints of district noncompliance with law related to specified educational rights of a homeless student pursuant to Education Code 51225.1-51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). For details of the educational rights of homeless students, see BP/AR 6173 - Education for Homeless Children.

- 7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)**

(cf. 6173 - Education for Homeless Children)

Note: Item #8 below is for districts that serve grades 9-12 students. Pursuant to Education Code 51228.1 and 51228.2, as added by AB 1012 (Ch. 703, Statutes of 2015) and as specified below, a UCP complaint may be filed against a district that assigns a student to a course with no educational content for more than one week in any semester or to a course which the student has previously completed, unless the district meets specified conditions. For more information, see BP 6152 - Class Assignment.

- ~~**8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)**~~

(cf. 6152 - Class Assignment)

Note: Item #9 below is for districts maintaining elementary schools. Pursuant to Education Code 51223, as amended by AB 1391 (Ch. 706, Statutes of 2015), the UCP may be used to file a complaint when an elementary school has not complied with the requirement to offer 200 minutes of physical education instruction each 10 school days. For details of this requirement, see BP/AR 6142.7 - Physical Education and Activity.

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

(cf. 6142.7 - Physical Education and Activity)

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

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

- 6- 10.** Any other complaint as specified in a district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following **optional** paragraph provides for a neutral mediator and should be revised to reflect district practice.

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

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

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

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

(cf. 5125 - Student Records)

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to the UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints. For procedures related to complaints of discrimination in employment, see AR 4030 - Nondiscrimination in Employment.

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

UNIFORM COMPLAINT PROCEDURES (continued)

4. Any complaint alleging fraud shall be referred to the California Department of Education.

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

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

222 Reasonable accommodations; lactating students

8200-8498 *Child care and development programs*

8500-8538 *Adult basic education*

18100-18203 *School libraries*

32289 *School safety plan, uniform complaint procedures*

35186 *Williams uniform complaint procedures*

48853-48853.5 Foster youth

48985 *Notices in language other than English*

49010-49013 *Student fees*

49060-49079 *Student records*

49069.5 Rights of parents

49490-49590 *Child nutrition programs*

51210 Courses of study grades 1-6

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements

51228.1-51228.3 Course periods without educational content

52060-52077 *Local control and accountability plan, especially*

52075 *Complaint for lack of compliance with local control and accountability plan requirements*

52160-52178 *Bilingual education programs*

52300-52490 *Career technical education*

52500-52616.24 *Adult schools*

52800-52870 *School-based program coordination*

54400-54425 *Compensatory education programs*

54440-54445 *Migrant education*

54460-54529 *Compensatory education programs*

56000-56867 *Special education programs*

59000-59300 *Special schools and centers*

64000-64001 *Consolidated application process*

GOVERNMENT CODE

11135 *Nondiscrimination in programs or activities funded by state*

12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.55 *Hate crime; definition*

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*

4600-4687 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX of the Education Amendments of 1972*

6301-6577 *Title I basic programs*

6801-6871 *Title III language instruction for limited English proficient and immigrant students*

7101-7184 *Safe and Drug-Free Schools and Communities Act*

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20 (continued)

7201-7283g *Title V promoting informed parental choice and innovative programs*

7301-7372 *Title V rural and low-income school programs*

12101-12213 *Title II equal opportunity for individuals with disabilities*

UNITED STATES CODE, TITLE 29

794 *Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000e-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*

2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*

6101-6107 *Age Discrimination Act of 1975*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

100.3 *Prohibition of discrimination on basis of race, color or national origin*

104.7 *Designation of responsible employee for Section 504*

106.8 *Designation of responsible employee for Title IX*

106.9 *Notification of nondiscrimination on basis of sex*

110.25 *Notification of nondiscrimination on the basis of age*

Management Resources:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

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

Furthermore, 34 CFR 106.8 **mandates** that districts that receive federal financial assistance adopt procedures for the "prompt and equitable" resolution of complaints of discrimination based on sex. However, the U.S. Department of Education's Office for Civil Rights (OCR) expects districts to adopt similar procedures for the investigation and resolution of any complaint of unlawful discrimination based on any protected status, not just sex. Factors considered by OCR when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state legislation enacted in 2015 authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified in items #3 and #6-9 of the accompanying Board policy.

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

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

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR

UNIFORM COMPLAINT PROCEDURES (continued)

5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

<u>Superintendent</u>	<u>Director of Educational Services</u>
(title or position)	
1018 C St., Suite 210, Galt CA 95632	1018 C St., Suite 210, Galt, CA 95632
(address)	
(209) 744-4555	(209) 744-4555
(telephone number)	
<u>superintendent@galt.k12.ca.us</u>	
(email)	

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

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

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

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

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

UNIFORM COMPLAINT PROCEDURES (continued)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

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

Note: 5 CCR 4622 **mandates** the district to include specified information in the required annual notice of its UCP to students, parents/guardians, employees, and others. **Pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015), the district is required to include information about specified educational rights of foster youth and homeless students in its annual UCP notification.**

During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below. A sample of the annual notice is available through the CDE web site. In addition, 28 CFR 35.107, 34 CFR 106.8, and 34 CFR 110.25 require the district to publish its complaint procedures covering unlawful discrimination.

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, **and** local control and accountability plan (LCAP) requirements, **and requirements related to the educational rights of foster youth and homeless students**, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, **48853, 48853.5**, 49013, **49069.5, 51225.1, 51225.2**, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

Note: The following **optional** paragraph may be modified to reflect district practice. In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

UNIFORM COMPLAINT PROCEDURES (continued)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

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

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of

UNIFORM COMPLAINT PROCEDURES (continued)

Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

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

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

Note: Items #4f and g below reflect Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). Pursuant to Education Code 48853.5, as amended, the CDE is required to develop a standardized notice of the rights of foster youth in consultation with the California Foster Youth Education Task Force, and to make it available for dissemination by posting it on its Internet Web site.

- f. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from

UNIFORM COMPLAINT PROCEDURES (continued)

school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

~~g.~~ A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:

~~(1)~~ Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

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

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

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

~~g.~~ **h.** The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

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

~~h.~~ **i.** Copies of the district's UCP are available free of charge.

District Responsibilities

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

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

Filing of Complaints

Note: Complaints filed under the UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. If a site administrator not designated as a compliance officer receives a UCP complaint, he/she must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

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

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 **mandates** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees. Pursuant to Education Code 52075, anonymous complaints are permitted with regards to the LCAP, as long as evidence, or information leading to evidence, to support the allegation of noncompliance is provided in the complaint.

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement

UNIFORM COMPLAINT PROCEDURES (continued)

related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's [Revised Sexual Harassment Guidance](#), [Dear Colleague Letter: Sexual Violence](#), and [Questions and Answers on Title IX and Sexual Violence](#) indicate that if a complainant in a sexual harassment case requests that his/ her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. This principle would also apply to harassment on other bases, such as race, gender, or disability.

5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

UNIFORM COMPLAINT PROCEDURES (continued)

Mediation

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

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

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

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

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

Investigation of Complaint

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

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or

UNIFORM COMPLAINT PROCEDURES (continued)

his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

Report of Findings

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

OPTION 1:

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

OPTION 2:

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

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

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

Final Written Decision

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties **that who** may be involved in implementing the decision or **are** affected by the complaint, as long as the privacy of the parties is protected.

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

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

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

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved

UNIFORM COMPLAINT PROCEDURES (continued)

- c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
 3. Disposition of the complaint
 4. Rationale for such disposition

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

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

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

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

UNIFORM COMPLAINT PROCEDURES (continued)

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the **complainant or another person who was the** subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision **to the CDE** within 15 calendar days, **to the CDE** and procedures to be followed for initiating such an appeal

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

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from the CDE.
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For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

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

Corrective Actions

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

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

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

UNIFORM COMPLAINT PROCEDURES (continued)

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

Note: In its Dear Colleague Letter: Sexual Violence from April 2011 and its Questions and Answers on Title IX and Sexual Violence from April 2014, OCR provides a detailed discussion of remedies for the broader campus community.

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

Note: **Generally, when a complaint is found to have merit, appropriate corrective action is provided to the complainant or other affected person. However, in certain instances, the law may require corrective action to be provided to all affected persons, not just the complainant or subject of the complaint. For example,** pursuant to Education Code 49013 and 5 CCR 4600, if the district, or the CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy **to all affected students and parents/guardians**, as specified below. **The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, —contains similar provisions with regard to noncompliance with the requirements for the LCAP. and to noncompliance with required instructional minutes for elementary students' physical education, pursuant to Education Code 51223, as amended by AB 1391 (Ch. 706, Statutes of 2015). Districts that do not maintain elementary schools should delete reference to physical education from the following paragraph.**

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

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

Appeals to the California Department of Education

Note: 5 CCR 4632-4633 provide that any complainant may appeal the district's decision to the CDE, as provided below. Pursuant to Education Code 49013, the district is **mandated** to adopt procedures that include the right to appeal to the CDE, in accordance with 5 CCR 4632, when a complainant is dissatisfied with the district's decision on his/her complaint alleging noncompliance with the law that prohibits districts from requiring students to pay fees, deposits, or charges for their participation in educational activities. Such procedures are also **mandated** by Education Code 52075 with regards to complaints alleging noncompliance with requirements related to the LCAP.

UNIFORM COMPLAINT PROCEDURES (continued)

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

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

DRAFT

Galt Joint Union Elementary School District

Administrative Regulation

Certificated Personnel

AR 4161.1(a)
4361.1

PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Effective July 1, 2015, Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. **Pursuant to Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.** Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years.

The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

Certificated employees **working employed** five school days **per a** week are entitled to 10 days' leave of absence **with full pay** for personal illness or injury (sick leave), per school year **of service, with full pay.** Employees **who** **working** less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, **if he/she is eligible.** (Education Code 44978; **Labor Code 245-249**)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

PERSONAL ILLNESS/INJURY LEAVE (continued)

1. **Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties; or temporary inability to perform assigned duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment** (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

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

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: **Optional** item #4 below may be revised as desired to specify a different minimum increment for sick leave.

4. Medical and dental appointments, ~~in increments of not less than one hour~~
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 233, any employer who provides sick leave for employees must permit them to use sick leave in any calendar year to attend to the illness of their child, parent, spouse, domestic partner, or domestic partner's child, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement (e.g., five days accrued during six months for full-time certificated employees, unless the district has established an amount that is higher than the legal minimum). Certificated employees also may use sick leave for personal necessity, including the serious illness of a member of the employee's immediate family pursuant to Education Code 44981; see AR 4161.2/4261.2/4361.2 Personal Leaves. Districts are cautioned to consult legal counsel regarding possible interaction of sick leave and personal necessity leave provisions in the Education Code and Labor Code.

6. ~~Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233)~~

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may

PERSONAL ILLNESS/INJURY LEAVE (continued)

be used for the purposes specified in item #6 below #7 and #8 below. Labor Code 245.5, as added by AB 1522, defines "family member" for the purpose of item #7 to include a registered domestic partner, grandparent, and sibling. Item #8 applies only to employees who are victims of domestic violence, sexual assault, or stalking.

Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to the illness of their family members as specified in item #6 below. Family members include, but are not limited to, an employee's grandparent, grandchild, and sibling, not just his/her child, parent, spouse, or domestic partner. In addition, the law defines child as a "biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis."

For more details of AB 1522 requirements, see section "Healthy Workplaces, Healthy Families Act Requirements" below. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7- 6. In any calendar year, an employee may use the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement for the following: (Labor Code 233, 246.5)

a. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition of, or for preventive care for, the employee or his/her family member as defined in Labor Code 245.5 (Labor Code 246.5)

8- b. Need of the employee to seek or obtain or seek any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 246.5)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Note: The following paragraph is **optional**.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

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

PERSONAL ILLNESS/INJURY LEAVE (continued)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

Note: Pursuant to Education Code 44979-44980, a certificated employee is entitled to have his/her accumulated sick leave transferred with him/her in the circumstances specified in the following **optional** paragraph.

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

Notification of Absence

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

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 44977, an employee who is absent for up to five months after exhausting all his/her available sick leave must receive his/her regular salary minus the cost of a substitute. Option 1 below reflects this requirement.

However, Education Code 44983 provides that Education Code 44977 does not apply to those districts that adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence. Option 2 below is for use by districts that choose to specify such a level of compensation; these districts are mandated to adopt a rule to this effect.

PERSONAL ILLNESS/INJURY LEAVE (continued)

OPTION 1:

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

Note: In *Veguez v. Long Beach Unified School District*, the court held that an employee is not entitled to more than a total of five months of differential pay "per illness or accident," even if the employee works for a period of time between sick leave increments related to the same medical condition.

An employee shall not be provided more than one five-month period per illness or injury. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

Note: Option 2 below is **mandated** for use by districts that choose to provide employees at least 50 percent of their regular salary during the period of absence pursuant to Education Code 44983. The following paragraph specifies a percentage of 50 percent and should be modified by districts that have set a higher percentage.

OPTION 2:

~~After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent for an additional period up to five months, he/she shall receive 50 percent of his/her regular salary during the additional period of absence. (Education Code 44983)~~

Note: The following paragraph is for use by districts that selected either Option 1 or Option 2, and is subject to any conflicting provision in a collective bargaining agreement entered into before January 1, 2016. Pursuant to Education Code 44977.5, as added by AB 375 (Ch. 400, Statutes of 2015), the district is required to provide differential pay to a certificated employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to maternity or paternity leave for the birth of the employee's child or placement of a child with the employee for adoption or foster care (baby bonding), pursuant to Government Code 12945.2 (California Family Rights Act). Such an employee is entitled to receive differential pay for up to 12 weeks. Among the many questions generated by the new law are whether the 12 weeks differential pay for maternity/paternity leave would be in addition to the five months differential leave pay pursuant to Education Code 44977 (Option 1 above) and whether the law applies to districts that provide their employees at least 50 percent of their regular salary instead of differential pay during such period of absence, as permitted by Education Code 44983 (Option 2 above.) The following paragraph reflects CSBA's interpretation of the law. Any district with a question regarding the interpretation to be given to this new law should consult its legal counsel.

PERSONAL ILLNESS/INJURY LEAVE (continued)

In addition, during each school year, any certificated employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of maternity or paternity leave (baby bonding) pursuant to Government Code 12945.2 shall receive, for up to 12 school weeks, his/her regular salary minus the actual cost of a substitute to fill the position or, if no substitute was employed, the amount that would have been paid had a substitute been employed. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such maternity or paternity leave. (Education Code 44977.5)

Note: The following paragraph is for use by districts that selected either Option 1 or Option 2.

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Note: When an employee is absent for a period of more than five months, or is absent for a cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from his/her salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations. **If not covered in the district's negotiated agreement, the district may add provisions here reflecting salary deductions for employees absent longer than five months.**

Verification Requirements

Note: Education Code 44978 **mandates** the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in negotiated agreements.

Previously, Labor Code 233 authorized a district to apply the same conditions and restrictions placed upon its employees' use of sick leave for their own illness to any use of sick leave for illnesses of an employee's family members. Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), this authorization no longer exists. As amended, Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Since the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be careful in requiring verification for sick leave used for the purposes specified in Labor Code 246.5

PERSONAL ILLNESS/INJURY LEAVE (continued)

(item #6 above). Though a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

~~After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.~~

The Superintendent or designee ~~may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such~~ **may require** verification ~~shall be required~~ whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

- 44964 Power to grant leave of absence in case of illness, accident, or quarantine
- 44965 Granting of leaves of absence for pregnancy and childbirth
- 44976 Transfer of leave rights when school is transferred to another district
- 44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
- 44977.5 Salary deduction during absence from duties for maternity or paternity leave up to 12 weeks after sick leave is exhausted
- 44978 Provisions for sick leave of certificated employees
- 44978.1 Inability to return to duty; placement in another position or on reemployment list
- 44979 Transfer of accumulated sick leave to another district
- 44980 Transfer of accumulated sick leave to a county office of education
- 44981 Leave of absence for personal necessity
- 44983 Exception to sick leave when district adopts specific rule
- 44984 Industrial accident or illness
- 44986 Leave of absence for disability allowance applicant

LABOR CODE

- 220 Sections inapplicable to public employees
- 230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
- 230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
- 233 Illness of child, parent, spouse or domestic partner
- 234 Absence control policy
- 245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

- 5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

- 2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

- 1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

- Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

(7/10 12/14) 3/16

Galt Joint Union Elementary School District

Administrative Regulation

All Personnel

AR 4161.2(a)

4261.2

PERSONAL LEAVES

4361.2

Note: The following administrative regulation is subject to collective bargaining agreements.

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

Note: As provided in the following paragraph, Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state codes (e.g., Education Code, Military and Veterans Code). Districts should consult legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Note: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below and enlarge the benefits provided by law. The following two paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister

PERSONAL LEAVES (continued)

3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Note: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in their collective bargaining agreement or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

Employees may use a maximum of seven days of their accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the **employee's person or employee or his/her** property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

Note: Education Code 44981 provides that a certificated employee may use personal necessity leave for the serious illness of a member of his/her immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult legal counsel regarding any interaction of Education Code provisions with Labor Code 233, **245.5, and 246.5, which states that any employer who provides sick leave for employees must permit the employees to use one half of their annual sick leave allotment to attend to the illness of a child, parent, spouse, registered domestic partner, or registered domestic partner's child** as amended by AB 1522 (Ch. 319, Statutes of 2014), which allow the use of sick leave for the need of the employee or his/her family member for the

PERSONAL LEAVES (continued)

diagnosis, care, or treatment of an existing health condition or for preventive care and which expand the definition of "family member" to include a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, or spouse/registered domestic partner; or the employee's own serious health condition.

3. **A serious** illness, **preventive care, or other need** of a member of the **certificated** employee's **immediate** family, **as defined in Labor Code 245.5** (Education Code 44981; **Labor Code 246.5**)

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

Note: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Legal Duties" below.

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

Note: Items #5 and #6 are **optional** and may be deleted or modified to reflect district practice.

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether or not a request reflects personal necessity.

~~Note: Education Code 44981 and 45207 specify circumstances under which certificated and classified employees cannot be required to seek advance permission for the leave. However, only certificated employees are afforded the right, pursuant to Education Code 44981, to not be required to provide advance notice for leave due to a serious illness of the employee's family member. Districts may, at their discretion, extend this right to all employees as stated in the following **optional** paragraph. Districts that wish to restrict the provision to certificated employees should revise the paragraph accordingly.~~

Note: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified

PERSONAL LEAVES (continued)

employees for the reasons specified in items #1-2 above and by certificated employees for the reasons specified in items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or the California Family Rights Act (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

Advance permission shall not be required of **any an** employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the **serious** illness **or other need** of a member of the employee's **immediate** family. (Education Code 44981, 45207)

~~However,~~ **For any leave that is planned, or where the need for leave is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances,** the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

Note: Education Code 44981 and 45207 **mandate** the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

Note: Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that he/she seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of his/her service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in items #1-2 below.

An employee may take time off work in order to: (Labor Code 230)

PERSONAL LEAVES (continued)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees. (Education Code 44037)

Note: The following **optional** paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

A certificated employee **who is called for jury duty** also shall be granted leave **for jury duty** with pay up to the **amount of the** difference between his/her regular earnings and any **amount received for** jury fees **he/she received**.

Note: The following paragraph is **optional**. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

Employees An employee shall be granted leave **with pay** to appear in court as **a** witnesses other than **a** litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such **an employees** shall receive **pay up to the amount of** the difference between **the employee's his/her** regular earnings and any **amount received for** witness fees **he/she received**.

Leaves for Crime Victims

Note: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)

PERSONAL LEAVES (continued)

3. A felony provision of law proscribing theft or embezzlement

Note: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

Note: Labor Code 230 and 230.1 allow employees to use their available vacation, personal leave, or compensatory time off for the purposes described in items #1-5 below **and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes.**

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child

Note: Labor Code 230.1, as amended by SB 400 (Ch. 759, Statutes of 2013), requires a district with 25 or more employees to grant time off to an employee who is a victim of sexual assault, domestic violence, or stalking for the following additional reasons. A district with fewer than 25 employees may use or delete items #2-5 below at its discretion.

PERSONAL LEAVES (continued)

2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Child-Related Activities

Note: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion. **SB 579 (Ch. 802, Statutes of 2015) amended Labor Code 230.8 to expand the purposes of leave for child-related activities to include enrolling or reenrolling a child in a school or with a licensed child care provider and addressing a school or child care emergency, as defined.**

PERSONAL LEAVES (continued)

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

Any employee who is a parent/guardian ~~or grandparent~~ of one or more children ~~enrolled in of~~ **an age to attend any of** grades K-12 or ~~a licensed day care facility~~ **a program offered by a licensed child care provider** may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: ~~participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year.~~ **(Labor Code 230.8)**

- 1. Find, enroll, or reenroll his/her child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month. (Labor Code 230.8)**
- 2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:**
 - a. A request by the school or child care provider that the child be picked up**
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider**
 - c. Behavioral or discipline problems**
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays**
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood**

(cf. 5148 - Child Care and Development)

Note: SB 579 (Ch. 802, Statutes of 2015) amended Labor Code 230.8 to expand the definition of "parent" to add a stepparent, foster parent, or person who stands in loco parentis to the child.

For purposes of this leave, *parent/guardian* includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

PERSONAL LEAVES (continued)

Note: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following **optional** paragraph may be revised to reflect district practice.

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If **both two or more** parents/guardians of a child are employed at the same work site, this leave shall be allowed for the **first** parent/guardian who **applies first gives notice to the district**. Simultaneous absence by ~~the second~~ **another** parent/guardian **of the child** may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed ~~day care facility~~ **child care provider** that he/she ~~participated in school or licensed day care facility activities~~ **engaged in permitted child-related activities** on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Note: The following **optional** section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that certificated and classified employees may take time off without loss of compensation to serve as elected officers of their local, statewide, or national employee organization. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment

PERSONAL LEAVES (continued)

of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Upon request, any ~~certificated~~ or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

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

(cf. 4143/4243 - Negotiations)

Note: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. The maximum amount of service credit an employee may earn cannot exceed 12 years. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

Note: The following **optional** section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause

PERSONAL LEAVES (continued)

additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

Note: The following **optional** paragraph reflects the California Supreme Court's interpretation of Article 1, Section 8 of the California Constitution as stated in Rankin v. Commission on Professional Competence.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

Note: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

Note: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

PERSONAL LEAVES (continued)

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Note: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

Note: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Legal Reference: (see next page)

PERSONAL LEAVES (continued)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances
44963 Power to grant leaves of absence (certificated)
44981 Leave of absence for personal necessity (certificated)
44985 Leave of absence due to death in immediate family (certificated)
44987 Service as officer of employee organization (certificated)
44987.3 Leave of absence to serve on certain boards, commissions, etc.
45190 Leaves of absence and vacations (classified)
45194 Bereavement leave of absence (classified)
45198 Effect of provisions authorizing leaves of absence
45207 Personal necessity (classified)
45210 Service as officer of employee organization (classified)
45240-45320 Merit system, classified employees

EVIDENCE CODE

1035.2 Sex assault counselor; definition
1037.1 Domestic violence counselor; definition

FAMILY CODE

297-297.5 Registered domestic partner rights, protections, and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations
12945.1-12945.2 California Family Rights Act

LABOR CODE

230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies
230.3 Leave for emergency personnel
230.4 Leave for volunteer firefighters
230.8 Leave to visit child's school
233 Illness of child, parent, spouse, domestic partner or domestic partner's child
234 Absence control policy
246.5 Paid sick days, purposes for use

1500-1507 Civil Air Patrol leave

MILITARY AND VETERANS CODE

395.10 Leave when spouse on leave from military deployment

PENAL CODE

667.5 Violent felony, defined
1192.7 Serious felony, defined

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954

Management Resources: (see next page)

4261.2
4361.2

PERSONAL LEAVES (continued)

Management Resources:

WEB SITES

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

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Policy Reference UPDATE Service

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Galt Joint Union Elementary School District

Administrative Regulation

Classified Personnel

AR 4261.1(a)

PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Twelve days of paid personal illness or injury leave (sick leave) per year is the minimum prescribed by Education Code 45191 for classified employees employed five days a week in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Pursuant to Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years.

The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

See sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below for more details of AB 1522 requirements. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days leave of absence with full pay **per fiscal year** for personal illness or injury (sick leave) **per fiscal year**. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

PERSONAL ILLNESS/INJURY LEAVE (continued)

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)
2. Pregnancy, childbirth, and recovery (Education Code 45193)

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

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: **Optional** item #4 below may be revised to specify a different minimum increment.

4. Medical or dental appointments, ~~in increments of not less than one hour~~
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 233, any employer who provides sick leave for employees must permit them to use sick leave in any calendar year to attend to the illness of their child, parent, spouse, domestic partner, or domestic partner's child, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement (e.g., six days accrued during six months for full-time classified employees, unless the district has established an amount that is higher than the legal minimum). Classified employees also may use sick leave for personal necessity, including the serious illness of a member of the employee's immediate family pursuant to Education Code 45207; see AR 4161.2/4261.2/4361.2 - Personal Leaves. Districts are cautioned to consult legal counsel regarding the possible interaction of sick leave and personal necessity leave provisions in the Education Code and Labor Code.

6. ~~Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of leave that would be accrued during six months for personal illness or injury (Labor Code 233)~~

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may also be used for the purposes specified in item #6 below, #7 and #8 below. Labor Code 245.5, as added by AB 1522, defines "family member" for the purpose of item #7 to include a registered domestic partner, grandparent, and sibling. Item #8 applies only to employees who are victims of domestic violence, sexual assault, or stalking.

AB 1522 can reasonably be interpreted to permit a district to limit the amount of paid sick leave to be used for the purposes allowed in items #7 and #8 to the amount specified in the law (i.e., maximum of 24 hours each year). However, for easy implementation, CSBA recommends allowing employees to use all of their

PERSONAL ILLNESS/INJURY LEAVE (continued)

~~sick leave for the purposes allowed in items #7 and #8 below. Before adding further restrictions to the use of sick leave, the district should consult legal counsel.~~

Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to the illness of their family members as specified in item #6 below. Family members include, but are not limited to, an employee's grandparent, grandchild, and sibling, not just his/her child, parent, spouse, or domestic partner. In addition, the law defines child as a "biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis."

For more details of AB 1522 requirements, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

~~7.~~ **6. In any calendar year, an employee may use the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement for the following: (Labor Code 233, 245.5, 246.5)**

- a.** Need of the employee or his/her family member, as defined in Labor Code 245.5, for **the** diagnosis, care, or treatment of an existing health condition or for preventive care ~~(Labor Code 246.5)~~
- ~~8.~~ **b.** Need of the employee to **seek or** obtain ~~or seek~~ any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking ~~(Labor Code 246.5)~~

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

Note: The following paragraph is **optional**.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Note: Pursuant to Education Code 45202, a classified employee who is terminated after at least one year of employment for any reason unrelated to discipline is entitled to have his/her accumulated sick leave transferred with him/her in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is **optional** and may be revised to reflect district practice.

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Notification of Absence

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

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 45196, a district is authorized to pay any employee who has exhausted his/her paid leaves his/her salary minus the actual pay received by a substitute for the remainder of a five-month absence to which the employee is entitled (Option 1 below). Alternatively, such an employee may be compensated at 50 percent or more of his/her salary for up to 100 working days, regardless of whether or not a substitute is hired (Option 2 below).

Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1:

Note: In 53 Ops.Cal.Atty.Gen. 111 (1970), the Attorney General clarified that a classified employee is entitled to a total period of five months, commencing with the first day of illness, during which the amount deducted from his/her salary may not exceed the sum which is actually paid a substitute. This five-month period runs concurrently with any other paid leave. After the employee has exhausted all paid leaves, he/she is entitled to differential pay for the balance of the five-month period.

PERSONAL ILLNESS/INJURY LEAVE (continued)

In California School Employees Association v. Tustin Unified School District, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes.

A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 2:

~~Note: Education Code 45196 authorizes, but does not require, a district to annually credit regular classified employees with at least 100 working days of paid sick leave, and to compensate any such employee at 50 percent or more of the employee's regular salary for the remainder of the 100 working days after the employee has exhausted all leaves for which he/she would be entitled to a full salary. Any district that chooses this option is **mandated** to adopt a rule to that effect. Such districts should note that this option is exclusive of other paid leave, holidays, or vacation. In California School Employees Association v. Colton Joint Unified School District, the court ruled that the district's practice of coordinating or combining vacation with the 100 days differential leave contradicts the express provision of Education Code 45196.~~

~~The following paragraph may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.~~

~~Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)~~

Extension of Leave

Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave

PERSONAL ILLNESS/INJURY LEAVE (continued)

shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

Note: Education Code 45191 **mandates** the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in negotiated agreements.

Previously, Labor Code 233 authorized a district to apply the same conditions and restrictions placed upon its employees' use of sick leave for their own illness to any use of sick leave for illnesses of an employee's family members. Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), this authorization no longer exists. As amended, Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Since the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be careful in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (item #6 above). Though a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

~~After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.~~

The Superintendent or designee may, ~~at any time,~~ require ~~additional written~~ verification ~~by the employee's physician or medical practitioner.~~ Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

PERSONAL ILLNESS/INJURY LEAVE (continued)

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Short-Term and Substitute Employees

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of his/her employment. In implementing this requirement, Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of his/her employment. Option 3 is for any district that credits employees with 24 hours of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, as amended by AB 304, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.

PERSONAL ILLNESS/INJURY LEAVE (continued)

See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional details of AB 1522 requirements.

~~**OPTION 1:** Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)~~

~~**OPTION 2:** Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of his/her employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)~~

OPTION 3: Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Note: The following paragraph applies to all the above options.

Any short-term or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

Note: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, as amended by AB 304 (Ch. 67, Statutes of 2015), a district is not required to inquire into the purposes for which an employee uses paid leave.

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or

PERSONAL ILLNESS/INJURY LEAVE (continued)

his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

PERSONAL ILLNESS/INJURY LEAVE (continued)

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

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Galt Joint Union Elementary School District

Board Policy

Instruction

BP 6142.7(a)

PHYSICAL EDUCATION AND ACTIVITY

Note: The following **optional** policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also may incorporate goals for physical activity.

Education Code 33352 requires the CDE, as part of the Federal Program Monitoring process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation.

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

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. The CDE's 2009 Physical Education Framework for California Public Schools describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: The following two **optional** paragraphs are for use by districts that maintain high schools.

~~According to the CDE's Physical Education Framework for California Public Schools, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for~~

PHYSICAL EDUCATION AND ACTIVITY (continued)

grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. The CDE's Physical Education FAQs add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

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

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

~~(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)~~

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) 2008 Physical Activity Guidelines for Americans - Healthy People 2020 recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

~~The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.~~

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

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

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

PHYSICAL EDUCATION AND ACTIVITY (continued)

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

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

Note: The following paragraph is **optional**. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on [Maximizing Opportunities for Physical Activity During the School Day](#).

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

(cf. 1330.1 - Joint Use Agreements)

(cf. 5142.2 - Safe Routes to School Program)

(cf. 5148 - Child Care and Development Program)

(cf. 5148.2 - Before/After School Programs)

(cf. 6145 - Extracurricular and Cocurricular Activities)

Staffing

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. The holder of a multiple subject credential may teach a departmentalized class in grades K-9 in the subject of his/her major or minor pursuant to 5 CCR 80020. In addition, Education Code 44256 authorizes the Board to assign a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if he/she has 20 hours of coursework or 10 hours of upper division coursework in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if he/she has "adequate knowledge" of the subject to be taught based on specific district-adopted criteria and standards. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

The CDE's [Physical Education FAQs](#) clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.

For further information about staffing of physical education classes, see the CTC's web site and its [Administrator's Assignment Manual](#).

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

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4113 - Assignment)

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 4222 - Teacher Aides/Paraprofessionals)

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

(cf. 4131 - Staff Development)

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

Physical Fitness Testing

Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated the FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

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

Temporary Exemptions

Note: The following section is **optional** and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below.

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

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

~~Two-Year Exemptions~~

~~Note: The following **optional** section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.~~

~~Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to "satisfactorily" meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the~~

PHYSICAL EDUCATION AND ACTIVITY (continued)

"healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the state's physical fitness test **FITNESSGRAM** in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the physical fitness test **FITNESSGRAM** to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption pursuant to Education Code 51241(b) shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Students in grades 10-12 who have been granted a two-year or permanent exemption from physical education courses pursuant to Education Code 51241(b)(1) or (c) **Such students** shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112—School Day)

Permanent Exemptions

Note: The following section is **optional** and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant **a student** a permanent exemption from physical education ~~to an individual student~~ under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. **However, such a student** Students in grades 10-12 who have been granted a two-year or permanent exemption from physical education pursuant to Education Code 51241(b)(1) or (c) shall not be permitted to attend fewer total hours of courses and classes than they **he/she** would have attended if enrolled in a physical education course. (Education Code 51241)

PHYSICAL EDUCATION AND ACTIVITY (continued)

2. ~~The student is enrolled as a postgraduate student.~~
3. ~~The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.~~

Other Exemptions

Note: The following **optional** section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

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

1. ~~When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year.~~ (Education Code 51222)
2. ~~When the student is in any of grades 10-12, attends a regional occupational center or program, and, attendance in physical education courses results in hardship because of the travel time involved, would experience hardship to attend physical education courses.~~ Students in a regional occupational program or center who are exempted from physical education pursuant to Education Code 52316 **Any such student shall have a minimum school day of 180 minutes.** (Education Code 52316)

~~(cf. 6178.2 Regional Occupational Center/Program)~~

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

~~(cf. 6145.2 Athletic Competition)~~

Program Evaluation

Note: The following **optional** section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

The Superintendent or designee shall annually report to the Board **the results of the state physical fitness testing for each school and each school's FITNESSGRAM results for each**

PHYSICAL EDUCATION AND ACTIVITY (continued)

applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*EDUCATION CODE

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

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

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test

3051.5 Adapted physical education for individuals with exceptional needs

4600-4687 Uniform complaint procedures

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

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

80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

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

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

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

Management Resources: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Management Resources:

CSBA PUBLICATIONS

Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006-2012

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

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev.

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

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic

Outcomes, Fact Sheet, November 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Physical Education Model Content Standards for California Public Schools: Kindergarten Through

Grade 12, January 2005

Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): for Physical Activity and Healthy Eating: A Self-Assessment and Planning
Guide 2014 for Elementary and Middle/High Schools, 2009

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2007

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

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

California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>

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

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

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

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

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Policy Reference UPDATE Service

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Galt Joint Union Elementary School District

Administrative Regulation

Instruction

AR 6142.7(a)

PHYSICAL EDUCATION AND ACTIVITY

Definitions

Note: The following **optional** section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

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

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

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

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

Instructional Time

Note: **The district should revise the following section to reflect the grade levels and grade configurations offered by the district.** Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 must provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

PHYSICAL EDUCATION AND ACTIVITY (continued)

CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education. **In addition, a number of recent legal actions (e.g., Doe v. Albany Unified School District, Cal200 v. San Francisco Unified School District, Cal200 v. Oakland Unified School District) have examined districts' compliance with the instructional time requirements.**

OPTION 1: (Elementary Districts with any of Grades 1-8)

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days. (Education Code 51210, 51223)

OPTION 2: (High School Districts)

Instruction in physical education shall be provided for a total period of time of not less than 400 minutes each 10 school days. (Education Code 51222)

OPTION 3: (Unified School Districts)

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1-6 and not less than 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

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

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

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other

PHYSICAL EDUCATION AND ACTIVITY (continued)

circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following optional paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the methods of documentation it will use and ensure consistent implementation. For examples of such methods, see the CDE's FPM instrument and CSBA's Legal Alert Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement.

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

Note: The following paragraph is for use by districts maintaining elementary schools. As amended by AB 1391 (Ch. 706, Statutes of 2015), Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4687) for any complaint that an elementary school has not complied with the instructional minute requirement. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging noncompliance with the instructional minute requirement for elementary schools may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51223; 5 CCR 4600-4687)

(cf. 1312.3 - Uniform Complaint Procedures)

Monitoring Moderate to Vigorous Physical Activity

~~Note: The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for language establishing an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time.~~

~~To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:~~

- ~~1. — Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity or the number of students who are inactive during physical education classes~~

PHYSICAL EDUCATION AND ACTIVITY (continued)

2. ~~Provide physical education teachers with staff development, self monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes~~

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

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

(cf. 6162.5 - Student Assessment)

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

Note: The following paragraph is **optional**. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, his/her duties must include those described in 5 CCR 1043.4.

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

Students shall be provided with their individual results after completing the ~~physical performance testing~~ **FITNESSGRAM**. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(cf. 5125 - Student Records)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: The following paragraph is optional .
--

Each student's test results shall also be provided to his/her parents/guardians.

The Superintendent or designee shall report the aggregate results of the ~~physical fitness testing~~ **FITNESSGRAM** in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Testing Variations

All students may be administered the ~~state's physical fitness test~~ **FITNESSGRAM** with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital

PHYSICAL EDUCATION AND ACTIVITY (continued)

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

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

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

Note: The following optional section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.
--

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity

(cf. 1240 - Volunteer Assistance)

(cf. 4231 - Staff Development)

(cf. 5030 - Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

(cf. 5148 - Child Care and Development Program)

(cf. 5148.2 - Before/After School Programs)

PHYSICAL EDUCATION AND ACTIVITY (continued)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 - Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

(cf. 1700 - Relations Between Private Industry and the Schools)

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

(cf. 5142.2 - Safe Routes to School Program)

DRAFT

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

Cautionary Notice: SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that a person with a concealed weapons license must obtain written permission of the Superintendent or designee in order to possess a firearm and/or ammunition on school grounds. In view of the public interest and safety issues involved, CSBA strongly recommends that the Governing Board adopt a policy either prohibiting or permitting such possession and, if such possession is allowed, establishing conditions and criteria for granting permission to individuals. Because the law now requires an affirmative action on the part of the district to allow or disallow concealed weapons permit holders to possess a firearm and/or ammunition on school grounds, it is possible that district liability could be increased. Thus, in adopting a policy, CSBA recommends that the Board consult with the district's legal counsel and insurance provider and with local law enforcement in order to carefully tailor the following sample policy to reflect the district's local circumstances.

Note: The following **optional** Board policy should be revised to reflect district practice.

The Governing Board is committed to providing a safe environment for students, staff, and visitors on campus. The Superintendent or designee shall consult with local law enforcement, insurance carriers, and other appropriate individuals and agencies to address the security of school campuses.

(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)

District policy regarding the possession of firearms and/or ammunition on school grounds shall be included in the district's comprehensive safety plan and shall be communicated to district staff, parents/guardians, and the community.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Note: Pursuant to Penal Code 626.9 (the Gun Free School Zone Act), the possession of a firearm on school grounds or within 1,000 feet of a school is prohibited, unless the person obtains the written permission of the Superintendent or designee or meets one of the exceptions specified in law (e.g., is a law enforcement or honorably retired peace officer, a member of the military forces engaged in the performance of his/her duties, a security guard, or participating at an existing shooting range at a school). SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that the exception for a holder of a valid Carry Concealed Weapon (CCW) license applies only to the area within 1,000 feet of a school, not on school grounds. Thus, a holder of a valid CCW license may possess a firearm and/or ammunition on school grounds only if he/she obtains the written permission of the Superintendent or designee.

FIREARMS ON SCHOOL GROUNDS (continued)

Pursuant to Education Code 35160 and 35161, the Board is authorized to make rules for the governance of the district. Option 1 below reflects the Board's authority to prohibit the Superintendent or designee from permitting any person who is not specifically listed in Penal Code 626.9 or 30310 from carrying a firearm and/or ammunition onto school grounds. Option 2 reflects the Board's authority to allow the Superintendent or designee to grant permission, on a case-by-case basis, to holders of valid CCWs within the parameters set forth in law.

Any person specified in Penal Code 626.9(l)-(o) and 30310 is authorized to possess a firearm and/or ammunition on school grounds. *School grounds* include, but are not limited to, school buildings, fields, storage areas, and parking lots.

OPTION 1:

The Superintendent or designee shall not grant permission to any other individual to carry a firearm or ammunition on school grounds.

Note: The remainder of this policy is for use by districts selecting Option 2, which allows the Superintendent or designee to exercise the authority to grant written permission to carry a firearm and/or ammunition on school grounds. Prior to adopting Option 2, the district should consult with legal counsel, the chief of police or county sheriff, insurance carriers, and other appropriate persons or agencies to assess the district's potential liability and the potential impact on the district's tactical response and comprehensive safety plans.

OPTION 2:

Note: The following paragraph may be revised to reflect district criteria, if any, for establishing eligibility for granting written permission to other persons to carry a firearm and/or ammunition on school grounds. To comply with both state and federal law, individuals need a CCW license without any restrictions regarding carrying a firearm on school grounds. CCW licenses are issued only by a California county sheriff to residents of the county or by the chief of police to residents of the city. Pursuant to Penal Code 26150 and 26155, minimum requirements for the CCW license include proof of "good moral character," good cause for issuance of the license, fulfillment of residency requirements, and completion of a course of training. Some counties also require a psychological evaluation. According to Frequently Asked Questions on the web site of the Office of the Attorney General, California law does not honor or recognize CCW licenses issued outside the state.

In addition, the district may revise the following paragraph to specify the person(s) authorized to grant permission. Pursuant to Penal Code 626.9, the Board could grant such authority to the Superintendent, his/her designee, or "equivalent school authority," which CSBA interprets to mean anyone who is responsible for running a school or program, such as the director of a regional occupational center/program, the principal of a charter school, etc. The paragraph also may be revised to indicate whether the Board will be involved in the review of grants or denials of permission.

In addition, the Board authorizes the Superintendent or designee to grant written permission to a person who holds a valid Carry Concealed Weapon (CCW) license issued in California and who is at least 21 years of age to possess lawful firearms and/or ammunition on school grounds in accordance with law and Board policy.

FIREARMS ON SCHOOL GROUNDS (continued)

Note: The following paragraph provides an example of criteria that the district may use in granting permission to its employees, and may be revised to reflect district practice.

Any employee granted permission shall be an employee with no disciplinary record in the previous four years.

(cf. 4116 - Probationary/Permanent Status)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

No staff member shall be required to carry a firearm and/or ammunition while on school grounds.

Note: It is recommended that the district require any person requesting to carry a firearm and/or ammunition on school grounds to complete an application. See Exhibit (1) for a sample application form.

Any person requesting to carry a firearm on school grounds shall annually submit an application to the Superintendent or designee. He/she shall also provide a copy of a valid CCW license and meet any other requirement of the insurance provider, such as additional training or insurance coverage.

(cf. 3580 - District Records)

Note: It is recommended that any person granted permission to carry a firearm and/or ammunition on school grounds be required to read and sign a firearm and ammunition possession agreement. The agreement should specify all responsibilities and restrictions placed upon the possession of a firearm or ammunition on school grounds. See Exhibit (2) for a sample agreement.

Any person who is granted permission shall be required to sign the district's firearm and ammunition possession agreement. The signed agreement shall be maintained in the district's records. The principal and other appropriate staff shall be notified regarding persons who have been granted permission.

Permission shall be granted only if the Superintendent or designee is satisfied that the possession on school grounds shall be for a peaceful and lawful purpose or activity and that the possessor will at all times comply with all terms included in the district's firearm and ammunition possession agreement.

Permission to carry a firearm and/or ammunition on school grounds may be revoked by the Board or the Superintendent or designee at any time. In addition, when any person granted permission to possess a firearm on campus is directed to leave school grounds for reasons of disruption or other violation of law or district policy, the permission is automatically revoked.

Legal Reference: (see next page)

FIREARMS ON SCHOOL GROUNDS (continued)

Legal Reference:

EDUCATION CODE

32281 *Comprehensive safety plan*

35160 *Powers and duties of the board*

35161 *Powers and duties of the board; authority to delegate*

38001.5 *District security officers; requirements if carry firearm*

PENAL CODE

626.9 *Gun Free School Zone Act*

830.32 *District police department; district decision to authorize carrying of firearm*

16150 *Definition of ammunition*

16520 *Definition of firearm*

26150-26225 *Concealed weapons permit*

30310 *Prohibition against ammunition on school grounds*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearms and ammunition*

922 *Firearms, unlawful acts*

923 *Firearm licensing*

UNITED STATES CODE, TITLE 20

7151 *Gun-Free Schools Act; student expulsions for possession of firearm*

Management Resources:

WEB SITES

Office of the Attorney General: <https://oag.ca.gov/firearms>

CSBA Sample Exhibit

Business and Noninstructional Operations

E(1) 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

APPLICATION FOR FIREARM/AMMUNITION ON SCHOOL GROUNDS

Note: The following Exhibit is for use by districts that authorize the Superintendent or designee to grant permission to carry a firearm or ammunition on school grounds pursuant to Penal Code 626.9 and 30310; see Option 2 in the accompanying Board policy. The district may revise this sample application in order to obtain any other information needed to determine if the individual meets district eligibility criteria.

Please fill out all three sections of this application and attach all documents listed in Section 2. Incomplete applications will not be processed.

Return this application to:

_____ (title)

_____ (address)

SECTION 1. Identifying Information

Name: _____ Date of Birth: _____

Phone: _____ Email: _____

School(s) at which I seek permission to carry a firearm and/or ammunition:

I am a (check one or more):

District employee (Job title: _____ Location: _____)

Parent/guardian of child(ren) at the following school(s): _____

Other: _____

Reason for requesting permission to carry firearm and/or ammunition on school grounds:

E(1) 3515.7(b)

FIREARMS ON SCHOOL GROUNDS (continued)

SECTION 2. Required Documents

The following documents must be attached to this application:

1. Copy of a valid Carry Concealed Weapon (CCW) license issued in California

Date of expiration: _____

Note: The district may add other documents required by the district or its insurance provider, such as documentation of insurance coverage or training.

2. _____

SECTION 3. Acknowledgment

I understand that by submitting this application I am certifying under penalty of perjury under the laws of the State of California that the information provided is accurate and all documents attached are true and correct copies of the original. I understand that the decision to grant me permission to carry a firearm and/or ammunition on school grounds is at the sole discretion of the school district.

Print name: _____ Date: _____

Signature: _____

CSBA Sample Exhibit

Business and Noninstructional Operations

E(2) 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

FIREARM AND AMMUNITION POSSESSION AGREEMENT

Note: The following Exhibit is for use by districts that authorize the Superintendent or designee to grant permission to carry a firearm or ammunition on school grounds pursuant to Penal Code 626.9 and 30310; see Option 2 in the accompanying Board policy. The following agreement is intended as a sample only. The district should consult with legal counsel, the county sheriff and/or city chief of police, insurance carriers, and others as appropriate to determine the content that should be included in the district's agreement.

The district permits the possession of firearms and ammunition on school grounds consistent with applicable law and Board policy. Before the Superintendent or designee grants such permission to any person to possess a firearm or ammunition on school grounds, the person requesting such permission must agree to the conditions described below regarding acceptable use and the safety restrictions imposed by the district.

I. Definitions

Note: The definitions of "ammunition," "firearm," and "carry concealed weapon" below reflect the provisions of Penal Code 16150, 16520, and 26170, respectively. Because federal and state gun laws and regulations change frequently and may impact these definitions, the district should regularly review this agreement in consultation with legal counsel to ensure that these definitions are current.

Ammunition means, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. Ammunition does not include blanks.

Firearm means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

Carry Concealed Weapon (CCW) license means a valid, current permit to carry a concealed firearm issued by a county sheriff or chief of police within California and must contain no restriction on the carrying of a firearm on school grounds.

School grounds include, but are not limited to, school buildings, fields, storage areas, and parking lots.

II. District Rights

Note: The following section contains some of the rights that the district may wish to retain with respect to the possession of firearms and/or ammunition on school grounds. It is by no means exhaustive, and CSBA recommends that the district consult its legal counsel to modify or expand the list as necessary.

FIREARMS ON SCHOOL GROUNDS (continued)

The Superintendent or designee shall notify the principal and other appropriate staff of all persons granted permission to carry a firearm and/or ammunition on school grounds.

Permission to carry a firearm and/or ammunition does not necessarily apply to all types of lawful firearms or ammunition. The Superintendent or designee may deny permission for any specific type of firearm or ammunition or otherwise change the scope of the permission.

The Superintendent or designee shall notify law enforcement in the event that the person uses a firearm or ammunition in a manner that threatens the safety of other persons or district property.

The district reserves the right to revoke, at any time, the permission granted to an individual to possess a firearm and/or ammunition on school grounds. Grounds for revocation include, but are not limited to, a violation of law, Board policy, or any terms of this Agreement; concerns of the Superintendent or designee about the individual's ability to safely use the firearm or ammunition on school grounds; or any subsequent change in Board policy that would prohibit the granting of permission to any individual.

III. Responsibilities

Note: The following section contains some of the responsibilities of individuals who have written permission to carry a firearm and/or ammunition on school grounds. It is by no means exhaustive, and CSBA recommends that the district consult its legal counsel and insurance provider to modify or expand the list as necessary.
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Responsibilities of any person given permission to carry a firearm or ammunition on school grounds include, but are not necessarily limited to:

1. Abiding by all applicable laws, Board policy, and the terms of this Agreement
2. Ensuring the safe storage and handling of the firearm and ammunition
3. Notifying the Superintendent or designee whenever the CCW license is revoked, expires, has new restrictions placed on it, or is renewed during the term of this Agreement and providing a copy of the renewed license as applicable
4. Only using the firearm and/or ammunition during an emergency that threatens the safety of students, staff, or other persons on school grounds and in accordance with applicable laws and the terms of the CCW license

IV. Acknowledgment of Receipt and Agreement

I acknowledge that I have received, read, and understood the Firearms and Ammunition

FIREARMS ON SCHOOL GROUNDS (continued)

Possession Agreement. I understand that any violations of this Agreement may be grounds for revocation of the Agreement.

For district employees: In addition, I understand that any violations of this Agreement may result in disciplinary action, up to and including termination.

My signature below indicates my knowing and voluntary acceptance of all the terms of this Agreement. I understand it is my obligation to apply to renew this Agreement before it expires in order to continue to possess a firearm or ammunition on school grounds.

Print Name

Signature

Date

VI. District Permission

Note: The following section should be signed by the Superintendent, his/her designee, or equivalent school authority authorized by the Governing Board to grant written permission pursuant to Penal Code 626.9. See the accompanying Board policy.

Pursuant to Penal Code 626.9 and 30310 and as authorized by the Governing Board, I grant written permission to the following individual, whose name appears on the signature line under Section IV – Acknowledgement of Receipt and Agreement, to carry a firearm or ammunition on school grounds under the terms of this Agreement.

I reserve the right to revoke or modify the scope of the permission granted in this Agreement. This Agreement shall automatically expire on the date listed below and may be renewed subject to district criteria.

Name

Title

Signature

Date

Expiration date of Agreement: _____

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3553(a)

FREE AND REDUCED PRICE MEALS

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

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

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

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

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

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

*(cf. 6177 - Summer **School Learning Programs**)*

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

FREE AND REDUCED PRICE MEALS (continued)

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

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

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

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

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

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

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

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

Confidentiality/Release of Records

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

(cf. 5125 - Student Records)

Note: **The remainder of this section should be revised to reflect the purposes for sharing free and reduced-price eligibility information that are authorized by the Board.**

Education Code 49558 authorizes the Governing Board to allow district employees to use the name and eligibility status of students participating in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data. ~~However, in accordance with federal guidelines, free and~~

FREE AND REDUCED PRICE MEALS (continued)

reduced-price meal records may be shared for this purpose only in connection with either a federal Title I program (20 USC 6301-6514) or the National Assessment of Educational Progress. Education Code 49558 also allows districts with schools in program improvement, pursuant to 20 USC 6316, to use this information to identify students eligible for school choice and supplemental educational services; see BP/AR 0520.2 - Title I Program Improvement Schools. ~~Only the name and meal eligibility status of a student may be shared for this purpose. Information regarding a student's participation in the program (e.g., household size and income, the record of meals served to that student) is confidential.~~ Districts wishing to use free and reduced-price meal records for these purposes are **mandated** to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

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

1. Disaggregation of academic achievement data

(*cf.* 6162.51 - State Academic Achievement Tests)

2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services

(*cf.* 0520.2 - Title I Program Improvement Schools)

(*cf.* 6171 - Title I Programs)

Note: According to CDE Management Bulletin ~~NSD SNP 12-2010~~ **SNP-12-2015**, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide ~~either the student's application or~~ only the student's name and eligibility status **unless the applicant consents to the sharing of additional information.** ~~The CDE urges districts to develop agreements with other districts regarding how the data will be shared, transported, protected, and destroyed once its purpose for determining meal eligibility has been completed.~~

If a student transfers from the district to another district, **charter school, county office of education program**, or ~~to a~~ private school, the Superintendent or designee may ~~release~~ **share** the student's **meal eligibility status information** or a copy of his/her free and reduced-price meal application **information** to the other ~~district or school~~ **educational agency** to assist in the continuation of the student's meal benefits.

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

FREE AND REDUCED PRICE MEALS (continued)

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

~~The Board further authorizes~~ **The Superintendent or designee may** release ~~of~~ information on the school lunch program application ~~to be released~~ to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals **or, if included in the agreement with the local agency, for reduced-price meals.** ~~In addition, He/she also may release~~ information on the school lunch program application ~~may be released~~ to the local agency that determines eligibility for ~~participation in the~~ CalFresh program ~~or other another~~ nutrition assistance program **authorized under 7 CFR 210.1,** ~~provided the student whose information is to be released is~~ **if the student has been** approved for free or reduced-price meals. **Information may be released for these purposes only if the student's and his/her** parent/guardian consents to the sharing of the information ~~Prior to releasing information to any such local agency, the Superintendent or designee and the local agency shall enter~~ **and the district has entered** into a memorandum of understanding **with the local agency which** ~~that,~~ at a minimum, ~~shall~~ includes the roles and responsibilities of the district and the local agency, **and** the process for sharing the information. ~~and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program.~~ **After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law.** (Education Code **49557.2,** 49557.3, 49558)

(cf. 5141.6 - School Health Services)

*Legal Reference:*EDUCATION CODE

48980 Notice at beginning of term

49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

Legal Reference continued: (see next page)

FREE AND REDUCED PRICE MEALS (continued)*Legal Reference: (continued)*UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

WELFARE AND INSTITUTIONS CODE**14005.41 Basic health care***Management Resources:*CSBA PUBLICATIONS*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007****A Guide for Assessing and Strengthening Student Wellness Policies, 2012****Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006-2012*CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS***NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015****USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010**NSD SNP 12 2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010**04 103 Implementation of Final Rule on Verification of Applications for Free and Reduced Price Meals, August 2004**98 101 Confidentiality of Free and Reduced Price Eligibility Information, February 1998*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Feed More Kids, Improve Program Participation**Direct Certification Implementation Checklist, May 2008*U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS*Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008 July 2015**Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002*WEB SITESCSBA: <http://www.csba.org>California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

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

(3/11 11/11) 3/16

Policy Reference UPDATE Service

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CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to **needy low-income** students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1758, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish. **Pursuant to 42 USC 1758, as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111 296), applicants may only be required to submit the last four digits of their social security numbers rather than the full number. Thus, the district should change its application accordingly.**

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

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

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

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph may be revised to reflect district practice. In addition to the paper application form described above, Education Code 49557, as amended by SB 708 (Ch. 390, Statutes of 2015), authorizes districts to make the application for free or reduced-price meals available online. Any such online application must comply with specific requirements, including, but not limited to, the provision of clear instructions for families that are homeless or are migrants.

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

FREE AND REDUCED PRICE MEALS (continued)

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

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

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

Eligibility

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

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

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

Note: **Education Code 49561-49562 require the CDE to maintain a computerized data matching system to directly certify, for enrollment in the free and reduced-price meals program, recipients of the Food Stamp Program, California Work Opportunity and Responsibility to Kids (CalWORKS) Program, Medi-Cal program, and other programs authorized for direct certification under federal law. Under this system, the CDE provides districts with a list of students who are eligible for the free and reduced-price meals program based on their enrollment in another program. Pursuant to 42 USC 1758, as amended by P.L. 111-196, districts also may, at their own discretion and by obtaining documentation from the appropriate state or local agency, directly certify as eligible a student who is homeless, migratory, or a foster child. Pursuant to 42 USC 1758, districts must directly certify for enrollment in the free and reduced-price meals program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 also authorizes, but does not require, districts to directly certify as eligible a student who is homeless, migratory, or a foster youth. For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data.** Pursuant to Education Code 49561 and 42 USC 1758, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's Eligibility Guidance for School Meals Manual.

FREE AND REDUCED PRICE MEALS (continued)

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

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

Verification of Eligibility

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

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

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change

FREE AND REDUCED PRICE MEALS (continued)

2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meals program for the purpose of disaggregation of academic achievement data and for the identification of students eligible for public school choice and supplemental educational services in schools identified for program improvement pursuant to 20 USC 6316. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

~~In Management Bulletin 98-101, the CDE advises that the Governing Board must~~ **It is recommended that the district** designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

(title or position)

In using the records for such purposes, the ~~following conditions shall be satisfied~~ **Superintendent or designee shall ensure that:** (Education Code 49558)

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

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program ~~shall is~~ not ~~be~~ publicly released.

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

3. All other confidentiality provisions required by law ~~are shall be~~ met.

FREE AND REDUCED PRICE MEALS (continued)

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

Nondiscrimination Plan

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

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

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

(cf. 3555 - Nutrition Program Compliance)

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

Prices

Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1757 1758 and 1773.

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

(11/07 3/11) 3/16



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: 131.751 Board Consideration of Approval of Resolution #12; Resolution For Exception To The 180-Day Wait Period
Presenter: Karen Schauer	Action Item: XX Information Item:

Given leadership transition needs for educational services, board consideration of approval for a resolution is requested so that Robert Nacario can provide consultant support, as needed. State Teachers Retirement System (STRS) has a ruling that requires a retiree to wait 180 days before working for any district, after retirement.

Pending board approval, the resolution would need to be forwarded to STRS for authorization in order to proceed with a consultant role prior to the end of the waiting period.

GALT JOINT UNION ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO.12

RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD

Education Code section 24214.5(b)

WHEREAS, in compliance with Education Code section 24214.5(b), the Galt Joint Union Elementary School District (District) must provide the State Teachers Retirement System (STRS) this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Robert Nacario will retire from the District in the position of Director of Educational Services, effective June 30, 2016; and

WHEREAS, section 24124.5(a) requires that, without this certification resolution, post-retirement compensation from employment earned within 180 days after the STRS retirement date must be deducted from retirement benefits; and

WHEREAS, the District has a critical need for Robert Nacario's services in order to assure an effective and expeditious transition to a new Director of Educational Services and to implement various instructional reforms in the District within the 180 days after his retirement date;

WHEREAS, the need for the services of Robert Nacario is not based on the termination of his employment with the District; and

WHEREAS, Section 24124.5(d) provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the District and Robert Nacario certify that she has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the District will enter into a consulting contract with Robert Nacario, commencing no sooner than approval by STRS pursuant to Education Code section 24214.5(e); and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment of Robert Nacario as a consultant shall be subject to the limitations on retiree compensation state in Education Code section 24214(f); and

WHEREAS, the compensation paid to Robert Nacario will not affect his retirement benefits from STRS unless the annual compensation under the contract attached hereto exceeds the limit stated in Section 24214(f);

THEREFORE, BE IT RESOLVED THAT the District governing board hereby certifies the nature of the contract for services of Robert Nacario as described herein, and further certifies that his appointment is necessary to fill the critically needed position of consultant to the Director of Education Services for the District by Robert Nacario because of necessary, ongoing and programmatic requirements and the need to develop and train new District educational leadership.

The Superintendent is authorized to file all necessary documents to the STRS as required by Education Code section 24214.5(e).

PASSED AND ADOPTED on May 25, 2016, at the Regular Board meeting of the Board of Education by the following
Vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I hereby declare under penalty of perjury that the foregoing Resolution was duly introduced, passed and adopted at the time and place noted and by vote stated.

Secretary of the Board



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: 131.752 Board Consideration of Approval of Memorandum of Understanding Between Galt Elementary Faculty Association (GEFA) and GJUESD to Support Time for Planning, Collaboration and/or Direct Learner Services for Equity, Excellence, Engagement and Innovation for the 2016-17 School Year
Presenter: Karen Schauer	Action Item: XX Information Item:

GEFA ratified to accept the tentative agreement for planning, collaboration and direct learner services on May 19, 2016. This one year MOU includes compensation to support time for planning, collaboration and/or direct learner services. The activities will be principally directed towards meeting the needs of our pupils who are low-income, English learner, and/or foster youth.

Memorandum of Understanding
Between
Galt Joint Union Elementary School District and the Galt Elementary Faculty Association

The District and GEFA agree to the following addition to compensation for the 2016-2017 school year to support time for planning, collaboration and/or direct learner services for equity, excellence, engagement and innovation.

1. Each member of the Bargaining unit will work 18 hours in collaboration and/or planning activities that are principally directed towards meeting the needs of our pupils who are low-income, English learner, and/or foster youth. The hours will be beyond the contract day. Hours may be worked anytime after July 1, 2016 and must be completed by June 8, 2017.

A. GEFA and the district will provide a list of acceptable activities.

B. Teachers will keep track of hours and provide documentation to the district reflecting hours spent and briefly describing the work that was done.

2. District agrees to pay each bargaining unit member additional salary equal to 3 days at the teacher's daily rate.

Karen Schum May 16, 2016
(District) (date)

Kathy Jorsch May 12, 2016
(GEFA) (date)



Board Meeting Agenda Item Information

Meeting Date: 5/25/16	Agenda Item: 131.753 Board Consideration of Approval of Memorandum of Understanding Between Galt Elementary Faculty Association (GEFA) and GJUESD Regarding the Use of Professional Development Days for the 2016-17 School Year
Presenter: Karen Schauer	Action Item: XX Information Item:

GEFA ratified to accept the tentative agreement regarding the use of three Professional Development Days. This one year MOU reflects a restructuring of Professional Learning Days to support application of training into classroom practice. For each of the three professional learning days, the morning will consist of professional development and the afternoon will be used for collaboration or planning.

Memorandum of Understanding
Between
Galt Joint Union Elementary School District and the Galt Elementary Faculty Association

The District and GEFA agree to the following regarding the use of Professional Development Days for the 2016-2017 school year.

1. Each of the three professional development days shall be structured in such a manner that the morning will consist of professional development and the afternoon will be utilized for collaboration/planning.
2. The professional learning and collaboration shall be focused around Next Generation Science Standards (NGSS) and Common Core State Standards (CCSS) and will be principally directed towards meeting unduplicated (English learner, low-income, foster youth) pupil needs.

Karen Schauer May 16, 2016
(District) (Date)

Kathy Jorach May 12, 2016
(GEFA) (Date)