

**Cutler-Orosi Joint Unified School District  
Regular Meeting of the Board of Trustees  
Thursday, April 25, 2024  
Open Session: 5:30 p.m. - Closed Session 6:30 p.m.**

**Meeting Location:  
Orosi High School – Gym  
41815 Road 128  
Orosi CA 93647  
(559) 528-4763**

**REGULAR BOARD MEETING AGENDA**

**ROLL CALL AND ESTABLISHMENT OF QUORUM**

	<u>Present</u>	<u>Absent</u>
Sandra Williams, Board President	_____	_____
Delia Martinez, Board Vice President	_____	_____
Joni Jordan, Board Clerk	_____	_____
Mary Helen Espino, Trustee	_____	_____
Marisol Rubalcaba, Trustee	_____	_____
Margie Salazar, Trustee	_____	_____
Javier Quevedo, Trustee	_____	_____

**Staff:**

Yolanda Valdez	_____	Linda Montemayor	_____	Marlena Celaya	_____
Craig Drennan	_____	Jayboy Camaquin	_____	Victoria Guzman	_____
Shevonne Swanson	_____	Ray Quintana	_____	Larissa Goosev	_____
Faith Coleman	_____	Leanne Cerda	_____	Diana Vides	_____
Sunsie Tumacder	_____	Veronica Raigoza	_____	Melissa Delgadillo	_____
Raffi Soghomonian	_____	Laura Gonzalez	_____	Yovana Castillo	_____
Lisa Castillo	_____	Jody Rush	_____	COUTA Representative	_____
Antonio Quintanilla	_____	Micaela Macareno	_____	CSEA Representative	_____

**PLEASE BE COURTEOUS AND SILENCE YOUR CELL PHONES. – THANK YOU**

**Notice to the public:** The meetings of the Board are scheduled for the purpose of conducting business of the school district and, therefore, are not public meetings, but rather meetings held in public. Questions regarding procedures and practices should be addressed to your school principal or to the District Superintendent. Members of the public will be given an opportunity to speak at every regular meeting of the Board—3 minutes per speaker and up to 20 minutes total on any given item. To speak, members of the public must fill out a card requesting time. The cards are available at the Board meeting. To place an item on the agenda, arrangements must be made with the Superintendent ten (10) days prior to a regular Board meeting.

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange for an alternative agenda document format or to arrange for aid or services to modify or to accommodate persons with a disability for them to participate in a public meeting, please provide a written request to the Superintendent at the District Office at least three (3) working days prior to any public meeting.

Cutler-Orosi Joint Unified School District complies with the American Disabilities Act of 1973, Section 504, by providing educational and employment opportunities on a non-discriminatory basis. The District does not discriminate on the basis of race, ethnicity, marital or parental status, religion, creed, color, national origin, sex, or physical or mental disability. The District also complies with Executive Order 13145, which prohibits employment discrimination based on “protected genetic information” in the Executive branch. The coordinator for non-discrimination is the Assistant Superintendent, located at the District Office, 12623 Avenue 416, Orosi, CA 93647. The phone number is (559)528-4763. NOTICE: If documents are distributed to the Board Members concerning an agenda item within 72 hours of a regular Board meeting, at the same time, the documents will be made available for public inspection at the District Office located at 12623 Avenue 416, Orosi, CA.

CALL TO ORDER- REGULAR OPEN SESSION at: Time: \_\_\_\_\_ By: \_\_\_\_\_

Pledge of Allegiance led by: \_\_\_\_\_

**BOARD GOALS:**

1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
3. Create efficient and effective systems that are innovative, accountable, and proactive.

**PRESENTATIONS AND REPORTS (non-action items)**

**Superintendent’s Report**

- College of the Sequoias Report – Dr. Brent Calvin
- Speech and Debate Report – Karson Kalashian
- Senior Voice Session

**RECESS**

Motion for recess made by: \_\_\_\_\_

Motion Seconded by: \_\_\_\_\_

Recess called \_\_\_\_\_ p.m.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

Recess closed at \_\_\_\_\_ p.m.

**PUBLIC COMMENTS FOR CONSENT/ CURRICULUM & INSTRUCTION AND ADMINISTRATIVE /ORGANIZATIONAL ITEMS INCLUDED ON THE AGENDA:**

Time is allocated for members of the public to comment on issues of concern related to District business. Action and/or discussion cannot be taken by the Board on items not already on the agenda. Persons wishing to address the Board must fill out a card which will indicate their names, addresses, group or organization they represent, and subject upon which they intend to speak. Individuals are requested to limit their comments to 3 minutes per speaker and up to 20 minutes total on any given item.

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**CONSENT ITEMS**

<b><u>Item #</u></b>	<b><u>Page #</u></b>	<b><u>Description</u></b>	<b><u>Goal #</u></b>
1	9-10	Interdistrict Transfer Requests List	1, 3
2	11-20	Approve Memorandum of Understanding (MOU) with Wested	3
3	21-24	Kami License Renewal: 2024-2025 School Year	1, 3
4	25-29	Approval of Orosi High School Out of State Overnight Field Trip to Chicago Illinois for Speech and Debate Tournament	1
5	30-33	Approval of Orosi High School Out of State Overnight Field Trip to Bellevue, Nebraska for Speech and Debate Tournament	1
6	34-35	Accept the Quarterly Williams Uniform Complaint Report for January - March 2024	3
7	36-39	Update Board Bylaw 9223 – Filling Vacancies	3
8	40-44	Update Board Bylaw 9270 – Conflict of Interest	3
9	45-52	Update Board Bylaw 9320 – Meetings and Notices	3
10	53-57	Update Board Bylaw 9321 – Closed Session	3
11	58-61	Update Board Bylaw 9322 – Agenda/Meetings Agenda	3
12	62-63	Update Board Bylaw 9323 – Meeting Conduct	3
13	64-68	Update Board Bylaw 9323.2 – Actions by the Board	3
14	69-75	Update Board Policy and Administrative Regulation 0460 – Local Control and Accountability Plan	3
15	76-77	Update Board Policy 0500 – Accountability	3
16	78-80	Update Board Policy 0520 – Intervention in Underperforming Schools	3
17	81-83	Update Board Policy 1113 – District and School Websites	3
18	84-86	Update Administrative Regulation 1220 – Citizen Advisory Committee	3
19	87-90	Update Board Policy and Administrative Regulation 1250 – Visitors/Outsiders	3

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**CONSENT ITEMS – CONTINUED**

20	91-92	Update Board Policy 1431 – Waivers	3
21	93-94	Update Board Policy 3311.1 – Uniform Public Construction Cost Accounting Procedures	3
22	95-98	Update Board Policy and Administrative Regulation 3400 – Management of District Assets/Accounts	3
23	99-101	Update Administrative Regulation 3516.2 – Bomb Threats	3
24	102-104	Update Administrative Regulation 3517 – Facilities Inspection	3
25	105-108	Update Administrative Regulation 3580 – District Records	3
26	109-111	Update Board Policy 4030 – Nondiscrimination in Employment	3
27	112-115	Update Board Policy 4111, 4211, 4311 – Recruitment and Selection	3
28	116-124	Update Administrative Regulation and Exhibit 4112.5, 4215.5, 4312.5 – Criminal Record Check	3
29	125-130	Update Board Policy and Administrative Regulation 4118 – Dismissal/Suspension/Disciplinary Action	3
30	131-133	Update Board Policy and Administrative Regulation 4200 – Classified Personnel	3
31	134-146	Update Board Policy and Administrative Regulation 4140, 4240, 4340 – Bargaining Units	3
32	147-162	Update Administrative Regulation 4161.2, 4261.2, 4361.2– Personal Leaves	3
33	163-179	Update Board Policy and Administrative Regulation 4157, 4257, 4357 – Employee Safety	3
34	180-181	Update Administrative Regulation 4161 – Leaves	3
35	182-185	Update Administrative Regulation 4157, 4257, 4357 – Work Related Injuries	3
36	186-191	Update Board Policy and Administrative Regulation 4218 – Dismissal/Suspension/Disciplinary Action	3

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CONSENT ITEMS – continued

- 37      192-197      **Update Administrative Regulation & Board Policy 5131.2 – Bullying**      3

Motion to approve Item #1- 37 made by: \_\_\_\_\_  
 Motion Seconded by: \_\_\_\_\_  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Yes      No      Abstain

CURRICULUM/ INSTRUCTION ITEMS

- 38      198-204      **Approve New Course: Ethnic Studies**

Motion to accept Item # 38 made by: \_\_\_\_\_  
 Motion Seconded by: \_\_\_\_\_  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Yes      No      Abstain

- 39      205-216      **Approve New Elementary ELA and SLA Curriculum: McGraw Hill Education Wonders 2023 and Maravillas 2020**

Motion to approve Item # 39 made by: \_\_\_\_\_  
 Motion Seconded by: \_\_\_\_\_  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Yes      No      Abstain

ADMINISTRATIVE/ORGANIZATIONAL ITEMS

- 40      217-219      **First Reading – Board Policy 5116.2 – Involuntary Student Transfers**      3

Motion to accept Item #40 made by: \_\_\_\_\_  
 Motion Seconded by: \_\_\_\_\_  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Yes      No      Abstain

- 41      220      **Approval of Subsequent Variable Term Waiver**

Motion to approve Item #41 made by: \_\_\_\_\_  
 Motion Seconded by: \_\_\_\_\_  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Yes      No      Abstain

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**ADMINISTRATIVE/ORGANIZATIONAL – continued**

**42      221-222    Approve Donation and Disposal of Obsolete Instructional Materials      1, 3**

Motion to approve Item #42 made by: \_\_\_\_\_

Motion Seconded by: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

**43      223-224    Sunshine CSEA’s Initial Proposal to the District for the 2024-2025 School Year      3**

Motion to approve Item #43 made by: \_\_\_\_\_

Motion Seconded by: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

**44      225      Sunshine District Initial Proposal to CSEA for the 2024-2025 School Year      3**

Motion to approve Item #44 made by: \_\_\_\_\_

Motion Seconded by: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

**PUBLIC COMMENTS CLOSED SESSION ITEMS:**

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**CLOSING ACTIVITIES:** The Governing Board members have an opportunity to comment.

Motion to adjourn to Closed Session at \_\_\_\_\_ p.m. made by: \_\_\_\_\_

Motion Seconded by: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

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**CLOSED SESSION**

**Board Goal**

**Item A**    **Personnel (Gov. Code 54957): The Board will meet to consider Public Employee**    **3**  
**Page(s)**    **for:**

Motion to approve Item A - Public Employee Appointment/Employment for the position(s) listed made by: \_\_\_\_\_ Motion Seconded by: \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

**Item B**    **Public Employee Discipline/Dismissal/Release, G.C. 54957**    **3**

Motion to approve Item B - Public Employee Discipline Dismissal Release made by: \_\_\_\_\_ Motion Seconded by: \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

**Item C**    **Conference with Labor Negotiators – Gov. Code Section 54957.6, 3549.1 – (Non-Action discussion item only)**    **3**

**District Designated Representatives:** Yolanda Valdez  
Craig Drennan  
Dr. Ken Caves

**Employee Organization:** COUTA  
CSEA Chapter #253

**Unrepresented Employees:** Confidential/Management  
(all positions in this group)

**Adjournment to Open Session:**

Motion to adjourn Closed Session at \_\_\_\_\_ p.m. and reconvene into Open Session made by: \_\_\_\_\_ Motion Seconded by: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Yes      No      Abstain

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**REPORTING OF CLOSED SESSION ITEMS**

- Item A**     **Personnel (Gov. Code 54957): The Board will meet to consider Public Employee for**     **3**
- Item B**     **Public Employee Discipline/Dismissal/Release, G.C. 54957**     **3**
- Item C**     **Conference with Labor Negotiators – Gov. Code Section 54957.6, 3549.1 – (Non-Action discussion item only)**     **3**

**CLOSING ACTIVITIES:**     The Governing Board members have an opportunity to comment.

The next Regular Meeting of the Board of Trustees will be held on Thursday, May 9, 2024, with Open Session beginning at 3:30 p.m. to allow for Retirement and Employee Recognitions. Regular meeting items will reconvene after recognitions followed by Closed Session at 6:30 p.m. The Board Meeting will take place at the Orosi High School – Gym 41815 Road 128, Orosi CA 93647. Closed Session will be held in the Orosi High School Staff Lounge.

**ADJOURNMENT:**     Motion to adjourn the meeting made by: \_\_\_\_\_  
Motion Seconded by: \_\_\_\_\_

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Yes     No     Abstain

Meeting adjourned at: \_\_\_\_\_ p.m.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT  
**AGENDA ITEM:** INTERDISTRICT TRANSFER LIST  
**ATTACHMENTS:** INTERDISTRICT TRANSFER REQUEST LIST  
**FUNDING SOURCE:** N/A

**DISCUSSION:** Attached is a list of Interdistrict transfer requests for students transferring in or out of the District that have been approved or denied.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the Interdistrict requests.**

**PROPOSED ACTION:** **ACCEPT**

**Item #: 1**



**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** APPROVE MOU WITH WESTED

**ATTACHMENTS:** MOU BETWEEN WESTED AND CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT

**FUNDING SOURCE:** N/A

**DISCUSSION:** On October 12, 2023, the Board approved an MOU with Tulare County Office of Education (TCOE) to have four schools participate in the California Integrated Supports Project (CA-ISP). This is a two-year project where staff at Cutler Elementary, Golden Valley Elementary, Palm Elementary, and Orosi High School will receive professional learning in social-emotional learning, trauma-informed practices, and culturally relevant practices. As part of this MOU, our district agreed to provide TCOE with site level data through the 2025-26 school year. WestEd serves as an independent evaluator to study the implementation and impact of CA-ISP in district schools across California. This MOU outlines in greater detail the specific data types that will be collected and shared as well as data security measures that WestEd has in place to protect it. This MOU with WestEd expires on July 31, 2027.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Laura Gonzalez, Director of Grants and Program Development.*

**BOARD GOAL:**

<input type="checkbox"/>	1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
<input type="checkbox"/>	2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
<input checked="" type="checkbox"/>	3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the MOU with WestEd.**

**PROPOSED ACTION:** **APPROVE**

**Item #: 2**

**Memorandum of Understanding**  
**by and between**  
**WestEd and Cutler Orosi Joint Unified School District**

This Memorandum of Understanding (“MOU”) is effective as of the date fully signed by the Parties, and sets forth the agreement between WestEd and Cutler Orosi Joint Unified School District (“District”) to evaluate the Scaling Up Multi-Tiered System of Support (MTSS) Statewide (SUMS) Partner Entity Grant (referred to as California Integrated Supports Project (CA-ISP) hereafter (“Project”). At times herein, WestEd and District are referred to each as a “Party” and collectively referred to as “the Parties.”

This MOU is a Non-Financial agreement.

**1. Purpose**

CA-ISP provides professional learning to educators in SEL; trauma-informed practices; and culturally relevant, affirming, and sustaining practices. District and its identified participating school sites have been selected to participate in professional development scale-up activities and to receive support and services outlined in the CA-ISP Professional Learning Scope and Sequence created by PCOE, Santa Clara County Office of Education (SCCOE), Kern County Superintendent of Schools (KSOS), and WestEd. As part of the CA-ISP project, WestEd will serve as an independent evaluator to study the implementation and impact of CA-ISP in participating District schools across the state of California.

WestEd will collect district wide student level administrative data from students in kindergarten through grade 12 (Appendix A), social validity and focus group data from participating school and district personnel, and site fidelity data. WestEd will analyze data from CA-ISP and examine impacts on school and student outcomes. The goal of the study is to understand how CA-ISP is implemented and how it supports students’ success in the state of California. Data collected by WestEd during the study will only be available to necessary staff at WestEd.

The Parties also wish to adequately protect student, parent, teacher, and/or District staff data and to comply with all applicable Federal, State, and local laws, ordinances, regulations, and directives relating to confidentiality.

**2. Term and Termination**

- A. This MOU is effective as of the date first set forth above and expires July 31, 2027.
- B. Either Party may terminate or amend this MOU at any time without cause, provided that written notice is given to the other Party at least 30 days in advance.
- C. The termination or expiration of this MOU shall not affect the rights or obligations regarding confidentiality or the retention, storage, or destruction of Data, as set forth in Sections 5 and 6 herein. Such rights and obligations shall survive the term of this MOU.



### 3. Project Activities

Project activities include

1. WestEd will create a secure Box transfer link and protocol for sharing all data listed in Appendix A;
2. WestEd will conduct all evaluation activities necessary for tracking grant outcomes and student performance during the life of the grant. The following categories of information will be collected and shared during the Project:
  - a. Student administrative data from District will be provided upon request from WestEd (see Appendix A) and in accordance with the agreed upon data transfer protocol(s).
  - b. WestEd will perform a series of teacher, school, and district personnel focus groups, where participant name will be stored on notes and related qualitative data. These interviews will be video recorded on Zoom.
  - c. WestEd will administer a social validity measure to evaluate school and district staff perceptions of the project training and materials.
  - d. WestEd will collect fidelity of treatment data using the Tiered Fidelity Inventory (TFI) and Fidelity inventory Assessment (FIA) from SWIFT-MTSS.
- A. WestEd will independently complete all analyses and produce a report(s) summarizing the findings.

### 4. Definitions Regarding Shared Data

- A. "Data," as used in this MOU, shall mean and refer to the data described in Appendix A as well as the data collected by WestEd from the Project Activities described in Paragraph 2(b)-2(d).
- B. "Personally Identifiable Information" or "PII," as used in this MOU, shall mean any information or Data that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify an individual with reasonable certainty.
- C. "De-identified Data," as used in this MOU, shall mean Data from which all Personally Identifiable Information has been removed or obscured so that a reasonable person, who does not have personal knowledge of the relevant circumstances, would not be able to identify any individual with reasonable certainty.

- D. “Non-Financial” as used in this MOU, shall mean agreements that are typically non-monetary by nature, but occasionally involve the provision or exchange of something of value (e.g. Stipends). These types of arrangements set out expectations, terms, and requirements that protect the interests of the investigators and the participating organizations.
- E. “Educational Records,” as used in this MOU are official records, files and data directly related to a student and maintained by the education agency or institution, or by party acting for the agency or institution (e.g. including but not limited to, records encompassing all the material kept in the student’s cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement, and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.)

## 5. Confidentiality

- A. WestEd agrees to take all necessary precautions to safeguard the Data and comply with all applicable Federal, State, or local laws, ordinances, regulations, and directives relating to confidentiality. These include, but are not limited to, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR part 99), the California Information Practices Act (California Civil Code § 1798 *et. seq.*), and the Privacy Act of 1974, as amended, (5 U.S.C. § 552).
  - a. FERPA Exception – WestEd is authorized to receive this data under the following FERPA exception:
    - i. X Audit/Evaluation Exception [34 CFR §§ 99.31(a)(3) and 99.35] – WestEd has been designated as the “Authorized Representative” of California Department of Education to audit or evaluate a Federal or State supported education program.
- B. WestEd will limit internal access to PII to individuals working on the Project with legitimate interests in the PII and whose work reasonably requires access to the Data (i.e. on a need-to-know basis).
- C. WestEd will take reasonable steps to maintain the confidentiality and security of the Data at all stages of the Project. PII will only be used for the purposes of the Project.
- D. PII will be destroyed at the earlier of: (1) when the PII is no longer needed for analysis, (2) July 31, 2027, or (3) within 15 days of the termination of this MOU pursuant to section 2.B hereinabove, and delivery to WestEd of District’s written demand for destruction of the PII.
- E. De-identified Data may be retained by WestEd after the completion of the Project, and may be further used, shared, released or disclosed by WestEd without consent, to the extent permitted under FERPA.

- F. If WestEd publishes any reports or other publications created with the use of Data, WestEd will not include information that could lead to the identification of any individual whose information is included in the Data.

**6. Data Handling, and Storage**

- A. All computers used to upload, analyze, or store Data containing PII will be encrypted and password-protected. WestEd will store Data in a password-protected and encrypted cloud-based content management system. WestEd will store the Data in accordance with a Data Security Plan, available upon reasonable request.
- B. WestEd will only transfer PII using secure, encrypted transmission methods.
- C. Data will not be shared with any additional parties.
- D. Reports containing aggregate-level data and results will also be presented to the members of professional associations and may be published in professional association publications.
- E. Educational Records shared by District are and shall continue to be District's property.

**7. Data Sharing**

- A. **Third-party sharing.** WestEd will take steps to maintain the confidentiality and security of the Data at all times. The Data may be stored securely at WestEd or at an entity, including Box, Inc., under a written agreement with WestEd to provide cloud-based hosting services, or collection, storage, processing or analysis of some or all of the Data. Data stored at such a contracted entity shall be protected in accordance with the terms of this MOU.
- B. WestEd will ensure that all persons and entities, including employees, contractors, and consultants who will have access to student-level data or PII to first enter into an agreement with WestEd that includes security and confidentiality terms no less stringent than those included in this MOU.

**8. WestEd's Responsibilities**


- A. WestEd will engage in the Project Activities listed above.
- B. WestEd will generate a data security plan for the data collected for the project.
- C. WestEd will designate a liaison to facilitate communications between WestEd and District for coordinating the activities necessary to carry out this MOU. WestEd's contact person for this project is:

Nicholas Gage, Ph.D.  
WestEd  
730 Harrison Street  
San Francisco, CA 94107

[engage@wested.org](mailto:engage@wested.org)

**9. District Responsibilities:**

- A. District will engage in the Project Activities listed above including but not limited to fulfilling data requests.
- B. District shall designate a liaison to facilitate communications between District and WestEd for coordinating the activities necessary to carry out this MOU. District's contact person for this project is:

 Linda Montemayor  
Cutler Orosi Joint Unified School District  
12623 Ave 41b  
Orosi CA, 93647  
limontemayor@cojUSD.org

**10. General Provisions:**

- A. Governing Law. This Agreement shall be governed by and construed in accordance with the substantive laws of the State of California, without regard to conflict of law principles.
- B. Amendments. This MOU may be amended at any time by mutual agreement of the Parties without additional consideration, provided that before any amendment shall take effect, it shall be in writing and signed by both Parties.
- C. Assignment. Neither Party shall voluntarily or by operation of law, assign or otherwise transfer its rights or obligations under this MOU without the other Party's prior written consent. Any purported assignment in violation of this paragraph shall be void.
- D. Severability. The provisions of this MOU are severable and the unenforceability of any provision of this MOU shall not affect the enforceability of any other provisions hereof.
- E. Indemnification. Each Party shall indemnify, defend, and hold harmless the other Party from and against any liability, loss, damage, expense, costs (including without limitation reasonable attorneys' fees) arising from any third party claim, demand, assessment, action, suit or proceeding related to its use of the Data under this MOU and/or any Appendix, unless such loss or damage was caused by the sole negligence or willful misconduct of the party seeking indemnification.
- F. Limitation of liability. Except as stated in Section E, each Party shall bear all costs, risks, and liabilities incurred by it arising out of its obligations and efforts under this MOU. Neither Party shall have any right to any reimbursement, payment or

compensation of any kind from the other Party, unless expressly agreed to in writing by both Parties.

- G. Representations and Warranties. Data is provided on an "AS IS" basis WITHOUT ANY WARRANTY, REPRESENTATION OR UNDERTAKING WHATSOEVER, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, OR FREEDOM FROM INFRINGEMENT.
- H. Relationship between the Parties. Nothing in this Agreement shall be construed to grant either Party the right to make commitments of any kind for or on behalf of the other Party, without the prior written consent of the other Party. Nothing in this Agreement shall be deemed to constitute, create, give effect to, or otherwise recognize an employment relationship between the parties or a joint venture, partnership, or formal entity of any kind.
- I. Dispute resolution. The Parties shall exercise commercially reasonable efforts to settle any claim, controversy, or dispute (collectively "Disputes") arising out of or relating to this Agreement. The Parties shall discuss any such Dispute no later than 30 days after either Party gives written notice to the other Party of a Dispute, including the legal and factual basis for such Dispute. No suit, arbitration or other proceeding may be commenced before the Parties have met pursuant to this provision, except as described herein.

In the event that a Dispute cannot be resolved through good faith negotiations, the Parties agree that such Dispute shall be finally settled through binding arbitration. The arbitration shall be administered by JAMS, in San Francisco, California, pursuant to its Comprehensive Arbitration Rules and Procedures. The decision of the arbitrator shall be final and conclusive upon the Parties. Judgment on the award rendered by the arbitrators may be entered in any court having jurisdiction.

Notwithstanding the foregoing, either Party may seek injunctive or provisional relief to protect confidential information at any time.

- J. Notices. All notices permitted or required under this MOU shall be in writing and shall be delivered by electronic mail, or by certified or registered mail, return receipt requested, to each Party's respective contact listed above, and will be deemed given upon personal delivery, five (5) days after deposit in the mail, or upon acknowledgment of receipt of electronic transmission. All notices related to the Data or Educational Records shall be delivered to Director of Privacy and Data Security: [infosecurity@wested.org](mailto:infosecurity@wested.org). Notices of intent to terminate this MOU shall be provided to the applicable contact above, and, if to WestEd, also be delivered to:

Ursula Wright  
WestEd  
1140 3rd St NE  
Washington, DC  
[uwright@wested.org](mailto:uwright@wested.org)

K. Negotiation and execution. This MOU has been negotiated by both Parties and shall not be strictly construed against either Party. This MOU may be executed in one or more original, electronic, or faxed counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. Each of the persons signing this MOU represents that he or she has the authority to sign on behalf of and bind their respective party.

IN WITNESS WHEREOF, the Parties have, by their respective duly authorized representative, executed this MOU as of the day and year first written above.

**WestEd**

**[District]**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Ursula Wright

Name: \_\_\_\_\_

Title: Division Director

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**APPENDIX A**

**SAMPLE LANGUAGE #1:**

"Data" as used in this MOU refers to administrative data at the student-level, teacher-level, and/or school-level data elements from District. The data elements below are requested for individual students enrolled in the District.

<b>Student-Level</b>
Student ID Number
School ID Number
School Year
Grade Level
Gender
Race/Ethnicity
Attendance
Out of school suspensions
In school suspensions
English Language Learner Status
Disability Status
Disability Category
Disciplinary Incidents- including incident ID, Date of occurrence, offense code, weapon category
Disciplinary Action taken- including Disciplinary Action Duration, Instructional Support Indicator, Expulsion, or Alternative setting
DIBELS Subscale scores (e.g., letter naming fluency)
<b>Teacher-Level</b>
Teacher ID
<b>School- or District-Level</b>
School or District ID Number





**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    KAMI LICENSE RENEWAL: 2024-2025 SCHOOL YEAR

**ATTACHMENTS:**                    KAMI LICENSE RENEWAL

**FUNDING SOURCE:**                LOTTERY

**DISCUSSION:** Attached is a quote for the purchase of district wide licenses for Kami. Kami is an online document annotation and markup tool. Teachers and students are able to highlight, underline, and strikethrough text in PDF and other document formats while using the application.

**ITEM SUBMITTED AND APPROVED BY:**                    *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**                    **The Superintendent recommends the Board approve the Kami license renewal.**

**PROPOSED ACTION:**                **APPROVE**

# QUOTE-P69510

## Notable, Inc (Kami)

8605 Santa Monica Blvd, PMB 57387.  
West Hollywood, CA 90069-4109 U.S.

Phone: +1 (650) 395-8986 Email: [sales@kamiapp.com](mailto:sales@kamiapp.com)

**Bill To:** Cutler-Orosi Joint Unified (CA)  
12623 Ave. 416, Orosi, California, 93647-2008, United States

**Quote Issued Date:** 04/07/2024  
**Quote Expiry Date:** 07/31/2024  
**School Year:** SY 2024-2025

**Ship To:** Cutler-Orosi Joint Unified (CA)  
**Contact Person:** Shevonne Swanson  
**Email:** [shswanson@cojusd.org](mailto:shswanson@cojusd.org)

**Kami Contact:** [sales@kamiapp.com](mailto:sales@kamiapp.com)  
**Email:** [sales@kamiapp.com](mailto:sales@kamiapp.com)

Item & Description	Unit	Price Per Unit	Amount
District Plan for School Year until July 31st Includes unlimited Professional Development (PD) with an experienced teacher and Kami expert.	3500	\$3.75	\$13,125.00
Optional: In-Person Professional Learning September to June Our tailored in-person professional learning session is scheduled at a convenient time, excluding July and August. The cost is \$3,000 for a full day.	1	\$3,000.00	\$3,000.00
License Key: 4362-1813-1439 <b>Start Date:</b> 07/31/2024 <b>End Date:</b> 08/01/2025			
			Subtotal (without Sales Tax): \$16,125.00
			+ Sales Tax: \$0.00
			<b>Total: \$16,125.00</b>

All amounts are in USD.

Step 1: Submit your purchase order using the link below

<https://kami.app/form/po-form>

Step 2: Receive your invoice and license key within 2 business days.

The payment methods below will be provided with your invoice:

1. Our bank account details (ACH payments)
2. Credit card payment option (+3% transaction fee)
3. Paper check mailing address (available to U.S. customers only)

By submitting a purchase order, you are agreeing to the Kami Terms of Service found at [kamiapp.com/terms-of-service](https://kamiapp.com/terms-of-service), the terms and conditions of which are hereby expressly incorporated herein by reference.

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**Notable Inc**

2 Business name/disregarded entity name, if different from above  
**Kami**

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ \_\_\_\_\_

**Note:** Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ \_\_\_\_\_

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  
Exempt payee code (if any) \_\_\_\_\_  
Exemption from FATCA reporting code (if any) \_\_\_\_\_  
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.  
**8605 Santa Monica Blvd PMB 57387**

6 City, state, and ZIP code  
**West Hollywood, California 90069-4109 US**

7 List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

				-					
--	--	--	--	---	--	--	--	--	--

or

Employer identification number

3	8	-	3	9	5	2	2	8	6
---	---	---	---	---	---	---	---	---	---

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here** Signature of U.S. person ▶ *Roseanne DiAntonio* Date ▶ 01/06/2024

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Kami Limited

Notable Inc  
8605 Santa Monica Blvd, PMB 57387  
West Hollywood  
California 90069-4109  
USA

[sales@kamiapp.com](mailto:sales@kamiapp.com)

12th June 2023

To whom it may concern,

This letter has been written to confirm that **Kami** is a sole source product. Kami is an application created by Kami Limited (New Zealand). The cloud-based subscription service is exclusively developed, maintained, sold and distributed by Kami Limited and its wholly-owned subsidiary **Notable Inc** in the United States.

Kami Limited maintains all copyright privileges for their products and these products must be purchased directly from the company. There are no licensed agents or dealers authorized to represent these products in the USA. And no division of Kami has any right of sublicense to make a similar or competing product.

Kami is a cloud-based document viewer and annotation tool for browsers. We also provide an extension that can be installed to Chrome browser. Kami for Schools is a version of Kami for educators and students.

Kami Limited warrants that no other items or products are available for purchase that would serve the same purpose or function and there is only one price for the above named product because of exclusive distribution and marketing rights.

If you desire additional information, please contact me at +1 (415) 670 9593 or email [sales@kamiapp.com](mailto:sales@kamiapp.com)

Sincerely,



Bob Drummond  
Exec Chairman

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** APPROVAL OF OROSI HIGH SCHOOL STUDENT OVERNIGHT FIELD TRIP TO CHICAGO, ILLINOIS FOR SPEECH AND DEBATE TOURNAMENT

**ATTACHMENTS:** ACTIVITY REQUEST FORM, EVENT SCHEDULE, AND EVENT INFORMATIONAL

**FUNDING SOURCE:** ASB AND FUNDRAISING

**DISCUSSION:** Orosi High School Speech and Debate team is seeking approval to attend an overnight field trip the weekend of May 24 – 27, 2024 to Chicago, Illinois to attend the Speech and Debate Catholic Nationals. Students will be under the supervision of coach, Karson Kalashian, and a female chaperone. Event details have been attached for Board review. The total estimated cost of this trip is \$4,300.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

**BOARD GOAL:**

<input checked="" type="checkbox"/>	1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
<input type="checkbox"/>	2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
<input type="checkbox"/>	3. Create efficient and effective systems that are innovative, accountable and proactive.

**RECOMMENDATION:** The Superintendent recommends the Board approve Orosi High School's Speech and Debate overnight trip.

**PROPOSED ACTION:** APPROVE

**Item #: 4**

# Cutler-Orosi Joint Unified School District

12623 Avenue 416 Orosi, CA 93647

## ACTIVITY REQUEST FORM

Teacher/Coach Mr. Kalashian / Ms. Moreno Jimenez

Date Submitted 4 / 15 / 2024

Type of Activity: Fundraiser  Field Trip  Assembly/Parent Program

Other  Speech and Debate Competition (National Finals)

Please list approved fundraiser: N/A (outside fundraising)

Does this activity require an overnight stay? YES  NO

Please note that any activity requiring an overnight stay MUST be Board approved one month in advance! Please submit this paperwork at least 6 weeks before the overnight trip. For all other activities, please submit paperwork at least 4 weeks prior to activity.

Grades/Departments/Club/Team Involved: 9-12 Speech and Debate

Activity Date 5/24/24 – 5/27/24 Activity Time TBD 5/24/24 to TBD 5/27/24 Location Chicago, Illinois (various locations)

Activity Purpose To compete in speech and debate tournament (Catholic Nationals)

Transportation Needed? YES  NO

If "YES" please complete and attach the Transportation Request Form to this Activity Request form.

*If transportation is provided by a private vehicle the driver must be registered with the District and meet all requirements of fingerprinting and AB1025.*

Name(s) of person(s) driving Mr. Kalashian /

What is the impact of this activity/trip on instructional time?

Students and Mr. Kalashian will miss two days of School (5/24 and 5/27)

How is this activity correlated to the standards or to topics currently under study?

Students will compete in speech and debate events that relate directly to units of study from their courses at OHS

If this is a fundraising activity, explain how and when money will be collected.

N/A

Who is responsible for collecting money from fundraisers or for field trip? Mr. Kalashian (student contribution)

Remember any field trip must have enough money collected to ensure that all children in the group/club/class can participate whether or not they choose to participate.

Prior to approval of this activity, the Administrator may require input from other staff members to ensure a balance between academic focus and maximization of instructional time. If the request is not approved, the staff should work cooperatively with the Principal to see possible compromises and/or solutions.

Kalashian  
Signature of Teacher/Coach

4/15/2024  
Date

559-284-1790  
Cell # - for field trips only

Signature of Department Chair/Grade Level Lead or Activity Director/Athletic Director

Date

Signature of Administrator

Date

Approved  Rejected

Reason for Rejection: [Redacted]

## 2024 NCFL Tournament Schedule (tentative)

Below is the tentative schedule at-a-glance. All times are in CDT (local Chicago time). A complete tournament schedule will be released in late May.

### Thursday, May 23

- Diocesan Registration: 10:00 AM to 6:00 PM (Online and Zoom Option)
- Diocesan Moderators Questions: 10:00 AM to 6:00 PM @ Hilton Chicago

### Friday, May 24

- School Registration: 10:00 AM to 5:00 PM (Online and Zoom Option)
- School Coaches Questions: 10:00 AM to 5:00 PM @ Hilton Chicago (Meal Voucher Pickup)
- Judge Questions 10:00 AM to 5:00 PM @ Hilton Chicago (Drop-in questions about ballots and procedures)

### Saturday, May 25

- Congress – Caucus in Chambers: 7:30 AM @ Hilton Chicago (Lunch After Session 1, 11:00 AM @ Jones)
- Lincoln–Douglas Debate – Round 1: 7:30 AM @ Hilton Chicago (Lunch After Round 2, 11:00 AM @ Jones)
- Public Forum Debate – Round 1: 7:30 AM @ Hilton Chicago (Lunch After Round 2, 11:00 AM @ Jones)
- Policy Debate – Round 1: 7:30 AM @ Palmer House (Lunch After Round 2, 11:00 AM @ Roosevelt)
- Speech - Duo Interpretation @ East/West, Dramatic Performance @ Jones, Oral Interpretation @ Jones
  - Round 1: 8:00 AM
  - Lunch After Round 2, 11:15 AM @ Jones
- Speech - Extemp @ Palmer House, Original Oratory @ Columbia, Declamation @ Roosevelt
  - Round 1: 8:30 AM (Extemp Draw 8:00 AM @ Palmer House)
  - Lunch After Round 2, 12:00 PM @ Roosevelt
- Competition Rounds end between 5:30 PM and 7:30 PM depending on the event
- Mass - 8:30 PM to 9:30 PM @ Palmer House

- Postings Party - 9:30 PM to 11:59 PM @ Hilton Chicago
- Postings will be released as soon as they are available

**Sunday, May 26**

- Congress - Elimination Rounds begin at 7:00 AM @ Hilton Chicago
- Lincoln-Douglas Debate - Elimination Rounds begin at 7:30 AM @ Palmer House
- Public Forum Debate - Elimination Rounds begin at 7:30 AM @ Palmer House
- Policy Debate - Elimination Rounds begin at 7:30 AM @ Hilton Chicago
- Speech - Elimination Rounds begin at 8:30 AM @ Hilton Chicago (Extemp Draw 8:00 AM @ Hilton Chicago)
  
- Last Elimination Rounds end by 7:00 PM
- Awards 7:30 PM @ Hilton Chicago



The Speech and Debate team will be traveling to the Catholic Nationals in Chicago, Illinois on May 24<sup>th</sup> at approx. 9:00 A.M. (but we are still finding tickets) and returning on May 27<sup>th</sup> at approx. 9:00 P.M. (but we are still finding tickets). This will be a great opportunity to compete against some of the best teams in America and get in extra preparation for the National Speech and Debate Association National Finals.

This competition offers all speech and debate events and is one of the hardest competitions in the Nation (on par with the National Individual Events Tournament of Champions and the National Speech and Debate Association National Finals). We plan to take 2 students and 1 male (coach) and 1 female (assistant coach) chaperone based on current qualifications. We plan to fly from Fresno area to Illinois. Hotel arrangements are still TBD but will be close to competition venues.

Our intent is that the cost of this trip is covered via ASB and fundraising.

Thank you for the continued support of the program, especially as we continue to expose all freshman to the subject in hopes of making them more powerful communicators, helping them with their eventual senior exit interviews, and growing the core of the team for the future. Please approve our trip!

Respectfully,

Karson Kalashian

Head Speech and Debate Coach

Orosi High School, CA

Cell: (559) 284-1790

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    **CONSENT**

**AGENDA ITEM:**                    **APPROVAL OF OROSI HIGH SCHOOL STUDENT  
OVERNIGHT FIELD TRIP TO BELLEVUE,  
NEBRASKA FOR SPEECH AND DEBATE  
TOURNAMENT**

**ATTACHMENTS:**                    **ACTIVITY REQUEST FORM, EVENT SCHEDULE,  
AND EVENT INFORMATIONAL**

**FUNDING SOURCE:**                    **ASB AND FUNDRAISING**

**DISCUSSION:** Orosi High School Speech and Debate team is seeking approval to attend an overnight field trip the weekend of May 9 – 12, 2024 to Bellevue, Nebraska to attend the Speech and Debate National Individual Events Tournament. Students will be under the supervision of coach, Karson Kalashian, and a female chaperone. Event details have been attached for Board review. The total estimated cost of this trip is about \$4,900.

**ITEM SUBMITTED AND APPROVED BY:**                    *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable and proactive.

**RECOMMENDATION:**                    **The Superintendent recommends the Board approve Orosi High School’s Speech and Debate overnight trip.**

**PROPOSED ACTION:**                    **APPROVE**

# Cutler-Orosi Joint Unified School District

12623 Avenue 416 Orosi, CA 93647

## ACTIVITY REQUEST FORM

Teacher/Coach Mr. Kalashian / Ms. Perez Aguirre

Date Submitted 4 / 15 / 2024

Type of Activity: Fundraiser  Field Trip  Assembly/Parent Program

Other  Speech and Debate Competition (National Finals)

Please list approved fundraiser: N/A (outside fundraising)

Does this activity require an overnight stay? YES  NO

Please note that any activity requiring an overnight stay MUST be Board approved one month in advance! Please submit this paperwork at least 6 weeks before the overnight trip. For all other activities, please submit paperwork at least 4 weeks prior to activity.

Grades/Departments/Club/Team Involved: 9-12, Speech and Debate

Activity Date 5/9/24 – 5/12/24 Activity Time TBD 5/9/24 to TBD 5/12/24 Location Bellevue, Nebraska (various locations)

Activity Purpose To compete in speech and debate tournament (NIETOC)

Transportation Needed? YES  NO

If "YES" please complete and attach the Transportation Request Form to this Activity Request form.

*If transportation is provided by a private vehicle the driver must be registered with the District and meet all requirements of fingerprinting and AB1025.*

Name(s) of person(s) driving Mr. Kalashian /

What is the impact of this activity/trip on instructional time?

Students and Mr. Kalashian will miss two days of School (5/9-5/10)

How is this activity correlated to the standards or to topics currently under study?

Students will compete in speech and debate events that relate directly to units of study from their courses at OHS

If this is a fundraising activity, explain how and when money will be collected.

N/A

Who is responsible for collecting money from fundraisers or for field trip? Mr. Kalashian (student contribution)

Remember any field trip must have enough money collected to ensure that all children in the group/club/class can participate whether or not they choose to participate.

Prior to approval of this activity, the Administrator may require input from other staff members to ensure a balance between academic focus and maximization of instructional time. If the request is not approved, the staff should work cooperatively with the Principal to see possible compromises and/or solutions.

Kalashian 4/15/2024 559-284-1790  
Signature of Teacher/Coach Date Cell # - for field trips only

Signature of Department Chair/Grade Level Lead or Activity Director/Athletic Director Date

Signature of Administrator Date Approved  Rejected

Reason for Rejection: [Redacted]

## 2024 NIETOC PRELIMINARY SCHEDULE

As of 2/10/24

### REGISTRATION SCHEDULE



March 31	Regular Registration Deadline
April 10	Confirmation of At-Large Entries
April 15	Payment & Paperwork Deadline
April 25	Late Registration Deadline
May 1	Late Registration Payment Deadline
May 2	Incomplete Entry Drop Date

### COMPETITION SCHEDULE

#### Thursday, May 9, 2024

6:00-9:00 PM	Tournament Registration - Embassy Suites-LaVista Conference Center
6:00-7:30 pm	Coaches' Appetizer Reception - Embassy Suites-LaVista Conference Center
7:00-7:45 PM	Student & Coach Workshops Session 1 @ Hotel
8:00-8:45 PM	Student & Coach Workshops Session 2 @ Hotel

#### Friday, May 10, 2024

7:30 AM	Teams begin arriving at Bellevue West HS
8:30 AM	Opening Ceremony/Keynote Address at Bellevue West High School - Gym #1
9:15 AM	Judge Check-in & Meeting - Bellevue West High School - Gym #2
10:00 AM	Round 1A -- DI, DA, HI, OO
11:30 AM	Lunch
12:30 PM	Round 1B -- DUO, EXT, INF, POI
2:00 PM	Round 2A
3:30 PM	Round 2B
5:00 PM	Round 3A
6:00 PM	Dinner
7:00 PM	Round 3B

*All Friday events at Bellevue West HS*

#### Saturday, May 11, 2024

7:00 AM	Breakfast
8:00 AM	Round 4A
9:30 AM	Round 4B
11:00 AM	Lunch
11:15 AM	Breaks Posted; Supplemental Re-Registration for Non-breaking students
12:00 PM	Main Events Octafinals
2:00 PM	Main Events Quarterfinals; Supplemental Events Round 1
3:00 PM	Supplemental Events Round 2
4:00 PM	Main Events Semifinals; Supplemental Events Round 3
5:00 PM	Dinner
5:30 PM	Supplemental Semifinals
6:00 PM	Main Events Finals - DI, DUET, HI, OO
7:00 PM	Supplemental Finals
8:00 PM	Main Events Finals - DUO, EXT, INF, POI

*All Saturday events at Bellevue West HS*

#### Sunday, May 12, 2024

10:00 AM	Awards -- Embassy Suites-LaVista
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*All Sunday events at Embassy Suites-LaVista*

All times listed CST.

[WWW.NIETOC.COM](http://WWW.NIETOC.COM)

QUESTIONS: Please contact Matt Heimes -- mheimes@lps.org OR 402-310-4153

The Speech and Debate team will be traveling to the National Individual Events Tournament of Champions in Bellevue, Nebraska on May 9<sup>th</sup> at approx. 9:00 A.M. (but we are still finding tickets) and returning on May 12<sup>th</sup> at approx. 9:00 P.M. (but we are still finding tickets). This will be a great opportunity that our students have qualified for to compete against the best teams in America. This tournament is by invitation only.

This competition offers all speech and debate events, and is one of the hardest competitions in the Nation (on par with the Catholic Nationals and the National Speech and Debate Association National Finals) . We plan to take 2 students and 1 male (coach) and 1 female (assistant coach) chaperone based on current qualifications. We plan to fly from Fresno area to Nebraska. Hotel arraignments are still TBD but will be close to competition venues.

Our intent is that the cost of this trip is covered via ASB and fundraising.

Thank you for the continued support of the program, especially as we continue to expose all freshman to the subject in hopes of making them more powerful communicators, helping them with their eventual senior exit interviews, and growing the core of the team for the future. Please approve our trip!

Respectfully,

Karson Kalashian

Head Speech and Debate Coach

Orosi High School, CA

Cell: (559) 284-1790

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Special Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** ACCEPT THE QUARTERLY WILLIAMS UNIFORM COMPLAINT REPORT FOR JANUARY-MARCH 2024.

**ATTACHMENTS:** THE QUARTERLY WILLIAMS UNIFORM COMPLAINT REPORT SUMMARY FOR JANUARY-MARCH 2024.

**FUNDING SOURCE:** N/A

**DISCUSSION:**

There were no complaints for the quarter from January-March 2024.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: **Sunsie Tumacder, Director of Accountability, Student Services & Categorical Programs.***

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the Quarterly Williams Complaint Report summary for January-March 2024.**

**PROPOSED ACTION:**

**APPROVE**

**Item #: 6**

## Williams Valenzuela Complaint Report 1st Quarter (January - March) 2024

### \* 1. Contact Information

Name *	Sunsie Tumacder
Title *	Director of Accountability Student Serv
School District *	Cutler-Orosi Jt. Unified School District
Email Address	sutumacder@cojUSD.org
Phone Number *	(559)528-6949

### 2. Textbooks & Instructional Materials

# of Complaints Received in Quarter	0
# of Complaints Resolved in Quarter	0
# of Complaints Unresolved	0
If complaint was resolved, what actions were taken?	0

### 3. Facilities

# of Complaints Received in Quarter	0
# of Complaints Resolved in Quarter	0
# of Complaints Unresolved	0
If complaint was resolved, what actions were taken?	0

### 4. Teacher Vacancy & Misassignment

# of Complaints Received in Quarter	0
# of Complaints Resolved in Quarter	0
# of Complaints Unresolved	0
If complaint was resolved, what actions were taken?	0

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BYLAW 9223. FILLING VACANCIES

**ATTACHMENTS:** BB 9223

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Bylaw updated to reflect NEW LAW (SB 1061, 2022), by adding a new note and body paragraph at the end of the "Provisional Appointments" section. Updated Bylaw also reflects New Attorney-General Opinion on how a vacancy is to be filled when a district's trustee areas have been revised or election method has changed from "at-large" to "by-trustee area," since the Board member whose term is to be completed was last elected. The Bylaw also updated to rearrange the Items in "Timelines for Filling a Vacancy" and to revise as necessary for clarity.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated BB 9223.

**PROPOSED ACTION:**

APPROVE

Item#: 7



**Bylaw 9223: Filling Vacancies**

**Status: DRAFT**

**Original Adopted Date:** 02/09/2012

**Events Causing a Vacancy**

A vacancy on the Governing Board may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of the office for the remainder of the term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer an effective date of resignation for more than 60 days after the date the resignation is filed with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office by recall (Elections Code 11000; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member ceases to inhabit the trustee area represented on the Board (58 Ops.Cal.Atty.Gen. 888 (1975))
7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
  - c. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board
  - d. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve during the absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

#### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs outside of the statutory time windows identified in Items #1 and #2 above, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment. (Education Code 5091, 5093)

#### **Eligibility**

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107, as described in BB 9220 - Governing Board Elections.

#### **Provisional Appointments**

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and

shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

If within 30 days of the Board's appointment, registered voters of the district or, where elections are by trustee areas, of the trustee area submit a petition for special election which the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy.

#### **Appointment Due to Failure to Elect**

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BYLAW 9270, CONFLICT OF INTEREST

**ATTACHMENTS:** BB 9270

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Bylaw updated to reflect NEW LAW (SB 1439, 2022) which makes applicable to elected district officers the prohibition against accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, and from participating in making, or in any way attempting to use the official position to influence the Board's decision when a district officer received a contribution of more than \$250 from a party or participant in the preceding 12 months, as specified. Bylaw also updated to clarify, for a Board member who manages public investments, that when an item on the consent calendar is one in which the Board member has a financial interest, the Board member is required to either make a motion to remove the item from the consent calendar or abstain from voting on the consent calendar.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- |                                     |                                                                                                                                                                  |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.                                                              |
| <input type="checkbox"/>            | 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement. |
| <input checked="" type="checkbox"/> | 3. Create efficient and effective systems that are innovative, accountable, and proactive.                                                                       |

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated BB 9270.**

**PROPOSED ACTION:**

**APPROVE**

**Item#: 8**

**Bylaw 9270: Conflict Of Interest**

**Status:** DRAFT

**Original Adopted Date:** 09/09/2010 | **Last Revised Date:** 10/10/2019

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by the Board member's, district employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

**Conflict of Interest under the Political Reform Act**

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the district official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the district official, the district official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A district official makes a governmental decision when, within the authority of the office or position, the district

official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before another district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a district official shall participate in the making of a contract in which the district official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

#### **Conflict of Interest from Campaign Contributions**

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.
2. Any district officer who received a contribution of more than \$250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.
3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.
4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding \$250, within 14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

#### **Additional Requirements for Boards that Manage Public Investments**

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision

#### **Conflict of Interest under Government Code 1090 - Financial Interest in a Contract**

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

#### **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which the Board member's private or personal interest may conflict with official duties.

#### **Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

#### **Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

### **Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
  2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes
-



**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BYLAW 9320. MEETINGS AND NOTICES

**ATTACHMENTS:** BB 9320

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Bylaw updated to clarify that a study session, retreat, public forum, or discussion meeting of the Governing Board must either be held as a regular or special Board meeting. Additionally, bylaw updated to reflect NEW LAW (AB 557, 2023) which extended and modified the ability of a Board member to join a meeting by teleconference due to just cause or emergency circumstances or during a proclaimed state of emergency. In addition, bylaw updated to remove outdated COVID-19 related requirements. Bylaw also updated for clarity, precision, organization, and consistency.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated BB 9320.

**PROPOSED ACTION:**

**APPROVE**

**Item#: 9**

**Bylaw 9320: Meetings And Notices**

Status: DRAFT

Original Adopted Date: 02/09/2012 | Last Revised Date: 01/13/2022

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with applicable open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide the opportunity for members of the public to directly address the Board. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, the Superintendent or designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

**Regular Meetings**

Unless otherwise determined by the Board, the Board shall hold 1 regular meeting(s) each month starting at 5:30p.m. on the second Thursday of the month at District Office, 12363 Avenue 416, Orosi, Ca 93647 or at another District facility.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's website. (Government Code 54954.2)

Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the district website at the time the materials are distributed to all or a majority of the Board if distributed outside of business hours.

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members on any topic within the subject matter jurisdiction of the Board unless otherwise prohibited by law or as specified in BB 9323.2 - Actions by the Board. (Government Code 54956)

At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice

also shall be posted on the district's website, and, at least 24 hours before the time of the meeting, in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

### **Emergency Meetings**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. (Government Code 54956.5)

The Board may meet in closed session during emergency meetings so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

An *emergency* means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

### **Adjourned/Continued Meetings**

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where the meeting was held. (Government Code 54955)

### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships. Any such meeting, regardless of title or topic, shall be held as a regular or special meeting, as appropriate, and shall comply with all other requirements for regular or special meetings. (Government Code 54956)

#### **Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

#### **Location of Meetings**

Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for

Superintendent of the district

10. Interview a potential employee from another district

All meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the most rapid available means of communication.

**Traditional Teleconferencing**

A Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency
3. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference
4. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the members is within the district boundaries.

**Teleconferencing by Individual Board Member Due to Just Cause**

Until January 1, 2026, when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

For the Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda

3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting
4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

#### **Teleconferencing by Individual Board Member Due to Emergency Circumstances**

Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board. (Government Code 54953, 54954.2)

If the request is granted by the Board, the Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

For the Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting
4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

#### **Teleconference Meetings During a Proclaimed State of Emergency**

The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members

For the Board to hold such meeting, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BYLAW 9321. CLOSED SESSION

**ATTACHMENTS:** BB 9321

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Bylaw updated to reflect appellate court ruling in Fowler v. City of Lafayette, which clarified that when an item is agendaized in closed session based on a threat of litigation made by a person outside of an open meeting and a district official or employee receiving knowledge of the threat made a record of the statement before the meeting, that statement is required to be made available to the public. Bylaw also updated to reference accompanying Exhibit (1) for specific agenda descriptions for closed session items and accompanying Exhibit (2) for descriptions to report out of specified closed session items. Additionally, Bylaw updated for clarity, precision, and consistency.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated BB 9321.**

**PROPOSED ACTION:**

**APPROVE**

**Item#:10**

**Bylaw 9321: Closed Session**

Status: DRAFT

Original Adopted Date: 08/08/2019

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting as required by law and provided in the accompanying Exhibit (1). (Education Code 35145, Government Code 54954.2, 54954.5, 54957)

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session as specified in this bylaw. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. In the closed session, the Board may consider only those items covered in its statement. (Government Code 54957, 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any actions taken in the closed session, the votes or abstentions thereon, and other disclosures as specified in this bylaw. Such reports may be made in writing or orally at the location announced in the agenda for the closed session as required by law and provided in the accompanying Exhibit (2). (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document, such as a contract or settlement agreement, that becomes public upon such approval or adoption, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary changes to the document are completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

**Confidentiality**

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information or the information has been publicly reported by the District. (Government Code 54963)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

**Personnel Matters: Appointment, Employment, Performance Evaluation, or Discipline/Dismissal/Release**

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, dismissal, or change in employment status of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957, 54957.1)

**Personnel Matters: Specific Complaints or Charges**

The Board may hold a closed session to hear complaints or charges brought against an employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the Superintendent or designee shall ensure that the employee receives written notice of the right to have the complaints or charges heard in open session. This notice

shall be delivered personally or by mail at least 24 hours before the time of the closed session. (Government Code 54957)

#### **Personnel Matters: Application for Early Withdraw of Funds in Deferred Compensation Plan**

The Board may hold a closed session to discuss an employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

#### **Negotiations/Collective Bargaining**

The Board may meet in closed session to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. A closed session regarding salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Pursuant to Government Code 54957.1, approval in closed session of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. However, the Board may, at its sole discretion, vote on such an agreement in open session. (Government Code 54957.1)

Pursuant to Government Code 3549.1, the Board may, without following the requirements of the Brown Act, meet in closed session exclusively for the purpose of discussing its position regarding any matter within the scope of representation or for the purpose of instructing its designated representatives. The Board shall not discuss any other item at any such closed session. (Government Code 3549.1)

#### **Matters Related to Students**

If a public hearing would lead to the disclosure of confidential student information such as grades or discipline information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. At least 72 hours prior to the start of the meeting of which the closed session is a part, the Superintendent or designee, on behalf of the Board, shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to hear the item in closed session. If a written request for open session is received from the student or the student's parents/guardians within 48 hours of receiving the notice, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any other student shall remain in closed session. (Education Code 35146, 48912, 49070)

If the Board conducts an expulsion hearing pursuant to Board Policy 5144.1 - Suspension and Expulsion/Due Process, the Board shall do so in closed session unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board shall meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

In order to protect student privacy rights provided in 20 USC 1232g or other applicable laws, the identity of a student shall not be listed in the agenda and shall not be included in any report after closed session. Additionally, a student matter shall be listed in the open session portion of the agenda with the same description and numbering system as it was on the closed session portion of the agenda.

### Security Matters

The Board may meet in closed session with the Governor, Attorney General, District Attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Board Bylaw 9320 - Meetings and Notices and Board Bylaw/Exhibit (1) 9323.2 - Actions By The Board.

The Board may also meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. (Education Code 32281)

### Real Property Negotiations

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

### Anticipated Litigation/Initiation of Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding anticipated litigation or whether to initiate litigation when discussion of either matter in open session would prejudice the district's position with respect to such litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered to be "anticipated" when, in the Board's opinion based on the advice of its legal counsel regarding the existing facts and circumstances, there is a significant exposure to litigation against the district or against a district officer or employee based on prior or prospective activities or alleged activities during and potentially during the course and scope of that office or employment. (Government Code 54956.9)

Existing facts and circumstances are limited to the following: (Government Code 54956.9)

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiff(s)
2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiff(s)
3. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff
4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting

Each agenda item related to anticipated litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

### Existing Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding existing litigation when discussion of the matter in open session would prejudice the district's position with respect to such litigation. Litigation is considered to be "existing" when the district has been named a party to the litigation or a district officer or employee has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

#### **Tort, Public, or Workers' Compensation Liability**

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

#### **Joint Powers Agency Issues**

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information that has direct financial or liability implications for the district and that was obtained in a closed session of a JPA of which the district is a member. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

#### **Review of Audit Report from California State Auditor's Office**

Upon receipt of a confidential final draft audit report from the California State Auditor's Office and before the report has been made public, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report shall be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

#### **Review of Assessment Instruments**

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE BYLAW 9322, AGENDA/MEETINGS  
AGENDA

**ATTACHMENTS:**                    BB 9322

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Bylaw updated to move material regarding public comments to be with content related language, amend language to be more closely aligned with code language, add material regarding the means for in-person and remote public comments, and reflect NEW LAW (AB 2449, 2022), which requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation to board meetings for individuals with disabilities. Bylaw also updated to provide that each agenda for a regular meeting is required to list the address designated by the Superintendent or designee for public inspection of documents related to records of a statement threatening litigation against the district to be discussed in closed session, in addition to documents related to open session, when such documents have been distributed to the Governing Board less than 72 hours before a Board meeting, clarify that the Board president and Superintendent decide when an item is placed on the agenda, include that public records under the Public Records Act and which relate to an agenda item which contain a claim or written threat of litigation which will be discussed in closed session are required to be made available to the public, in addition to documents which relate to an agenda item scheduled for the open session of a regular meeting, and NEW LAW (AB 2647, 2022) which clarifies how districts can, without opening their offices after normal business hours, comply with the portion of the Brown Act that requires writings or documents distributed to a majority of a local legislative body less than 72 hours before a meeting to also be distributed to the public.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated BB 9322.

**PROPOSED ACTION:**

**APPROVE**

**Bylaw 9322: Agenda/Meeting Materials**

**Status:** DRAFT

**Original Adopted Date:** 09/09/2010

**Agenda Content**

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

Each agenda shall state the meeting time and location and shall briefly describe each item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The agenda does not need to provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2, 54953)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

**Agenda Preparation**

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent

shall determine if the item is merely a request for information, and if so, respond accordingly.

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board take action during a Board meeting to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, whether the item should be an action item subject to Board vote or an information item, and when the item is placed on the agenda.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

#### **Agenda Dissemination to Board Members**

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

#### **Agenda Dissemination to Members of the Public**

Agenda and related materials distributed to the Board shall be made available to the public upon request without delay. However, only those documents which are disclosable public records under the Public Records Act (PRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the website with the district's



agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a writing which relates to an open session agenda item or which contains a claim or written threat of litigation which will be discussed in closed session during a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

The Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRA. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BYLAW 9323. MEETING CONDUCT

**ATTACHMENTS:** BB 9323

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Bylaw Updated to reflect NEW LAW (SB 1100, 2022) which authorizes the Board President to remove an individual for disrupting a Board meeting, establishes a procedure for warning the individual prior to their removal, and defines "disrupting" and "true threat of force."

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated BB 9323.

**PROPOSED ACTION:**

**APPROVE**

**Bylaw 9323.2: Actions By The Board**

Status: DRAFT

Original Adopted Date: 09/09/2010

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164, 35165)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

**Action on Non-Agenda Items**

The Board may take action on a subject not appearing on the posted meeting agenda only after publicly identifying the item and if any one of the following conditions are met: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier
4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

**Challenging Board Actions**

Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the district attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation to the district. If the district receives a proper demand from the district attorney's office or any interested person to "cure and correct" an alleged violation of the Brown Act, the Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BYLAW/EXHIBIT 9323.2, ACTIONS BY THE BOARD

**ATTACHMENTS:** BB/EXHIBIT 9323.2

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Bylaw updated to add that the Governing Board may take action on a request by a Board member to participate by teleconference due to emergency circumstances if it is not on the posted agenda so long as there was not sufficient time to place it on the agenda. Additionally, bylaw updated to remove language related to the authority of the district attorney's office or an interested person to file a civil action asking the court to order the Board to stop or prevent a Brown Act violation and replace it with language requiring the district attorney's office or interested person to first present a demand to "cure and correct" the alleged violation and, when such occurs, for the Board to consult with legal counsel on if and how to respond.

Exhibit updated to clarify that the exhibit is a non-exhaustive list of actions that require more than a simple majority vote and that have restrictions on when the Governing Board may act. Additionally, exhibit updated to remove, in the section "Actions Requiring a Two-Thirds Vote of the Membership of the Board," an item related to school facilities improvement districts as well as an item related to parcel taxes, both of which do not require a two-thirds vote. In addition, exhibit updated to add sections on "Actions Required to Occur During a Regular Board Meeting" and "Prohibitions on Certain Board Actions". Exhibit also updated to reflect NEW LAW (SB 494, 2023) which prohibits the Board from taking action to terminate a superintendent or assistant superintendent without cause within 30 calendar days after the first convening of the Board after a general election at which one or more of the Board members are elected or recalled, and NEW LAW (SB 229, 2023) which requires a district that is disposing of surplus land and has received notification of a violation to hold an open and public meeting to review and consider the substance of the notice of violation and prohibits the Board from taking final action to ratify or approve the proposed disposal of surplus land until a public meeting is held. Exhibit also updated for clarity, precision, organization, and consistency.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the updated BB/EXHIBIT 9323.2.**

**PROPOSED ACTION:** **APPROVE**

**Bylaw 9323.2: Actions By The Board**

**Status:** DRAFT

**Original Adopted Date:** 09/09/2010

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164, 35165)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

**Action on Non-Agenda Items**

The Board may take action on a subject not appearing on the posted meeting agenda only after publicly identifying the item and if any one of the following conditions are met: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier
4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

**Challenging Board Actions**

Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the district attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation to the district. If the district receives a proper demand from the district attorney's office or any interested person to "cure and correct" an alleged violation of the Brown Act, the Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)

**Exhibit 9323.2-E(1): Actions By The Board**

Status: DRAFT

Original Adopted Date: Pending

**RESTRICTIONS ON BOARD ACTIONS**

This exhibit is a non-exhaustive list of the Governing Board actions that require more than a majority vote as well as restrictions and prohibitions on when the Board may take certain actions. Other such actions may exist and may be identified in the future.

**Actions Requiring a Two-Thirds Vote of the Membership of the Board**

1. Resolution declaring the Board's intention to sell or lease real property (Education Code 17466)
2. Resolution declaring the Board's intent to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district so long the proposed use of property is not for nonclassroom facilities (Government Code 53094)
7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)
8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. Decision to pursue the authorization and issuance of general obligation bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution (Education Code 15266)
10. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)
11. When the district has a three-member Board and has adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA), action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

**Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting**

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

#### **Actions Requiring a Four-Fifths Vote of the Membership of the Board**

1. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
2. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823, 53824)
3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)
4. When the district has a seven-member Board and has adopted the procedures set forth in UPCCAA, action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
5. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the UPCCAA for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

#### **Actions Requiring a Four-Fifths Vote of the Board Members Present at the Meeting**

1. Approval of the expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

#### **Actions Requiring a Unanimous Vote of the Membership of the Board**

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510, 17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

#### **Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting**

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

#### **Actions Required to Occur During a Regular Board Meeting**

1. Termination of the Superintendent or an assistant superintendent without cause (Education Code 35150)
2. Discussion or action regarding the contract, salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1 (Government Code 54956)

### Prohibitions on Certain Board Actions

1. Termination of the Superintendent or an assistant superintendent without cause within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled (Education Code 35150)
  2. When the District is disposing of surplus land and has received a notification from the Department of Housing and Community Development pursuant to Government Code 54230.5 with regard to the surplus land, final action to ratify or approve the proposed disposal of surplus land unless the district holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice
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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE ADMINISTRATIVE REGULATION & BOARD POLICY - 0460 LOCAL CONTROL AND ACCOUNTABILITY PLAN

**ATTACHMENTS:** ADMINISTRATIVE REGULATION & BOARD POLICY - 0460 LOCAL CONTROL AND ACCOUNTABILITY PLAN

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Updated board policy and administrative regulation to reflect new law, which requires changes to the local control and accountability plan for the 2024-25 school year and adds “long-term English learners,” as students who have not attained English language proficiency within seven years of initial classification as an English learner.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: **Sunsie Tumacder, Director of Accountability, Student Services & Categorical Programs.***

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated Administrative Regulation & Board Policy 0460 Local Control and Accountability Plan.**

**PROPOSED ACTION:**

**APPROVE**

**Policy 0460: Local Control And Accountability Plan**

Status: DRAFT

Original Adopted Date: 12/12/2019

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52060, 52064; 5 CCR 15494-15497)

The LCAP and the annual update shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming. (Education Code 52060, 52064)

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. (Education Code 42238.02)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. (Education Code 52052)

Beginning July 1, 2025, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028, whichever occurs first. The IDEA addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

The LCAP shall also be aligned with other district and school plans, to the extent possible, in order to minimize duplication of effort and provide clear direction for program implementation.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

**Advisory Committees**

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English

learners, the Board shall establish an English learner parent advisory committee, which shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

Beginning July 1, 2024, unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

#### **LCAP Development and Consultation**

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP and the annual update. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums and committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP and the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and Board Policy 3100 - Budget. (Education Code 52062)

#### **Adoption and Submission**

The Board shall adopt the LCAP and the annual update prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with

the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP and the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. (Education Code 52071)

#### **Revisions**

The Board may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52062 and the revisions are adopted in a public meeting.

#### **Monitoring Progress and Complaints**

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to Administrative Regulation 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

#### **Technical Assistance**

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

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**Regulation 0460: Local Control And Accountability Plan**

Status: DRAFT

Original Adopted Date: 02/09/2023

**Goals and Actions Addressing State and Local Priorities**

The district's local control and accountability plan (LCAP) shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness. The LCAP shall identify goals for each of the following state priorities:
  - a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002
  - b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency
  - c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, and students with disabilities
  - d. Student achievement, as measured by all of the following as applicable:
    - i. Statewide assessments of student achievement
    - ii. The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; have successfully completed career technical education (CTE) sequences or programs of study that align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692; and have successfully completed both college entrance courses and CTE sequences or programs
    - iii. The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
    - iv. The English learner reclassification rate
    - v. The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
    - vi. The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301
  - e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable
  - f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03
  - h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable
2. Any goals identified for any local priorities established by the Governing Board.
  3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in Items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

For purposes of the descriptions required by Items #1-3 above, the Superintendent or designee may consider qualitative information, including, but not limited to, findings that result from any school quality review conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52060)

#### **Increase or Improvement in Services for Unduplicated Students**

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

When the district expends supplemental and/or concentration grant funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how such services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory.

#### **Timeline**

By February 28 of each year, the Superintendent or designee shall provide a report to the Board on the annual update and the budget overview for parents/guardians. The report, which shall be presented to the Board at a regular meeting, shall include all available midyear outcome data related to metrics identified in the current year's LCAP and all available midyear expenditure and implementation data on all actions identified in the current year's LCAP. (Education Code 52062)

By May 15, but in no event later than May 31, the Superintendent or designee shall present the drafts of the LCAP and the annual update to the committees listed in the accompanying board policy for review and comment and shall provide each committee with a reasonable date by which each committee shall provide comments on the drafts. The Superintendent or designee shall respond in writing to comments received from the committee(s) no later than the public hearing on the LCAP and the annual update.

At the same time as the drafts of the LCAP and the annual update are presented to these committees, the Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. The notification shall also provide the deadline by which all written comments must be received, which shall be no later than the deadline for comments from the committee(s). All such written notifications shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

#### **Availability**

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, the annual update, the IDEA Addendum as applicable, and the local control funding formula budget overview for parents/guardians on the homepage of the district's website and the performance overview portion of the Dashboard. (Education Code 52064.1, 52064.3, 52065)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT  
**AGENDA ITEM:** UPDATE BOARD POLICY 0500 - ACCOUNTABILITY  
**ATTACHMENTS:** BOARD POLICY 0500 - ACCOUNTABILITY  
**FUNDING SOURCE:** N/A

**DISCUSSION:**

Updated board policy to reflect that the U.S. Department of Education declined the California Department of Education’s (CDE) waiver request that would have allowed for the continued use of modified methods for calculating the Academic and Graduation Rate Indicators, resulting in the California School Dashboard no longer including any modified methods applied to state indicators and all Dashboard Alternative School Status schools being treated the same as all other schools on the Dashboard.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: **Sunsie Tumacder, Director of Accountability, Student Services & Categorical Programs.***

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated Board Policy 0500 Accountability.**

**PROPOSED ACTION:**

**APPROVE**



**Board Policy Manual  
Cutler-Orosi Joint Unified District****Policy 0500: Accountability**

Status: DRAFT

Original Adopted Date: 09/10/2009

The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of the district and each district school. The Board shall regularly review the effectiveness of district programs, personnel, and fiscal operations, with a focus on the capacity to improve student achievement. The Board shall establish appropriate processes and measures to monitor results and to evaluate progress toward accomplishing the district's vision and goals set forth in the local control and accountability plan (LCAP).

District and school performance shall be annually evaluated based on multiple measures specified in the California Accountability and Continuous Improvement System as reported on the California School Dashboard

The district and each district school shall demonstrate comparable improvement in academic achievement for all numerically significant student subgroups. Numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth, long-term English learners, or students experiencing homelessness. (Education Code 52052)

The Superintendent shall provide regular reports to the Board and the public regarding district and school performance. Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of any review and evaluation of district programs and operations and as part of the development or annual update of the LCAP.

Evaluation results may be used as a basis for revising district or school goals, updating the LCAP or other comprehensive plans, identifying and developing strategies to address disparities in achievement among student subgroups, implementing programmatic changes, determining the need for additional support and assistance, awarding incentives or rewards, and establishing other performance-based consequences.

The district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072. If the County Superintendent of Schools is required to provide technical assistance to the district, the district shall accept the technical assistance by providing timely documentation to, and maintaining regular communication with, the County Superintendent. (Education Code 52071)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT  
**AGENDA ITEM:** UPDATE BOARD POLICY 0520 INTERVENTION IN UNDERPERFORMING SCHOOLS  
**ATTACHMENTS:** BOARD POLICY 0520 INTERVENTION IN UNDERPERFORMING SCHOOLS  
**FUNDING SOURCE:** N/A

**DISCUSSION:**

Updated board policy to reflect new law which expands technical assistance based on a numerically significant student subgroups not making sufficient progress towards its local control and accountability plan (LCAP) to include identifying student subgroups that are low performing or experiencing significant disparities from other students or subgroups as identified on the California School Dashboard.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Sunsie Tumacder, Director of Accountability, Student Services & Categorical Programs.*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the updated Board Policy 0520 Intervention in Underperforming Schools.**

**PROPOSED ACTION:** **APPROVE**

**Policy 0520: Intervention in Underperforming Schools**

**Status: DRAFT**

**Original Adopted Date:** Pending

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard, educator qualifications data, and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Identifying student subgroups that are low performing or experiencing significant disparities from other subgroups as identified on the California School Dashboard in order to identify and implement effective programs and practices to improve the outcomes and opportunities for these students
3. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district
4. Identifying areas of strengths and weaknesses in the identified goals, actions, and services addressed in the LCAP, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals
5. Reviewing the district's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the submission of accurate data according to the processes and timelines established by the California Department of Education (CDE)

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the district shall, for a minimum of two years, maintain regular communication with, and provide timely documentation to, the County Superintendent regarding the district's completion of the activities listed in Items #1-5 above, or substantially similar activities. (Education Code 52071)

The district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

The district shall consider any recommendations from the California Collaborative for Educational Excellence in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52072, 5207)

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072.1)

1. Revision of the district's LCAP
2. Revision of the district's budget, in conjunction with changes in the LCAP, that would allow the district to improve the outcomes for all student subgroups in regard to state and local priorities
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

In addition, any school identified by CDE for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual

with demonstrated expertise and capacity to identify and implement more rigorous interventions.

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BOARD POLICY 1113, DISTRICT AND SCHOOLS WEBSITES

**ATTACHMENTS:** BP 1113

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Policy updated to incorporate concepts from NEW LAW (AB 2273, 2022) which, although not necessarily applicable to districts, requires a business that provides an online service, product, or feature likely to be accessed by children to comply with specified requirements and provides good guidance for districts seeking to create a safe online space for students.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated BP 1113.**

**PROPOSED ACTION:**

**APPROVE**

**Item#: 17**

**Policy 1113: District And School Websites**

**Status:** DRAFT

**Original Adopted Date:** 10/13/2011

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school websites. The use of district and school websites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

**Design Standards**

The Superintendent or designee shall establish design standards for district and school websites in order to maintain a consistent identity, professional appearance, and ease of use.

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

The district's design standards shall address the accessibility of district and school websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

**Website Content**

The Superintendent or designee shall develop content guidelines for district and school websites and assign staff to review and approve content prior to posting.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school websites.

**Privacy Rights**

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school websites.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school websites.

Photographs of individual students shall not be published on district or school websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district websites.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school websites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school websites without the prior written permission of that individual. (Government Code 3307.5, 7928.205, 7920.535)

No public safety official shall be required to consent to the posting on the Internet of the public safety official's photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure

may result in a threat, harassment, intimidation, or harm to the officer or the officer's family. (Government Code 3307.5)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE ADMINISTRATIVE REGULATION 1220,  
CITIZEN ADVISORY COMMITTEES

**ATTACHMENTS:** AR 1220

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Regulation updated to reflect NEW LAW (SB 1057, 2022) which exempts special education advisory committees from Brown Act requirements pertaining to open meetings, and instead requires these committees to comply with "mini" Brown Act requirements. The regulation was also updated to more closely align with law and to clarify language.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.

2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.

3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated AR 1220.

**PROPOSED ACTION:**

**APPROVE**

Item#: 18



**Regulation 1220: Citizen Advisory Committees**

Status: DRAFT

**Original Adopted Date:** 10/08/2009

**Committee Charge**

When committees are appointed, committee members shall receive written information which includes, but is not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

**Committees Subject to Brown Act Requirements**

Brown Act requirements pertaining to open meetings, notices, and public participation pursuant to Government Code 54950-54963 shall be complied with by any committee created by formal action of the Governing Board, including, but not limited to, the following:

1. Advisory committee established pursuant to Education Code 8070 related to career technical education
2. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b
3. Committee established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property
4. Citizens' oversight committee established to examine the expenditure of general obligation bond or school facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3

**Committees Not Subject to Brown Act Requirements**

The following committees shall comply with procedural meeting requirements established in Education Code 35147:

1. Parent advisory committee and English learner parent advisory committee established pursuant to Education Code 52063 to review and comment on the local control and accountability plan
2. School site councils established pursuant to Education Code 65000-65001 to develop and approve a school plan for student achievement
3. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners
4. School advisory committees established pursuant to Education Code 54425(b) related to compensatory

education

5. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs
6. School committees established pursuant to Education Code 11503 related to parent involvement
7. Advisory committees established pursuant to Education Code 56190-56194 related to special education

Meetings of the above councils or committees shall be open to the public, and any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its subject matter jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate location accessible to the public at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item of business not listed on the agenda until after all members present vote unanimously finding that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Any council or committee violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, after allowing for public input on the item. (Education Code 35147)

Any materials provided to a council or committee shall be made available to any member of the public upon request pursuant to the California Public Records Act, Government Code 7920.00-7930.215. (Education Code 35147)

#### **Committees Created by Superintendent**

Committees created by the Superintendent or designee that do not report to the Board and are not specified in Education Code 35147, shall not be subject to the requirements of the Brown Act or Education Code 35147.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE ADMINISTRATIVE REGULATION AND BOARD POLICY 1250, VISITORS/OUTSIDERS

**ATTACHMENTS:** AR AND BP 1250

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Regulation/policy updated to reflect new laws and regulations regarding visitors and outsiders.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated AR and 1250.**

**PROPOSED ACTION:**

**APPROVE**

**Item#: 19**

**Policy 1250: Visitors/Outsiders**

Status: DRAFT

Original Adopted Date: 06/21/2012 | Last Revised Date: 05/14/2015 | Last Reviewed Date: 05/14/2015

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

**Presence of Sex Offender on Campus**

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

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**Regulation 1250: Visitors/Outsiders**

**Status:** DRAFT

**Original Adopted Date:** 09/09/2010 | **Last Reviewed Date:** 09/09/2010

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

**Registration Procedure**

In order to register, an visitor shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her name, address, and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

**Principal's Registration Authority**

The principal or designee may refuse to register any visitor if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke any visitor's registration if he/she has a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

When a visitor fails to register, or when the principal or designee denies or revokes an visitor's registration privileges, the principal or designee may request that the individual promptly leave school grounds.

When an visitor is directed to leave, the principal or designee shall inform him/her that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

**Appeal Procedure**

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

**Regulation 1250: Visitors/Outsiders**

**Status:** DRAFT

**Original Adopted Date:** 09/09/2010 | **Last Reviewed Date:** 09/09/2010

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

**Registration Procedure**

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1. His/her name, address, and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

**Principal's Registration Authority**

The principal or designee may refuse to register any visitor if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke any visitor's registration if he/she has a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

When a visitor fails to register, or when the principal or designee denies or revokes an visitor's registration privileges, the principal or designee may request that the individual promptly leave school grounds.

When an visitor is directed to leave, the principal or designee shall inform him/her that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

**Appeal Procedure**

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE BOARD POLICY 1431. WAIVERS

**ATTACHMENTS:**                    BP 1431

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Policy updated to reference NEW LAW (SB 114, 2023) which prohibits a waiver request for transitional kindergarten and kindergarten requirements provided for in specified Education Code sections. Policy also updated to provide that advertisement of the notice for the public hearing which is required prior to the Governing Board submitting a waiver request to the State Board of Education includes publishing it on the district's website.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated BP 1431.**

**PROPOSED ACTION:**

**APPROVE**

**Policy 1431: Waivers**

Status: DRAFT

Original Adopted Date: 10/08/2009 | Last Revised Date: 12/12/2019

The Governing Board recognizes that circumstances may arise in the operation of the district that require a waiver from state law or regulation. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state law or regulation which SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

In addition, the Superintendent or designee shall consult with the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, 33051)

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

To receive public testimony on each proposal for a waiver request, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, shall be printed in a newspaper of general circulation, posted at each school and three public places in the district, or published on the district's website.

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the Board has requested and received the same general waiver from SBE for two consecutive years, the Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE BOARD POLICY 3311.1 - UNIFORM  
PUBLIC CONSTRUCTION COST ACCOUNTING  
PROCEDURES

**ATTACHMENTS:**                    BP 3311.1

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Policy updated to reflect new laws and regulations in the accounting procedures.

**ITEM SUBMITTED AND  
APPROVED BY:**

*Name and title of administrator who reviewed and  
approved this item: Craig B. Drennan, Assistant  
Superintendent*

**BOARD GOAL:**

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**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated BP 3311.1.**

**PROPOSED ACTION:**

**APPROVE**

**Policy 3311.1: Uniform Public Construction Cost Accounting Procedures**

Status: DRAFT

Original Adopted Date: 02/09/2017

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

**Emergency Actions**

When formal bids are required by law but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE ADMINISTRATIVE REGULATION AND BOARD POLICY 3400. MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS

**ATTACHMENTS:** AR AND BP 3400

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Regulation updated to reference Governmental Accounting Standards Board's (GASB) Statement #87 regarding lease accounting and GASB Statement #96 regarding subscription-based information technology agreements. Regulation also updated to clarify that the district should utilize the California Department of Education's standardized account code structure software to develop financial reports, and that the district's accounting system should comply with generally accepted accounting principles prescribed by GASB and meet other state and federal reporting guidelines. Additionally, regulation updated to expand the list of actions that constitute fraud, financial improprieties or irregularities; separate out district and county office of education investigations; clarify that the district cooperate with the County Superintendent of Schools, Fiscal Crisis and Management Assistance Team, law enforcement, or other governmental entities that conduct a fraud investigation; and, consult legal when discussing or disclosing the result of any fraud investigation.

Policy updated to reflect NEW LAW (SB 1439, 2022) related to conflict of interest from campaign contributions and existing conflict of interest provisions by providing that Governing Board members and district employees involved in the making of contracts on behalf of the district comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest. Policy also updated to direct the Superintendent to submit reports of the district's financial status to the Board, in accordance with Board Policy and Administrative Regulation 3460 - Financial Reports and Accountability, and develop additional internal controls to strengthen fraud prevention.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

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2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.

3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated AR and BP 3400.

**PROPOSED ACTION:**

APPROVE

Item#: 95

**Policy 3400: Management Of District Assets/Accounts**

**Status:** DRAFT

**Original Adopted Date:** 01/14/2010

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the district's assets and resources in order to help achieve the district's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. The Superintendent or designee shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards as specified by the California Department of Education and, as appropriate, the Governmental Accounting Standards Board (GASB). When required by law or as directed by the Board, and in accordance with Board Policy and Administrative Regulation 3460 - Financial Reports and Accountability, the Superintendent or designee shall submit to the Board reports of the district's financial status.

**Capital Assets**

The Superintendent or designee shall develop a system to accurately identify and value district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and an initial acquisition cost of \$5,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value or depreciation during each accounting period for all capital assets.

**Internal Controls/Fraud Prevention**

The Board expects Board members, employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the district to act with integrity and due diligence in dealings involving the district's assets and fiscal resources.

Board members and district employees involved in the making of contracts on behalf of the district shall comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district, assist with effective and efficient operation of the district, produce reliable financial information, and ensure compliance with all applicable laws and regulations. These internal controls may include, but are not limited to, segregating and monitoring employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; developing timely reconciliations of budgets, ledgers, and accounts; conducting background checks on business office employees; and requiring continuous in-service training for business office staff and board members on the importance of fraud prevention, financial management, budget, and governance.

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to the employee's immediate supervisor and/or the Superintendent or designee. In addition, the Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity.

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the district's auditors, the Fiscal Crisis and Management Assistance Team (FCMAT), law enforcement agencies, or other governmental entities, as appropriate.

The Superintendent or designee shall provide regular reports to the Board on the status of the district's internal control procedures and recommend any necessary revisions to related Board policies or administrative regulations.

**Regulation 3400: Management Of District Assets/Accounts**

**Status: DRAFT**

**Original Adopted Date:** 01/14/2010

**Accounts**

The district's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education (CDE) School Accounting Manual. (Education Code 41010)

The district shall utilize CDE's standardized account code structure (SACS) software to develop financial reports. The district's accounting system shall comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB) and meet other state and federal reporting guidelines.

The Superintendent or designee shall ensure that funds are encumbered in the district accounting records immediately after an expenditure is committed for subsequent payment.

**Fraud and Misappropriation of Funds**

Fraud, financial improprieties, or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the district
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document
3. Misappropriation of funds, securities, supplies, or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of district information or activities
6. Disclosing confidential and/or proprietary information to outside parties
7. Disclosing investment activities engaged in or contemplated by the district
8. Accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials to the district
9. Destroying, removing, or inappropriately using of records, furniture, fixtures, or equipment
10. Failing to provide financial records to authorized state or local entities
11. Overstating income, expenses, or misreporting time
12. Failing to report a conflict of interest
13. Any other dishonest or fraudulent act

**District Investigation**

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter, any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation, and discussing or disclosing the result of any investigation shall be made in consultation with legal counsel.

**County Office of Education Investigation**

The district shall cooperate with the County Superintendent of Schools, Fiscal Crisis and Management Assistance Team (FCMAT), law enforcement, or other governmental entities that conduct a fraud investigation, in accordance with law. (Education Code 1241.5)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION 3516.2.  
BOMB THREATS

**ATTACHMENTS:**                    AR 3516.2

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Regulation updated to reflect NEW LAW (P.L. 117-159) which requires the creation of a Federal Clearinghouse on School Safety Evidence-Based Practices to serve as a federal resource to identify and publish online practices and recommendations to improve school safety, and include that the district regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure and the monitoring and response to suspicious and/or threatening digital media content. Regulation also updated to move and amend material regarding staff training, include and align language with information provided by the U.S. Department of Homeland Security, and reflect NEW LAW (SB 906, 2022) which requires certificated and classified employees of the district, and other school officials such as Governing Board members, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle school or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, to immediately report the threat or perceived threat to law enforcement.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
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**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated AR 3516.2.

**PROPOSED ACTION:**

**APPROVE**

**Regulation 3516.2: Bomb Threats**

Status: DRAFT

Original Adopted Date: 09/09/2010

To maintain a safe and secure environment for district students and staff, the Superintendent or designee shall ensure that the district's emergency and disaster preparedness plan and/or each school's comprehensive safety plan includes procedures for managing bomb threats. Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

**Receiving Threats**

Any staff member receiving a bomb threat by telephone shall try to keep the caller on the line for as long as possible in order to gather information about the location and timing of the bomb and the person(s) responsible. To the extent possible, the staff member should also take note of the caller's gender, age, any distinctive features of voice or speech, and any background noises such as music, traffic, machinery, or voices. The staff member should not hang up, even if the caller does, and copy the number and/or letters on the telephone's display, if available.

If the bomb threat is received through regular mail or in writing, the staff member who receives it should handle the letter, note, or package as minimally as possible. If the threat is received through electronic means, such as email, text messaging, or social media, the staff member should not delete the message.

**Response Procedure**

The following procedure shall be followed when a bomb threat is received:

1. Any employee or other school official who receives a bomb threat shall immediately call 911 and report the threat or perceived threat to law enforcement. The employee shall also report the threat to the Superintendent or designee.

If the threat is in writing, the employee shall rewrite the threat exactly as is on another sheet of paper, including the date, time and location the document was found, any conditions surrounding the discovery or delivery of the document, and the full names of any other employees who saw the threat. The employee shall secure the document and not alter it in any way. If the document is small and/or removable, the employee shall place it in a bag or envelope.

If the threat is electronic, the employee shall leave the message open, and print, photograph, or copy the message and subject line, and note the date and time of the message.

2. Any student or employee who sees a suspicious package should not touch, tamper with, or move the item, and shall immediately notify law enforcement and the Superintendent or designee.
3. The Superintendent or designee shall immediately contact law enforcement if not yet done, assess the situation, ensure the area is secured, and initiate standard evacuation procedures as specified in the emergency plan.
4. The Superintendent or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff, students, parents/guardians, or others on campus shall search for or handle any explosive or incendiary device.

No one shall reenter the threatened building(s) until the Superintendent or designee declares that reentry is safe based on law enforcement and/or fire department clearance.

To the extent possible, the Superintendent or designee shall maintain communications with staff, parents/guardians, the Governing Board, other governmental agencies, and the media during the period of the incident.



Following the incident, the Superintendent or designee may provide crisis counseling for students and/or staff as needed.

Any employee or student found to have made a bomb threat shall be subject to disciplinary procedures and/or criminal prosecution.

**Staff Training**

The Superintendent or designee may provide training regarding the assessment and reporting of potential threats and procedures for managing bomb threats to district and site administrators, safety personnel, teachers, and other staff members, as appropriate.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION 3517 -  
FACILITIES INSPECTION

**ATTACHMENTS:**                    AR 3517

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Regulation updated to reflect NEW LAW (AB 367, 2021) which requires any school serving any of grades 6-12 to, at all times, stock and make available and accessible free of cost an adequate supply of menstrual products in specified restrooms beginning with the 2022-23 school year, and to post a notice, as specified, regarding this requirement in a prominent and conspicuous location.

**ITEM SUBMITTED AND  
APPROVED BY:**

*Name and title of administrator who reviewed and  
approved this item: Craig B. Drennan, Assistant  
Superintendent*

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**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated AR 3517.**

**PROPOSED ACTION:**

**APPROVE**

**Regulation 3517: Facilities Inspection**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Superintendent or designee shall inspect school facilities to ensure that they are maintained in good repair. At a minimum, the Superintendent or designee shall assess those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including, but not limited to, the following: (Education Code 17002, 35292.5)

1. **Gas Leaks:** Gas systems and pipes appear and smell safe, functional, and free of leaks.
2. **Mechanical Systems:** Heating, ventilation, and air conditioning systems, as applicable, are functional and unobstructed; appear to supply an adequate amount of air to all classrooms, work spaces, and facilities; and maintain interior temperatures within normally acceptable ranges.
3. **Windows and Doors:** Windows and doors are intact, functional, and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
4. **Fences and Gates:** Fences and gates are intact, functional, and free of holes and other conditions that could present a safety hazard to students, staff, or others. Locks and other security hardware function as designed.
5. **Interior Surfaces (walls, floors, ceilings):** Interior surfaces are free of safety hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.
6. **Hazardous Materials:** Hazardous and flammable materials are stored properly. No evidence of peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or asbestos exposure are evident. There does not appear to be evidence of hazardous materials that may pose a threat to the health and safety of students or staff.
7. **Structures:** Posts, beams, supports for portable classrooms and ramps, and other structures appear intact, secure, and functional as designed. Ceilings and floors are not sloping or sagging beyond their intended design. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines structural components.
8. **Fire Safety and Emergency Equipment:** Fire sprinklers, fire extinguishers, emergency alarm systems, and all emergency equipment and systems appear to be functioning properly. Fire alarm pull stations are clearly visible. Fire extinguishers are current and placed in all required areas, including every classroom and assembly area. Emergency exits are clearly marked and unobstructed.
9. **Electrical Systems:** Electrical systems, components, and equipment, including switches, junction boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly covered and guarded from student access, and appear to be working properly.
10. **Lighting:** Interior and exterior lighting appears to be adequate and working properly. Lights do not flicker, dim, or malfunction, and there is no unusual hum or noise from light fixtures.
11. **Pest/Vermin Infestation:** No visible or odorous indicators of pest or vermin infestation are evident.
12. **Drinking Fountains:** Interior and exterior drinking fountains are functional, accessible, and free of leaks. Drinking water pressure is adequate. Fountain water is clear and without unusual taste or odor, and moss, mold, or excessive staining is not evident.
13. **Restrooms:** Restrooms are fully operational, maintained and cleaned regularly, and stocked at all times with supplies (including toilet paper, soap, and paper towels or functional hand dryers) in accordance with Education Code 35292.5. The school keeps all restrooms open during school hours when students are not in classes and keeps a sufficient number of restrooms open during school hours when students are in classes, except when necessary to temporarily close a restroom for student safety or to repair the facility.

In addition, any school serving any of grades 6-12 shall, at all times, stock and make available and accessible

free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. The district shall post in a prominent and conspicuous location a notice regarding this requirement that includes an email address and telephone number for a designated individual responsible for maintaining the requisite supply of menstrual products. (Education Code 35292.6)

14. Sewers: The sanitary sewer system controls odors as designed, displays no signs of stoppage, backup, or flooding in school facilities or on school grounds, and appears to be functioning properly.
15. Roofs: Roofs, gutters, roof drains, and downspouts appear to be functioning properly and are free of visible damage and evidence of disrepair when observed from the ground from inside and outside the building
16. Drainage: School grounds do not exhibit signs of drainage problems, such as visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or parking areas, or clogged storm drain inlets.
17. Playground/School Grounds: Playground equipment (exterior fixtures, seating, tables, and equipment), school grounds, fields, walkways, and parking lot surfaces are functional and free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.
18. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to have been cleaned regularly and are free of accumulated refuse and unabated graffiti. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.

In addition, to ensure the health and safety of students, the Superintendent or designee shall provide for the testing of drinking water on campus and of the soil and painted surfaces of school facilities for the presence of lead and/or other harmful substances, in accordance with state and federal standards.

The Superintendent or designee shall ensure that any necessary repairs or removal of hazards identified during the inspection are made in a timely and expeditious manner.

An assessment of the safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair as defined in Education Code 17002, shall be reported on the school accountability report card. (Education Code 33126)

Any complaint alleging a school facility condition that poses an emergency or urgent threat to the health or safety of students or staff, or alleging that a school restroom is not clean, maintained, stocked, or kept open, shall be addressed in accordance with AR 1312.4 - Williams Uniform Complaint Procedures.

The Superintendent or designee shall provide the Governing Board with regular reports regarding the district's facility inspections and updates of any visits to district schools by the County Superintendent of Schools to review school facilities.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION 3580-  
DISTRICT RECORDS

**ATTACHMENTS:**                    AR 3580

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Regulation to reflect new laws and regulations regarding District records.

**ITEM SUBMITTED AND  
APPROVED BY:**

*Name and title of administrator who reviewed and  
approved this item: Craig B. Drennan, Assistant  
Superintendent*

**BOARD GOAL:**

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**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated AR 3580.

**PROPOSED ACTION:**

**APPROVE**

**Item#: 25**

**Regulation 3580: District Records**

Status: DRAFT

Original Adopted Date: 03/11/2010

**Classification of Records**

Records means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

Records of continuing nature (active and useful for administrative, legal, fiscal, or other purposes over a period of years) shall not be classified until such usefulness has ceased. (5 CCR 16022)

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254)

**Class 1 - Permanent Records**

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022: (5 CCR 16023)

**1. Annual Reports**

- a. Official budget
- b. Financial reports of all funds, including cafeteria and student body funds
- c. Audit of all funds
- d. Average daily attendance, including Period 1 and Period 2 reports
- e. Other major annual reports, including:
  - i. Those containing information relating to property, activities, financial condition, or transactions
  - ii. Those declared by Governing Board minutes to be permanent

**2. Official Actions**

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only
- b. The call for and the result of any elections called, conducted, or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

**3. Personnel Records**

Class 1 (Permanent) records include all detailed records relating to employment; assignment; amounts and dates of service rendered; termination or dismissal of an employee in any position; sick leave record; rate of compensation, salaries, or wages paid; and deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as a Class 1 (Permanent) record and the detailed records may then be classified as Class 3 (Disposable) records.

Information of a derogatory nature as defined in Education Code 44031 shall be retained as a Class 1 (Permanent) record only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

#### 4. Student Records

The records of enrollment and scholarship for each student required by 5 CCR 432 and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law shall be classified as Class 1 (Permanent) records. These include any related policy of liability insurance, except that these records cease to be Class 1 (Permanent) records one year after the claim has been settled or the statute of limitations has expired.

#### 5. Property Records

Class 1 (Permanent) records include all detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as a Class 1 (Permanent) record. The detailed records may then be classified as Class 3 (Disposable) records if the property ledger includes all fixed assets; an equipment inventory; and, for each piece of property, the date of acquisition, name of previous owner, a legal description, amount paid, and comparable data if the unit is disposed of.

### **Class 2 - Optional Records**

Any records considered temporarily worth keeping, but which are not Class 1 records, may be classified as Class 2 (Optional) records and shall be retained until reclassified as Class 3 (Disposable) records. If, by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified as Class 2 (Optional) records pending further review and classification within one year. (5 CCR 16024)

### **Class 3 - Disposable Records**

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) records shall be classified as Class 3 (Disposable) records. These include, but are not limited to, detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent) records; and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as a Class 3 (Disposable) record. (5 CCR 16026, 16027)

### **Electronically Stored Information**

All electronically stored information related to the conduct of district business, including information created, saved, sent, or received on a district employee's or Board member's personal account or device, shall be saved as an electronic file to a district-provided account or device and retained in accordance with the section "Classification of Records" above. Such information includes, but is not limited to, email, text messages, instant messages, computer files, and other electronic communications related to district business. In addition, when appropriate, the information may be printed and physically filed in a way that allows it to be easily retrieved when needed.

Employees may be required to regularly purge their email accounts and district-issued computers, cell phones, and

other communication devices of personal electronically stored information and other information unrelated to district business. The Superintendent or designee may check for appropriate use of any district-owned equipment at any time.

Any person to whom a district-owned computer, cell phone, or other electronic communication device is provided shall be notified about the district's electronic information management system and, as necessary, provided training on the effective use of the device.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BOARD POLICY 4030,  
NONDISCRIMINATION IN EMPLOYMENT

**ATTACHMENTS:** BP 4030

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Policy updated to reflect NEW LAW (SB 523, 2022) which adds reproductive health decision making as a form of prohibited discrimination, and prohibits an employer from requiring an applicant or employee to disclose information relating to an employee's reproductive health decision making.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated BP 4030.

**PROPOSED ACTION:**

**APPROVE**

**Policy 4030: Nondiscrimination In Employment**

**Status:** DRAFT

**Original Adopted Date:** 05/09/2019

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
  - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
  - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
  - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE BOARD POLICY 4111,4211,4311,  
RECRUITMENT AND SELECTION

**ATTACHMENTS:**                    BP 4111,4211,4311

**FUNDING SOURCE:**                    N/A

**DISCUSSION:**

Policy updated to reflect NEW GUIDANCE from the California Department of Education and the Commission on Teacher Credentialing related to the benefit to students when district staff reflects the racial, ethnic, linguistic and cultural diversity of the district, and when the district's recruitment and selection process seeks to establish and maintain a diverse staff. Additionally, policy updated to include that the pay scale for an open position be included in the job posting. In addition, policy updated to include that discrimination against a person in hiring based on the person's use of cannabis off the job and away from the workplace is prohibited, and reflect NEW LAW (SB 700, 2023) which prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information, In addition, policy updated to provide that the district retains the right to maintain drug-free schools and to prohibit employees from possessing, being impaired by, or using cannabis while on the job. Policy also updated to include that, in addition to Governing Board approval and district needs, the provision of incentives to recruit teachers be in accordance with any applicable collective bargaining agreement.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated BP 4111,4211,4311.**

**PROPOSED ACTION:**

**APPROVE**

**Policy 4111: Recruitment And Selection**

**Status:** DRAFT

**Original Adopted Date:** 06/14/2018

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

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

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

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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

**Incentives**

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

**Policy 4211: Recruitment And Selection**

**Status:** DRAFT

**Original Adopted Date:** 06/14/2018

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

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

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

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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

**Incentives**

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

**Policy 4311: Recruitment And Selection**

Status: DRAFT

Original Adopted Date: 06/14/2018

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

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

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

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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

**Incentives**

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

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION AND EXHIBIT 4112.5, 4212.5, 4312.5, CRIMINAL RECORD CHECK

**ATTACHMENTS:**                    AR AND E 4112.5, 4212.5, 4312.5

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Regulation updated to reference that discrimination against a person in hiring based on the person's use of cannabis off the job and away from the workplace is prohibited, including NEW LAW (SB 700, 2023) which prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. Additionally, regulation updated for clarity.

Exhibit reviewed in conjunction with the update of the accompanying Administrative Regulation.

**ITEM SUBMITTED AND APPROVED BY:**                    *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**                **The Superintendent recommends the Board approve Administrative Regulation and Exhibit 4112.5, 4215.5, 4312.5**

**PROPOSED ACTION:**                **APPROVE**



**Regulation 4112.5: Criminal Record Check**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

**Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

**Subsequent Arrest Notification**

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

#### **Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

**Exhibit 4112.5-E(1): Criminal Record Check**

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM  
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of \_\_\_\_\_ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

**CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:**

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Name of District \_\_\_\_\_

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

**Exhibit 4212.5-E(1): Criminal Record Check**

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM  
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of \_\_\_\_\_ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

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Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

**CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:**

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Name of District \_\_\_\_\_

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

**Regulation 4212.5: Criminal Record Check**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

**Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

**Subsequent Arrest Notification**

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

#### **Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

**Regulation 4312.5: Criminal Record Check**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

**Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

**Subsequent Arrest Notification**



The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

#### **Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)



**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE BOARD POLICY AND ADMINSTRATIVE  
REGULATION 4118,  
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

**ATTACHMENTS:**                    BP AND AR 4118

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Policy updated to generalize the material related to the basis for disciplinary action, and reflect NEW COURT DECISION (Visalia Unified School District v. PERB) which held that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of complaints of retaliation for union activities, and that retaliation solely for engaging in protected activities is prohibited. Additionally, policy updated to amend the list of what may be considered disciplinary actions to more closely align with law, and to add new section "Compulsory Leave of Absence" for consistency with law and the accompanying administrative regulation.

Regulation updated to reference that discrimination against a person in termination or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace is prohibited, and to clarify that proper notice is required by March 15 of the employee's second complete consecutive year of employment for the district to not rehire a probationary employee for the following school year without giving a statement of reasons. Additionally, regulation updated to delete outdated material and for clarity.

**ITEM SUBMITTED AND APPROVED BY:**                *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**                **The Superintendent recommends the Board approve the updated BP and AR 4118.**

**PROPOSED ACTION:**                **APPROVE**

**Policy 4118: Dismissal/Suspension/Disciplinary Action**

Status: DRAFT

Original Adopted Date: 03/11/2010 | Last Revised Date: 11/10/2022

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance.

The Superintendent or designee shall ensure that disciplinary actions are appropriately documented and taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, suspension or leave without pay, or dismissal.

**Suspension/Dismissal Procedures**

The Superintendent shall notify the Board whenever there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of the Board's intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during

the instructional year of the school site where the employee is physically employed and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

#### **Compulsory Leave of Absence**

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5)

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**Regulation 4118: Dismissal/Suspension/Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** 03/11/2010 | **Last Revised Date:** 11/10/2022

**Causes for Suspension or Dismissal**

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes: (Education Code 44932)

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children
8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or district
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 prohibiting the advocacy or teaching of communism
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct. (Education Code 44933)

**Suspension/Dismissal of Permanent Employees**

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Governing Board, or a written statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists. (Education Code 44934, 44934.1)
2. The employee, upon receiving notice of the Board's intent to suspend or dismiss, may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when the employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)

4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision upholding suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

The Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. (Education Code 44030.5, 44242.5, 44940; 5 CCR 80303)

#### **Suspension/Dismissal of Probationary Employees**

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons if proper notice is provided by March 15 of the employee's second, complete, consecutive year of employment. (Education Code 44929.21, 44929.23)

During the school year, a probationary employee who is in the first or second year of service may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above or for unsatisfactory performance determined pursuant to Education Code 44660-44665. (Education Code 44948.2, 44948.3)

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee during the school year: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.
2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.
3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

#### **Compulsory Leave of Absence**

Upon being informed that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a certificated employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1, except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinol. (Education Code 44940)

If an employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless a hearing is demanded. (Education Code 44940, 44940.5)

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Upon receipt of telephone or electronic notification from the Department of Justice that a current temporary, substitute, or probationary employee serving before March 15 of the second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION AND  
BOARD POLICY 4200. CLASSIFIED PERSONNEL

**ATTACHMENTS:**                    AR AND BP 4200

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Regulation/Policy to reflect new laws and regulations regarding classified personnel.

**ITEM SUBMITTED AND  
APPROVED BY:**

*Name and title of administrator who reviewed and  
approved this item: Craig B. Drennan, Assistant  
Superintendent*

**BOARD GOAL:**

- . 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated AR and BP 4200.**

**PROPOSED ACTION:**

**APPROVE**

**Policy 4200: Classified Personnel****Status:** DRAFT**Original Adopted Date:** 07/20/2006

The Governing Board recognizes that classified personnel provide essential services that support and enhance the district's educational program. The Board shall fill each of its classified positions with qualified persons, consistent with position requirements.

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

Each classified position shall have a designated title and regular minimum number of assigned hours per day, days per week, and months per year.

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

Each classified employee shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.

**Substitute and Short-Term Employees**

The district may employ a substitute employee to replace a classified employee who is temporarily absent from duty. (Education Code 45103)

If the district is in the process of hiring a permanent employee to fill a classified position, the Board may fill the vacancy with one or more substitute employees for no more than 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time. (Education Code 45103)

The district may employ a short-term employee to perform a service for the district when that service or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 195 work days per year, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day. (Education Code 45103)

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**Regulation 4200: Classified Personnel**

Status: DRAFT

Original Adopted Date: 07/20/2006

**Exemption from Classified Service**

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

Individuals hired solely for the following purposes shall not be part of the classified service: (Education Code 45103)

1. Substitute or short-term employees who are employed and paid for fewer than 195 work days per year, including holidays, sick leave, vacation, and other leaves of absences, irrespective of the number of hours worked per day
  2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
  3. Full-time students employed part time
  4. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district pursuant to Education Code 51760-51769.5 that is financed by state or federal funds
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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BOARD POLICY 4140, 4240, 4340,  
BARGAINING UNITS

**ATTACHMENTS:** BP 4140, 4240, 4340

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Policy updated to clarify use of "employee organization," "recognized employee organization," "exclusive representative," and "bargaining unit". Additionally, policy updated to clarify Public Employee Relations Board opinions regarding when a district may restrict the wearing of union buttons, insignia, or other pictorial or written messages by employees, when a district may limit an employee organization's ability to communicate with its members, and what constitutes "reasonable restrictions" by a district. In addition, policy updated to remove outdated material related to COVID-19, and reflect NEW LAW (AB 243, 2023) which extends the Safe at Home address confidentiality protection to victims of child abduction and members of their households. Policy also updated for clarity, precision, organization, and consistency.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the updated BP 4140, 4240, 4340.**

**PROPOSED ACTION:** **APPROVE**

**Policy 4140: Bargaining Units**

**Status:** DRAFT

**Original Adopted Date:** 02/14/2019 | **Last Revised Date:** 12/14/2023

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

*Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

**Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

**District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

#### **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

#### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all

new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

#### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

#### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the

information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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**Policy 4240: Bargaining Units**

Status: DRAFT

Original Adopted Date: 02/14/2019 | Last Revised Date: 12/14/2023

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The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

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**Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

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The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

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The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

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new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

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1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

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The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

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**Policy 4340: Bargaining Units**

Status: DRAFT

Original Adopted Date: 02/14/2019 | Last Revised Date: 12/14/2023

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information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE ADMINISTRATIVE REGULATION  
4161.2, 4261.2, 4361.2 PERSONAL LEAVES

**ATTACHMENTS:** AR 4161.2, 4261.2, 4361.2

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Regulation updated to reflect NEW LAW (AB 1949, 2022) which requires a district to provide up to five days of bereavement leave to a qualified employee for the death of a family member, and provide clarifying language regarding the definitions of "family member" and "immediate family" and implications for bereavement leave. Regulation also updated to reference NEW LAW (AB 1041, 2022) which expands the definition of a family member for whom an eligible employee may take leave to care for to include a "designated person."

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs of all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve the updated AR 4161.2, 4261.2, 4361.2.

**PROPOSED ACTION:**

**APPROVE**

**Regulation 4161.2: Personal Leaves**

Status: DRAFT

Original Adopted Date: 04/14/2016 | Last Revised Date: 11/10/2022

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.

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 any 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.

**Bereavement**

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194(Government Code 12945.7) and pursuant to the collective bargaining agreement.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death.

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; Government Code 12945.7)

*Immediate Family* means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee (Education Code 44985, 45194) and pursuant to the collective bargaining agreement.

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**

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

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; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
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)
5. 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 a request reflects personal necessity.



Advance permission shall not be required of 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 the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need 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.

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

### **Leave to Perform Legal Duties**

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

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 certificated/classified employee called for jury duty shall be granted leave with pay upon receiving verification. Employee shall not receive jury fees. (Education Code 44037)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant 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 employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

### **Leaves for Crime Victims for Judicial Proceedings**

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (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)
3. A felony provision of law proscribing theft or embezzlement

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 the Superintendent or designee 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 Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee 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 the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, 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
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, 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, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

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

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

### Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or 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: (Labor Code 230.8)

1. Find, enroll, or reenroll a 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.
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

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)

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

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by 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 child care provider that the employee 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**

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. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

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 on which the employee serves as an officer. (Education Code 44987, 45210)

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 employee 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**

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

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**

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 the employee's 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 the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's 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**

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)

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**

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, 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)

**Regulation 4261.2: Personal Leaves**

**Status:** DRAFT

**Original Adopted Date:** 04/14/2016 | **Last Revised Date:** 11/10/2022

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.

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 any 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.

**Bereavement**

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194 (Government Code 12945.7) and the collective bargaining agreement.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death.

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; Government Code 12945.7)

*Immediate Family* means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee (Education Code 44985, 45194) and the collective bargaining agreement.

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**

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

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; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
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)
5. 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 a request reflects personal necessity.

Advance permission shall not be required of 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 the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need 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.

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

### **Leave to Perform Legal Duties**

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

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 certificated/ classified employee called for jury duty shall be granted leave with pay upon receiving verification. Employee shall not receive jury fees. (Education Code 44037)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant 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 employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

### **Leaves for Crime Victims for Judicial Proceedings**

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (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)
3. A felony provision of law proscribing theft or embezzlement

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 the Superintendent or designee 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 Crime or Abuse**

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee 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 the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, 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
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, 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, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

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

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

#### **Personal Leave for Child-Related Activities**

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or 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: (Labor Code 230.8)

1. Find, enroll, or reenroll a 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.
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

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)

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

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by 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 child care provider that the employee 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**

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. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

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 on which the employee serves as an officer. (Education Code 44987, 45210)

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 employee 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**

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

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**

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 the employee's 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 the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's 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**

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)

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**

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, 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)

**Regulation 4361.2: Personal Leaves**

Status: DRAFT

Original Adopted Date: 04/14/2016 | Last Revised Date: 11/10/2022

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.

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 any 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.

**Bereavement**

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194 (Government Code 12945.7) and collective bargaining agreement

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death.

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; Government Code 12945.7)

*Immediate Family* means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee (Education Code 44985, 45194) and collective bargaining agreement.

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**

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

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; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
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)
5. 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 a request reflects personal necessity.

Advance permission shall not be required of 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 the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need 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.

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

### **Leave to Perform Legal Duties**

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

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 certificated/classified employee called for jury duty shall be granted leave with pay upon receiving verification. Employee shall not receive jury fees. (Education Code 44037)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant 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 employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

### **Leaves for Crime Victims for Judicial Proceedings**

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (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)
3. A felony provision of law proscribing theft or embezzlement

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 the Superintendent or designee 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 Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee 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 the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, 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
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, 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, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

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

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

### Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or 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: (Labor Code 230.8)

1. Find, enroll, or reenroll a 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.
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

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)

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

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by 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 child care provider that the employee 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**

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. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

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 on which the employee serves as an officer. (Education Code 44987, 45210)

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 employee 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**

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

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**

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 the employee's 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 the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's 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**

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)

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**

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, 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)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BOARD POLICY AND ADMINISTRATIVE REGULATION 4157.4257.4357. EMPLOYEE SAFETY

**ATTACHMENTS:** AR AND BP 4157,4257,4357

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Regulation updated to add that the Department of Industrial Relations Division of Occupational Safety and Health may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. Additionally, regulation updated to reflect NEW LAW (SB 553, 2023) which requires, starting July 1, 2024, districts to (1) establish, implement, and maintain at all times and in all work areas a violence prevention plan with specified components, and (2) provide all employees with training when the plan is first established and annually thereafter. In addition, regulation updated to delete outdated information related to actions districts were required to take upon notice of potential exposure to COVID-19.

Policy updated to reference NEW LAW (SB 553, 2023) which requires, starting July 1, 2024, districts to establish, implement, and maintain at all times and in all work areas a workplace violence prevention plan with specified components.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the updated BP AND AR 4157,4257,4357.**

**PROPOSED ACTION:** **APPROVE**

**Policy 4157: Employee Safety**

Status: DRAFT

Original Adopted Date: 09/09/2010

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
  2. Instituting proceedings or causing proceedings to be instituted
  3. Testifying with regard to employee safety or health
  4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
  5. Requesting access to injury or illness reports and records
  6. Exercising any other right protected by the Occupational Safety and Health Act
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**Regulation 4157: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 07/20/2006

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

**Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

#### **Labor/Management Safety and Health Committee**

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

#### **Eye Safety Devices**

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

#### **First Aid and Medical Services**

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

#### **Protection from Communicable Diseases and Infections**

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

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

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**Policy 4257: Employee Safety**

Status: DRAFT

Original Adopted Date: 09/09/2010

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No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
  2. Instituting proceedings or causing proceedings to be instituted
  3. Testifying with regard to employee safety or health
  4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
  5. Requesting access to injury or illness reports and records
  6. Exercising any other right protected by the Occupational Safety and Health Act
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**Regulation 4257: Employee Safety**

**Status: DRAFT**

**Original Adopted Date:** 07/20/2006

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

**Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
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  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
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  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
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#### **Labor/Management Safety and Health Committee**



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1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

#### **Eye Safety Devices**

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

#### **First Aid and Medical Services**

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

#### **Protection from Communicable Diseases and Infections**

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

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

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**Policy 4357: Employee Safety**

Status: DRAFT

Original Adopted Date: 09/09/2010

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
  2. Instituting proceedings or causing proceedings to be instituted
  3. Testifying with regard to employee safety or health
  4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
  5. Requesting access to injury or illness reports and records
  6. Exercising any other right protected by the Occupational Safety and Health Act
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**Regulation 4357: Employee Safety**

**Status:** DRAFT

**Original Adopted Date:** 07/20/2006

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

**Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

#### **Labor/Management Safety and Health Committee**

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

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1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
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The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION 4161,  
LEAVES

**ATTACHMENTS:**                    AR 4161

**FUNDING SOURCE:**                N/A

**DISCUSSION:**  
Regulation to reflect new laws and regulations regarding leaves.

**ITEM SUBMITTED AND APPROVED BY:**                    *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**                    **The Superintendent recommends the Board approve the updated AR 4161.**

**PROPOSED ACTION:**                **APPROVE**



**Regulation 4161: Leaves**

Status: DRAFT

Original Adopted Date: 04/08/2010

**Failure to Return to Service After Leave**

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

**Use of Leaves by Classified Employees**

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE ADMINISTRATIVE REGULATION  
4157.1.4257.1.4357.1, WORK-RELATED INJURIES

**ATTACHMENTS:** AR 4157.1.4257.1.4357.1

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Regulation updated to move material related to notice requirements for an employee who is a victim of a crime for better placement of content, and delete outdated information related to workers' compensation benefits for illness or death resulting from COVID-19.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

The Superintendent recommends the Board approve AR 4157.1,4257.1,4357.1.

**PROPOSED ACTION:**

APPROVE

**Regulation 4157.1: Work-Related Injuries**

**Status:** DRAFT

**Original Adopted Date:** 11/17/2016

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

**Regulation 4257.1: Work-Related Injuries**

Status: DRAFT

Original Adopted Date: 11/17/2016

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

**Regulation 4357.1: Work-Related Injuries**

Status: DRAFT

Original Adopted Date: 11/17/2016

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CONSENT

**AGENDA ITEM:** UPDATE BOARD POLICY AND ADMINISTRATIVE  
REGULATION 4218,  
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

**ATTACHMENTS:** BP AND AR 4218

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Policy updated to add that the Governing Board expects all employees to serve as positive role models at school and in the community for consistency with expectations for certificated staff, generalize the material related to the basis for disciplinary action, and reflect NEW COURT DECISION (Visalia Unified School District v. PERB) which held that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of complaints of retaliation for union activities, and that retaliation solely for engaging in protected activities is prohibited. Additionally, policy updated to amend the list of what may be considered disciplinary actions to more closely align with law, clarify that if a timely request for a hearing is submitted, a third-party hearing officer is required to conduct the hearing if the Board has delegated such authority, and to add new section "Compulsory Leave of Absence" for consistency with law and the accompanying administrative regulation.

Regulation updated to reference that discrimination against a person in termination or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace is prohibited. Additionally, regulation updated to delete outdated material and for clarity.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the updated AR AND BP 4218.**

**PROPOSED ACTION:** **APPROVE**



**Policy 4218: Dismissal/Suspension/Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** 12/14/2023

The Governing Board expects all employees to perform their jobs satisfactorily, to exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of wages, or dismissal.

A probationary classified employee may be dismissed without cause anytime before the probationary period expires.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

**Procedures for Serious Disciplinary Proceedings**

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board or by a third-party hearing officer, in accordance with law. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education Code 45113 and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which disciplinary action was ultimately sustained, and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

### **Compulsory Leave of Absence**

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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**Regulation 4218: Dismissal/Suspension/Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** 07/20/2006 | **Last Revised Date:** 12/14/2023

**Causes for Disciplinary Action**

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 prohibiting the advocacy or teaching of communism
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

No disciplinary action shall be taken for any cause that arose before the employee became permanent, nor for any cause that arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

### **Initiation and Notification of Charges**

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any final recommendation for disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested, which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

### **Request for Board Hearing**

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

### **Employment Status Pending a Disciplinary Hearing**

A classified employee against whom a recommendation for disciplinary action has been issued may remain on active duty or may be placed on paid leave pending a hearing on the charges. The employee shall not be suspended without pay, suspended or demoted with a reduction in pay, or dismissed pending the outcome of a timely requested hearing, except as specified below. (Education Code 45113)

However, the disciplinary action may be imposed prior to the decision if the Board, or an impartial third-party hearing officer provided pursuant to a collective bargaining agreement, finds by a preponderance of the evidence that at the time discipline was imposed, the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the district's policies or regulations. Such finding(s) must be made at the conclusion of the Skelly review process. (Education Code 45113)

In such cases where the disciplinary action is imposed prior to the decision, the employee shall be given written notice of the disciplinary action and the findings made at the conclusion of the Skelly review process. Such written notice shall be served upon the employee personally.

In addition, the district may cease paying the employee if a decision has not been rendered by an impartial third-party hearing officer, pursuant to a collective bargaining agreement, or the Board within 30 days of the date the hearing was requested. (Education Code 45113)

### **Compulsory Leave of Absence**

Upon being informed that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44940, 45304)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinol. (Education Code 44940, 44940.5, 45304)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal. (Education Code 44940, 44940.5)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:**                    CONSENT

**AGENDA ITEM:**                    UPDATE ADMINISTRATIVE REGULATION &  
BOARD POLICY - 5131.2 BULLYING

**ATTACHMENTS:**                    ADMINISTRATIVE REGULATION & BOARD  
POLICY - 5131.2 BULLYING

**FUNDING SOURCE:**                N/A

**DISCUSSION:**

Updated board policy and administrative regulation to reflect new law, which requires that the district’s policy prohibiting discrimination, harassment, intimidation, and bullying.

**ITEM SUBMITTED AND  
APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Sunsie Tumacder, Director of Accountability, Student Services & Categorical Programs.*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the updated Administrative Regulation & Board Policy 5131.2 Bullying.**

**PROPOSED ACTION:**

**APPROVE**

**Policy 5131.2: Bullying**

Status: DRAFT

Original Adopted Date: 03/12/2020

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in Administrative Regulation 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

**Regulation 5131.2: Bullying**

**Status: DRAFT**

**Original Adopted Date: 03/12/2020**

**Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. **Physical bullying:** An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. **Verbal bullying:** An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. **Social/relational bullying:** An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. **Cyberbullying:** An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

**Measures to Prevent Bullying**

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
3. Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
4. Encouraging students to notify school staff when they are being bullied or when they suspect that another

student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
6. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

#### **Staff Development**

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

#### **Information and Resources**

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

### **Student Instruction**

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, regardless of whether the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in Administrative Regulation 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the Superintendent or designee may report the cyberbullying to the social media platform and may request the material be removed.

### **Discipline/Corrective Actions**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.



**Support Services**

The Superintendent, principal, or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** CURRICULUM/INSTRUCTION  
**AGENDA ITEM:** APPROVE NEW COURSE: ETHNIC STUDIES  
**ATTACHMENTS:** COURSE OUTLINE  
**FUNDING SOURCE:** N/A

**DISCUSSION:** In October 2021, the Legislature passed, and Governor Gavin Newsom signed into law Assembly Bill 101 – a historic bill which makes California the first state to require Ethnic Studies as a high school graduation requirement. The law requires that students in the class of 2030 take one semester of ethnic studies, and schools must offer these courses starting in the 2025-2026 school year. Ethnic Studies is the interdisciplinary study of race, ethnicity, and other identities, focusing on people’s lived experiences and perspectives. According to the model curriculum overview, the focus of this law is to provide students the opportunity to learn about the histories, cultures, struggles, and contributions to American society of historically marginalized peoples, which have often been untold in US history courses. In collaboration with OHS History Department, the District has developed an ethnic studies course aligned to the model Curriculum released by CDE. The semester course will be offered as elective credit to students during their freshman year. Attached for Board review is the course outline.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the new course: Ethnic Studies.**

**PROPOSED ACTION:** **APPROVE**

## COURSE OUTLINE

<b>COURSE TITLE:</b>	Ethnic Studies
<b>CALPADS TITLE:</b>	TBD
<b>CALPADS #:</b>	TBD
<b>DATE APPROVED:</b>	
<b>REVISED DATE(S):</b>	
<b>CREDITS:</b>	5 elective credits
<b>COURSE DURATION:</b>	1 semester
<b>GRADE LEVEL:</b>	9-12

### **COURSE DESCRIPTION:**

Empower students with a deep understanding and appreciation of the rich tapestry of ethnic diversity that shapes our world and aspire to cultivate an inclusive environment.

Foster a culture of empathy, understanding, and respect by offering comprehensive ethnic studies programs that reflect diverse cultures' multifaceted experiences, histories, and contributions.

Equip students with the knowledge, skills, and perspectives necessary to thrive in an increasingly interconnected and multicultural global society.

Ignite a passion for lifelong learning, foster cultural humility, and empower students to become agents of positive change in their communities and beyond.

Together, strive to build a future where diversity is celebrated, equity is championed, and every individual's voice is heard and valued.

### **INSTRUCTIONAL MATERIALS:**

*A Different Mirror for Young People: A History of Multicultural America*, Ronald Takaki

*Rethinking Ethnic Studies*, R. Tolteka Cuauhtin, Miguel Zavala, Christine Sleeter, & Wayne Au

**COURSE OBJECTIVES:**

The following eight essential outcomes for ethnic studies teaching and learning are offered to assist with K–12 implementation of ethnic studies.

1. Pursuit of justice and equity
2. Working toward greater inclusivity
3. Furthering self-understanding
4. Developing a better understanding of others
5. Recognizing intersectionality
6. Promoting self-empowerment for civic engagement
7. Supporting a community focus
8. Developing interpersonal communication

**INSTRUCTIONAL METHODS:**

- Lectures
- Audio Visual Materials
- Cooperative Learning Groups
- Individual Assignments/Projects
- Discussion
- Reading Assignments
- Guest Speakers
- Field Trips
- Student Presentation

**COURSE OUTLINE:**

<b>Unit 1: Identity</b> <b>Weeks 1-5</b> <b><a href="#">Unit Plan</a></b>			
<b>Standards</b>	<b>Topics</b>	<b>Resources</b>	<b>Assessments</b>
<p>CA HSS Analysis Skills (9–12): Historical Interpretation 1</p> <p>CA CCSS for ELA/Literacy: RH.9–10.1, 3, 8, 10; WHST.9–10.2, 4, 6, 7; SL.9–10.1, 4, 5, 6</p> <p>CA ELD Standards: ELD.PI.9–10.1, 5, 9, 10a</p> <p>Ethnic Studies Outcome: 3 &amp; 5 Furthering Self Understanding Recognizing Intersectionality</p>	<p>Identity: Who am I? What factors shape who I am?</p> <p>Identity</p> <p>Intersectionality</p> <p>Intergroup understanding</p> <p>Master vs counter narratives</p>	<p><a href="#">Chimamanda Ngozi Adichie: The Danger of a Single Story</a></p> <p>Intersectionality</p>	<p>Formative: Who am I? - Informational Writing Task</p> <p>Summative: Unit 1 Assessment- Personal Collage (using responses from formative)</p>
<b>Unit 2: Race &amp; Ethnicity</b> <b>Weeks 6-9</b> <b><a href="#">Unit Plan</a></b>			
<p>CA CCSS for ELA/Literacy: RH.9–10.2, 3, 4, 5, 8, 10; WHST.9–10.1, 2, 4, 5; SL.9–10.2, 3, 5, 6</p> <p>CA ELD Standards: ELD.PI.9–10.1, 2, 3, 7, 11a</p> <p>Ethnic Studies Outcome: 1 &amp; 2 Pursuit of justice and equity Working toward greater inclusivity</p>	<p>Race vs Ethnicity</p> <p>Development of race as a social construct</p> <p>Historical development of racism</p> <p>Stereotypes</p>	<p><a href="#">Jim Crow Museum: African American stereotypes</a></p> <p><a href="#">Persistence of Racism</a></p>	<p>Formative: One-Pager</p> <p>Summative/ Midterm: They Say/I Say</p>

<b>Unit 3: History &amp; Migration</b> <b>Weeks 10-13</b> <a href="#">Unit Plan</a>			
Ethnic Studies Outcome: 4 & 7 Developing a better understanding of others Supporting a community focus	Push/Pull Factors: Why might somebody leave their country of origin?  Native-American African American Asian-American Latin-American		Formative: Define Push/Pull factors and examples  Summative: Compare & Contrast migration stories
<b>Unit 4: Language, Culture, &amp; Learning</b> <b>Weeks 14-18</b> <a href="#">Unit Plan</a>			
Ethnic Studies Outcome: 6 & 8 Promoting self-empowerment for civic engagement Developing interpersonal communication	Resistance and Cultural Impact  Role of Education in the US	<a href="#">The Art of Letters</a> : Jason Reynolds	Formative: CER  Summative: Agents of Change

**CALIFORNIA STANDARDS FOR CAREER READY PRACTICE:**

**Apply appropriate technical skills and academic knowledge.** Career-ready individuals readily access and use the knowledge and skills acquired through experience and education. They make connections between abstract concepts with real-world applications and recognize the value of academic preparation for solving problems, communicating with others, calculating measures, and other work-related practices.

**Communicate clearly, effectively, and with reason.** Career-ready individuals communicate thoughts, ideas, and action plans with clarity, using written, verbal, electronic, and/or visual methods. They are skilled at interacting with others, are active listeners who speak clearly and with purpose, and are comfortable with the terminology common to the workplace environment. Career-ready individuals consider the audience for their communication and prepare accordingly to ensure the desired outcome.

**Develop an education and career plan aligned with personal goals.** Career-ready individuals take personal ownership of their own educational and career goals and manage their individual plan to attain these goals. They recognize the value of each step in the educational and experiential process and understand that nearly all career paths require ongoing education and experience to adapt to practices, procedures, and expectations of an ever-changing work environment. They seek counselors, mentors, and other experts to assist in the planning and execution of education and career plans.

**Apply technology to enhance productivity.** Career-ready individuals find and maximize the productive value of existing and new technology to accomplish workplace tasks and solve workplace problems. They are flexible and adaptive in acquiring and using new technology. They understand the inherent risks—personal and organizational—of technology applications, and they take actions to prevent or mitigate these risks.

**Utilize critical thinking to make sense of problems and persevere in solving them.** Career-ready individuals recognize problems in the workplace, understand the nature of the problems, and devise effective plans to solve the problems. They thoughtfully investigate the root cause of a problem prior to introducing solutions. They carefully consider options to solve the problem and, once agreed upon, follow through to ensure the problem is resolved.

**Practice personal health and understand financial literacy.** Career-ready individuals understand the relationship between personal health and workplace performance. They contribute to their personal well-being through a healthy diet, regular exercise, and mental health activities. Career-ready individuals also understand that financial literacy leads to a secure future that enables career success.

**Act as a responsible citizen in the workplace and the community.** Career-ready individuals understand the obligations and responsibilities of being a member of a community and demonstrate this understanding every day through their interactions with others. They are aware of the impacts of their decisions on others and the environment around them and think about the short-term and long-term consequences of their actions. They are reliable and consistent in going beyond minimum expectations and in participating in activities that serve the greater good.

**Model integrity, ethical leadership, and effective management.** Career-ready individuals consistently act in ways that align with personal and community-held ideals and principles. They employ ethical behaviors and actions that positively influence others. They have a clear understanding of integrity and act on this understanding in every decision. They use a variety of means to positively impact the direction and actions of a team or organization, and they recognize the short-term and long-term effects that management's actions and attitudes can have on productivity, morale, and organizational culture.

**Work productively in teams while integrating cultural and global competence.** Career-ready individuals positively contribute to every team as both team leaders and team members. They apply an awareness of cultural differences to avoid barriers to productive and positive interaction. They interact

effectively and sensitively with all members of the team and find ways to increase the engagement and contribution of other members.

**Demonstrate creativity and innovation.** Career-ready individuals recommend ideas that solve problems in new and different ways and contribute to the improvement of the organization. They consider unconventional ideas and suggestions by others as solutions to issues, tasks, or problems. They discern which ideas and suggestions may have the greatest value. They seek new methods, practices, and ideas from a variety of sources and apply those ideas to their own workplace practices.

**Employ valid and reliable research strategies.** Career-ready individuals employ research practices to plan and carry out investigations, create solutions, and keep abreast of the most current findings related to workplace environments and practices. They use a reliable research process to search for new information and confirm the validity of sources when considering the use and adoption of external information or practices.

**Understand the environmental, social, and economic impacts of decisions.** Career-ready individuals understand the interrelated nature of their actions and regularly make decisions that positively impact other people, organizations, the workplace, and the environment. They are aware of and utilize new technologies, understandings, procedures, and materials and adhere to regulations affecting the nature of their work. They are cognizant of impacts on the social condition, environment, workplace, and profitability of the organization.

**Technology Literacy** - Students will understand and adapt to changing technology by identifying, learning, and applying new skills to improve job performance. Students should understand the role of technology in their chosen field and should be able to use all appropriate technology. Students should also feel confident in their ability to learn new technology by generalizing from what they know, adapting skills to new situations, and identifying and using sources of information and of further learning. Demonstrate the ability to use personal computers for loading and retrieving data, information gathering, measurements, and writing. Identify the characteristics and explain the importance of adapting to changes, being flexible and evaluating goals when working in the industry. Understand the importance of lifelong learning in adapting to changing technology.

**Importance of Ethics** – Students will understand proper ethics in the workplace. Discuss social and ethical responsibilities in the industry. Demonstrate ethical choices in workplace situations.



**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** **CURRICULUM/INSTRUCTION**

**AGENDA ITEM:** **APPROVAL OF NEW ELEMENTARY ELA AND SLA CURRICULUM: MCGRAW HILL EDUCATION WONDERS 2023 AND MARAVILLAS 2020**

**ATTACHMENTS:** **ELA / SLA PILOT SCORES AND ED REPORTS**

**FUNDING SOURCE:** **LEARNING RECOVERY GRANT**

**DISCUSSION:** The Department of Educational Services is requesting Board approval of *Wonders (2023) / Maravillas (2020)* by McGraw Hill as COJUSD's core English Language Arts (ELA) / Spanish Language Arts (SLA) curriculum for students in grades K-5 beginning in 2024-25. An initial review of five curricula, scoring meets by a third-party curriculum evaluator, Ed Reports, was conducted by a small district leadership team. In collaboration with elementary Instructional Coaches, the District leadership selected two curricula: *Wonders (2023) / Maravillas (2020)* by McGraw Hill and *Advance (2022) / Adelante (2023)* by Benchmark to conduct a one-month long pilot. Teachers received a half day of professional learning prior to piloting each material. On April 8, 2024, an evaluation rubric was completed by all pilot teachers. Overwhelming, *Wonders (2023) / Maravillas (2020)* outscored *Advance (2022) / Adelante (2023)* by Benchmark.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the new elementary ELA and SLA curriculum: Wonders/Maravillas by McGraw Hill.**

**PROPOSED ACTION:** **APPROVE**

**COJUSD ELA/SLA Curriculum Adoption Evaluation Rubric (k-5)**

<b>Criteria</b>				
	<b>Benchmark Advance/Adelante (k-2)</b>	<b>Benchmark Advance/Adelante (3-5)</b>	<b>Wonders/ Maravillas (k-2)</b>	<b>Wonders/ Maravillas (3-5)</b>
<b>Based on 1-5 points; 1- does not meet, 5-exceeds</b>				
<b>A. Common Core State Standards Alignment</b>				
1. The instructional materials align with the California State Standards for Language Arts, ensuring a comprehensive coverage of grade-level content in both English and Spanish.	3	3	3	3
2. The instructional materials appropriately address the depth and complexity of topics and provide a comprehensive coverage of content.	3	3	3	3
3. The content and instructional strategies ensure a coherent approach to standards-based instruction.	2	3	3	5
4. The content and instructional strategies align with the language development standards and skills for the grade level.	3	3	3	5
5. The alignment with California State Standards is clear in both instructional design and assessment components for English and Spanish.	2	2	3	3
<b>Total</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>19</b>

B. Instructional Design and Delivery				
1. The instructional materials present concepts and skills clearly in both English and Spanish, with explicit guidance for teachers on facilitating effective instruction.	1	3	3	3
2. The instructional materials provide a clear structure for lesson progression and pacing in both English and Spanish.	3	3	3	3
3. The instructional materials provide a systematic and explicit approach to developing foundational literacy skills in both English and Spanish.	3	3	3	3
4. The instructional materials provide a comprehensive approach to support the learning of reading and writing in both English and Spanish.	3	1	3	4
5. The instructional materials provide a comprehensive approach to support the development of oral language in both English and Spanish.	3	3	3	3
6. The instructional materials include learning objectives that guide teachers/students in recognizing what students should be able to demonstrate in both English and Spanish.	3	3	3	3
7. The instructional materials build from and extend concepts and skills previously developed.	3	3	3	3
8. The instructional materials provide opportunities for students to extend,	3	3	5	3

apply, and evaluate what they have learned.				
9. The instructional materials provide rigorous exercises that apply concepts to similar or new situations.	3	3	3	3
10. The instructional materials provide opportunities to instruct with a variety of complex texts related to the content area.	1	3	3	4
<b>Total</b>	<b>26</b>	<b>28</b>	<b>32</b>	<b>32</b>
<b>C. Effective Instructional Practices</b>				
1. The instructional materials prompt students to actively engage in learning through cooperative learning, group discussion, problem-solving, and performance.	3	3	3	4
2. The instructional materials prompt students to access existing knowledge and skills, fostering further development of content knowledge and the enhancement of skill proficiency.	3	3	3	3
3. The instructional materials prompt students to engage in the writing process while integrating effective writing strategies in both English and Spanish.	1	1	3	5
4. The instructional materials prompt students to provide feedback to their peers and reflect on their own learning.	3	2	3	3
<b>Total</b>	<b>10</b>	<b>9</b>	<b>12</b>	<b>15</b>
<b>D. Assessment Practices</b>				

1. The instructional materials include a variety of assessment tools supporting formative and summative assessments in both English and Spanish.	3	3	3	5
2. The instructional materials include a variety of assessment tools that align with expectations on the California Assessment of Student Performance and Progress System (CAASPP) in grades 3-5.	NA	3	NA	5
3. The instructional materials support ongoing monitoring of student progress and inform instructional decision-making for both English and Spanish.	3	3	3	4
4. The assessments provide students with opportunities to demonstrate their understanding of key concepts and apply learned skills to real-life or diverse situations.	3	3	3	3
<b>Total</b>	<b>9</b>	<b>12</b>	<b>9</b>	<b>17</b>
<b>E. Engagement and Relevance</b>				
1. The instructional materials include authentic, engaging, and culturally relevant texts in both English and Spanish that connect to students' interests and experiences.	2	3	3	3
2. The activities and tasks are designed to promote active student participation and critical thinking in both English and Spanish.	3	3	3	4
3. The instructional materials promote equity by addressing potential bias, representing	1	3	3	3

diverse perspectives, and fostering inclusivity in content in both English and Spanish.				
<b>Total</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>10</b>
<b>F. Differentiation and Accommodation</b>				
1. The instructional materials provide support for diverse learners, including language learners in both English and Spanish.	3	3	3	3
2. The instructional materials provide support for diverse learners, including students with disabilities in both English and Spanish.	3	2	3	3
3. The instructional materials provide designated English language development support for multilingual learners.	3	3	3	3
4. The instructional materials provide opportunities for extension and acceleration of grade-level standards.	3	3	3	3
<b>Total</b>	<b>12</b>	<b>11</b>	<b>12</b>	<b>12</b>
<b>G. Integration of Technology</b>				
1. The instructional materials effectively incorporate technology tools and resources to enhance learning.	3	3	5	5
2. The instructional technology platform is user friendly and easy to navigate for students.	1	1	3	4
3. The instructional technology platform is	1	1	5	5

user friendly and easy to navigate for teachers.				
<b>Total</b>	<b>5</b>	<b>5</b>	<b>13</b>	<b>14</b>
<b>H. Professional Development and Support</b>				
1. The instructional materials provide comprehensive teacher support including professional development resources, lesson planning, and guidance for effective implementation in both English and Spanish.	1	3	3	5
2. The instructional materials provide explanations of specific instructional models and teaching strategies to improve student learning.	1	3	3	3
3. The teacher's edition is well organized, easy to use, and comprehensive.	1	1	3	5
4. The instructional materials provide guidance for teachers to provide feedback and reinforcement of skill practice.	3	3	3	3
<b>Total</b>	<b>6</b>	<b>10</b>	<b>12</b>	<b>16</b>
<b>Grand Total</b>	<b>87/180</b>	<b>98/185</b>	<b>114/180</b>	<b>135/185</b>

# Curriculum Overview



The Educators' Guide to Foundational Literacy Instruction

2017

## ARC (American Reading Company) Core

PUBLISHER  
American Reading Company

SUBJECT ELA GRADES K-12 REPORT RELEASE 09/17/2018

REVIEW TOOL VERSION  
v1

Publisher Response

Science of Reading

ALIGNMENT (GATEWAY 1 & 2) 3 USABILITY (GATEWAY 3) 3

Meets Expectations

Meets Expectations

KEY AREAS OF INTEREST

Foundational Skills 72/84

Building Knowledge 288/288

FORMAT

Core: Comprehensive

Grade	Text Quality	Building Knowledge	Usability
Kindergarten	54/58	32/32	29/34
1st Grade	54/58	32/32	30/34
2nd Grade	59/65	32/32	30/34
3rd Grade	57/62	32/32	30/34
4th Grade	37/42	32/32	30/34
5th Grade	39/42	32/32	30/34



# Curriculum Overview



2022  
Benchmark Advance

PUBLISHER  
Benchmark Education Company

SUBJECT

ELA

GRADES  
K-6

REPORT RELEASE  
1/17/2023

FORMAT

Core: Comprehensive

ALIGNMENT (GATEWAY 1 & 2)

Meets Expectations

CRABILITY (GATEWAY 3)

Partially Meets Expectations

Partially Meets in Grades 6-8

Grade	Text Quality	Building Knowledge	Usability	Alignment
Kindergarten	52/58 0 25 52 58	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
1st Grade	52/58 0 25 52 58	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
2nd Grade	52/58 0 25 52 58	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
3rd Grade	38/42 0 20 37 42	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
4th Grade	38/42 0 20 37 42	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
5th Grade	38/42 0 20 37 42	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
6th Grade	38/42 0 20 37 42	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
7th Grade	38/42 0 20 37 42	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations
8th Grade	38/42 0 20 37 42	28/32 0 15 28 32	24/25 0 15 22 25	Meets Expectations

# Curriculum Overview



2020  
Into Reading

PUBLISHER  
Houghton Mifflin Harcourt

SUBJECT GRADES  
ELA K-6

REPORT RELEASE  
1/22/2020

FORMAT  
Core: Comprehensive

QUICK GLANCE

[Grade Level Alignment](#)

[Science of Reading](#)

ALIGNMENT (GATEWAY 1 & 2)

Meets

Meets

KEY AREAS OF INTEREST

Foundational Skills **81/84**

Building Knowledge **214/224**

Grade	Text Quality	Building Knowledge	Usability	Overall Status
Kindergarten	GATEWAY 1: 58/58 (0-27) 52.58 GATEWAY 2: 30/23 (0-15) 26.32	GATEWAY 1: 57/55 (0-27) 52.58 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 29/24 (0-23) 30.34 GATEWAY 2: 32/34 (0-23) 30.34	Meets Expectations
1st Grade	GATEWAY 1: 57/58 (0-27) 52.58 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 57/55 (0-27) 52.58 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 32/34 (0-23) 30.34 GATEWAY 2: 32/34 (0-23) 30.34	Meets Expectations
2nd Grade	GATEWAY 1: 57/55 (0-27) 52.58 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 57/55 (0-27) 52.58 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 25/34 (0-23) 30.34 GATEWAY 2: 32/34 (0-23) 30.34	Meets Expectations
3rd Grade	GATEWAY 1: 49/42 (0-20) 37.42 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 49/42 (0-20) 37.42 GATEWAY 2: 30/32 (0-15) 26.32	GATEWAY 1: 30/34 (0-23) 30.34 GATEWAY 2: 32/34 (0-23) 30.34	Meets Expectations
4th Grade	GATEWAY 1: 49/42 (0-20) 37.42 GATEWAY 2: 32/32 (0-15) 26.32	GATEWAY 1: 49/42 (0-20) 37.42 GATEWAY 2: 32/32 (0-15) 26.32	GATEWAY 1: 32/34 (0-23) 30.34 GATEWAY 2: 32/34 (0-23) 30.34	Meets Expectations
5th Grade	GATEWAY 1: 49/42 (0-20) 37.42 GATEWAY 2: 32/32 (0-15) 26.32	GATEWAY 1: 49/42 (0-20) 37.42 GATEWAY 2: 32/32 (0-15) 26.32	GATEWAY 1: 32/34 (0-23) 30.34 GATEWAY 2: 32/34 (0-23) 30.34	Meets Expectations

# Curriculum Overview



2020  
myView Literacy

PUBLISHER  
Sawvas Learning Company

ALIGNMENT (GATEWAY 1 & 2)

Meets Expectations

REPORT RELEASE  
4/13/2020

USABILITY (GATEWAY 3)

Meets Expectations

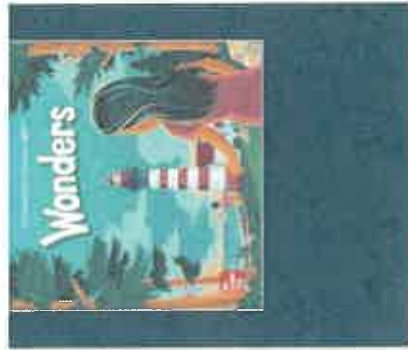
FORMAT  
Core: Comprehensive

SUBJECT  
ELA

GRADES  
K-5

Grade	Text Quality	Building Knowledge	Text Complexity and Quality	Usability	Alignment
Kindergarten	GATEWAY 1 53/58	GATEWAY 2 28/32	GATEWAY 1 40/42	GATEWAY 3 30/34	Meets Expectations
1st Grade	GATEWAY 1 53/58	GATEWAY 2 28/32	GATEWAY 1 40/42	GATEWAY 3 30/34	Meets Expectations
2nd Grade	GATEWAY 1 57/58	GATEWAY 2 28/32	GATEWAY 1 40/42	GATEWAY 3 30/34	Meets Expectations
3rd Grade	GATEWAY 1 40/42	GATEWAY 2 30/32	GATEWAY 1 40/42	GATEWAY 3 30/34	Meets Expectations
4th Grade	GATEWAY 1 40/42	GATEWAY 2 30/32	GATEWAY 1 40/42	GATEWAY 3 30/34	Meets Expectations
5th Grade	GATEWAY 1 40/42	GATEWAY 2 30/32	GATEWAY 1 40/42	GATEWAY 3 30/34	Meets Expectations

# Curriculum Overview



2023  
Wonders

PUBLISHER | SUBJECT | GRADES  
McGraw-Hill Education ELA K-5

REPORT RELEASE  
4/13/2023

FORMAT  
Core: Comprehensive

ALIGNMENT (GATEWAY 1 & 2)

Meets Expectations

USABILITY (GATEWAY 3)

Meets Expectations

Grade	Text Quality	Building Knowledge	USABILITY
Kindergarten	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality 55/58</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 28/42</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 3 Usability 23/25</p> <p>Meets Expectations</p>
1st Grade	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality 53/58</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 40/42</p> <p>GATEWAY 2 Building Knowledge 32/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 3 Usability 23/25</p> <p>Meets Expectations</p>
2nd Grade	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality 53/58</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 40/42</p> <p>GATEWAY 2 Building Knowledge 32/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 3 Usability 23/25</p> <p>Meets Expectations</p>
3rd Grade	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 40/42</p> <p>GATEWAY 2 Building Knowledge 32/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 28/42</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 3 Usability 23/25</p> <p>Meets Expectations</p>
4th Grade	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 28/42</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 40/42</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 3 Usability 23/25</p> <p>Meets Expectations</p>
5th Grade	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 40/42</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 1 Text Quality and Complexity 28/42</p> <p>GATEWAY 2 Building Knowledge 30/32</p> <p>Meets Expectations</p>	<p>View Full Report →</p> <p>GATEWAY 3 Usability 23/25</p> <p>Meets Expectations</p>

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** ADMINISTRATIVE/ORGANIZATIONAL

**AGENDA ITEM:** FIRST READING: NEW BOARD POLICY 5116.2 - INVOLUNTARY STUDENT TRANSFERS

**ATTACHMENTS:** BOARD POLICY 5116.2 - INVOLUNTARY STUDENT TRANSFERS

**FUNDING SOURCE:** N/A

**DISCUSSION:**

Policy addressing involuntary transfers to other schools within the district. Policy also clarifies requirements for an involuntary transfer of a student who has been convicted of a violent felony or a misdemeanor associated with possession of a firearm, an involuntary transfer to a continuation education program or class within the district, or an involuntary transfer to a community day school within the district.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: **Sunsie Tumacder, Director of Accountability, Student Services & Categorical Programs.***

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve new Board Policy 5116.2 Involuntary Student Transfers.**

**PROPOSED ACTION:**

**FIRST READING**



**Policy 5116.2: Involuntary Student Transfers**

**Status:** DRAFT

**Original Adopted Date:** Pending

While the Governing Board desires to enroll students in the district school of their choice, it recognizes that circumstances sometimes necessitate the involuntary transfer of a student to another school or program in the district.

The Superintendent or designee shall develop procedures to facilitate the involuntary transfer of such students.

As applicable and as permitted by law, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at the schools or programs to which the student could be involuntarily transferred, and the availability of support services and other resources.

The Superintendent or designee shall ensure that involuntary transfers are made in a non-discriminatory manner as specified in Board Policy 0410 - Nondiscrimination In District Programs And Activities.

**Involuntary Transfer of a Student Convicted of Violent Felony or Misdemeanor Related to Possession of Firearms**

A student may be transferred to another district school if the student is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which the student was convicted. However, before recommending such a transfer, the Superintendent, the principal, or other designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a meeting with the principal or designee and shall attempt to resolve the conflict using restorative justice, counseling, or other such services. Participation of the victim in any conflict resolution program shall be voluntary, and the victim shall not be subjected to any disciplinary action for refusing to participate. (Education Code 48929)

If the attempt to resolve the conflict using restorative justice, counseling, or other such services is not successful or the victim elects not to participate, the principal or designee may submit to the Superintendent or designee a recommendation that the student should be involuntarily transferred. If the Superintendent or designee agrees with the recommendation, the Superintendent shall submit such recommendation to the Board for approval. The Superintendent's recommendation to the Board shall include the date by which the Superintendent or designee will review the involuntary transfer to determine whether to recommend to the Board that the student be permitted to transfer back to the student's original school.

The Board shall, in accordance with Board Bylaw 9321 - Closed Session, deliberate and vote on the recommendation, as well as any subsequent recommendation to permit the student to transfer back to the student's original school, in closed session to maintain the confidentiality of student information, unless a parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decisions in these instances shall be final.

**Involuntary Transfers to a Continuation Education Program or Class within the District**

The Superintendent or designee may involuntarily transfer a high school student to a continuation education program or class in the district if the student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance and either of the following conditions are met: (Education Code 48432.5)

1. Other means to improve the student's behavior have failed
2. It is the first time the student committed an act enumerated in Section 48900 and the principal of the student's school determines that the student's presence causes a danger to person(s) or property or threatens to disrupt the instructional process.

Prior any final decision to involuntarily transfer a student, the Superintendent or designee shall notify the student

and the student's parent(s)/guardian(s) of the right to request a hearing with the Superintendent or designee. If such a hearing is requested, the Superintendent or designee shall provide the specific facts and reasons for the proposed transfer, including all documents relied upon. At the hearing, the Superintendent or designee shall also allow the student or the student's parent(s)/guardian(s) to question any evidence or witnesses presented and present evidence, including witnesses, on the student's behalf. The student shall be allowed to bring one or more representatives to present at the hearing. (Education Code 48432.5)

If the Superintendent or designee decides to involuntarily transfer the student, the Superintendent or designee shall provide the decision to the student and the student's parent(s)/guardian(s) in writing. The decision shall include the facts and reasons for the decision and whether the decision is subject to periodic review and the periodic review procedure. (Education Code 48432.5)

The decision shall also include the date by which the student may transfer back to the student's original school, which shall be no longer than the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. (Education Code 48432.5)

The final decision to involuntarily transfer the student may not involve a member of the staff of the school in which the student is enrolled at the time that the decision is made. (Education Code 48432.5)

#### **Involuntary Transfers to a Community Day School within the District**

If a student is expelled from school for any reason in accordance with Board Policy 5144.1 - Suspension And Expulsion/Due Process, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, the student may be transferred to a district community day school as specified in Board Policy 6185 - Community Day School. (Education Code 48662)

#### **Notice, Information, and Reports**

The Superintendent or designee shall include notice of this policy in the annual notification to parents/guardians in accordance with Education Code 48980. (Education Code 48929)

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices and reports sent to the parent(s)/guardian(s) of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications or reports for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

When a foster youth or American Indian Student, as defined in Welfare and Institutions Code 224.1, is being considered for an involuntary transfer, all notices, documents, and information that would be provided to parents/guardians shall be provided to the foster youth's educational rights holder, attorney, and county social worker and the American Indian Student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5)

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**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** ADMINISTRATIVE/ORGANIZATIONAL

**AGENDA ITEM:** APPROVAL OF A SUBSEQUENT VARIABLE TERM WAIVER FOR ANNALY ALVARADO

**ATTACHMENTS:** NONE

**FUNDING SOURCE:** N/A

**DISCUSSION:**

It is recommended that the Board approves the Subsequent Variable Term Waiver Request (WV1 Form) for Annaly Alvarado. Ms. Alvarado is the Assistant Principal at Orosi High School and is in the process of obtaining a Preliminary Administrative Services Credential. This waiver will allow her to continue to provide services and support to our students under Education Code EC 44253.3, until she completes the necessary coursework to obtain a Preliminary Administrative Services Credential.

**ITEM SUBMITTED AND APPROVED BY:**

*Name and title of administrator who reviewed and approved this item: Craig B. Drennan, CBD, Assistant Superintendent*

**BOARD GOAL:**

- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
- 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
- 3. Create efficient and effective systems that are innovative, accountable and proactive.

**RECOMMENDATION:**

**The Superintendent recommends the Board approve the subsequent variable term waiver for Annaly Alvarado.**

**PROPOSED ACTION:**

**APPROVE**



**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** ADMINISTRATIVE/ORGANIZATIONAL

**AGENDA ITEM:** APPROVE DONATION AND DISPOSAL OF OBSOLETE INSTRUCTIONAL MATERIALS

**ATTACHMENTS:** MATERIALS LIST

**FUNDING SOURCE:** N/A

**DISCUSSION:** Per Board Policy 3270: Sale and Disposal of Books: Equipment and Supplies, instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the district's academic standards or course of study and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. With the adoption of *Wonders (2023) / Maravillas (2020)* by McGraw Hill in the 2024-2025 school year, the LEA requests the approval to donate *Journeys* ©2016 by Houghton Mifflin Harcourt to students of Cutler-Orosi Joint Unified School District and dispose of the remaining material that is not of use to students and teachers, effective June 4, 2024.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Shevonne Swanson, Assistant Superintendent of Educational Services*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff, and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable, and proactive.

**RECOMMENDATION:** **The Superintendent recommends the Board approve the donation and disposal of obsolete instructional material.**

**PROPOSED ACTION:** **APPROVE**

### Curriculum Materials List

#### **Houghton Mifflin Harcourt: Journeys**

##### **Publication Date: 2016**

Journeys California K: Student Edition

Journeys California K: Teacher Edition and all associated materials

Journeys California 1: Student Edition

Journeys California 1: Teacher Edition and all associated materials

Journeys California 2: Student Edition

Journeys California 2: Teacher Edition and all associated materials

Journeys California 3: Student Edition

Journeys California 3: Teacher Edition and all associated materials

Journeys California 4: Student Edition

Journeys California 4: Teacher Edition and all associated materials

Journeys California 5: Student Edition

Journeys California 5: Teacher Edition and all associated materials

#### **Houghton Mifflin Harcourt: Senderos**

Senderos Estándares Comunes K: Reader's Notebook Consumable

Senderos Estándares Comunes K: Teacher Edition and all associated materials

Senderos Estándares Comunes 1: Reader's Notebook Consumable

Senderos Estándares Comunes 1: Teacher Edition and all associated materials

Senderos Estándares Comunes 2: Reader's Notebook Consumable

Senderos Estándares Comunes 2: Teacher Edition and all associated materials

Senderos Estándares Comunes 3: Reader's Notebook Consumable

Senderos Estándares Comunes 3: Teacher Edition and all associated materials

Senderos Estándares Comunes 4: Reader's Notebook Consumable

Senderos Estándares Comunes 4: Teacher Edition and all associated materials

Senderos Estándares Comunes 5: Reader's Notebook Consumable

Senderos Estándares Comunes 5: Teacher Edition and all associated materials

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT  
Regular Board Meeting Agenda  
April 25, 2024**

**AGENDA SECTION:** ADMINISTRATIVE/ORGANIZATIONAL

**AGENDA ITEM:** SUNSHINE CSEA’S INITIAL PROPOSAL TO DISTRICT FOR THE 2024-2025 SCHOOL YEAR

**ATTACHMENTS:** CSEA’S INITIAL PROPOSAL TO THE DISTRICT

**FUNDING SOURCE:** N/A

**DISCUSSION:**

CSEA PRESENTS INITIAL PROPOSAL TO DISTRICT FOR 2024-2025:

Pursuant to the Educational Employment Relations Act and the 2022-2025 Collective Bargaining Agreement (“CBA”) between the Cutler-Orosi Joint Unified School District (“District”) and the California School Employees Association and its Cutler-Orosi Chapter #253 (“CSEA”), CSEA submits this initial proposal to commence negotiations with the District for the 2024-2025 Reopener.

CSEA proposes to add, modify, and/or delete language pertaining to:

- ARTICLE 9: Pay and Allowance**
- ARTICLE 13: Health and Welfare**
- ARTICLE 16: Transfers/Promotions/Reclassification**
- ARTICLE 28: Contracting Out**
- ARTICLE 31: After School Program/AVID(ASP)**

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, CBD, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable and proactive.

**RECOMMENDATION:** **The Superintendent recommends that the Board approve CSEA’s Initial proposal the District.**

**PROPOSED ACTION:** **SUNSHINE**

**INITIAL PROPOSAL**  
**FOR THE 2024-2025 REOPENER**  
**FROM THE**  
**CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND**  
**ITS**  
**CUTLER-OROSI CHAPTER #253**  
**TO THE**  
**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
 March 4, 2024

Pursuant to the Educational Employment Relations Act and the 2022-2025 Collective Bargaining Agreement (“CBA”) between the Cutler-Orosi Joint Unified School District (“District”) and the California School Employees Association and its Cutler-Orosi Chapter #253 (“CSEA”), CSEA submits this initial proposal to commence negotiations with the District for the 2024-2025 Reopener.

CSEA proposes to alter and/or amend the following articles as indicated and presents these proposals for public discussion in accordance with Government Code §3547.

**ARTICLE 9: PAY AND ALLOWANCES:**

CSEA proposes to add, modify, and/or delete language pertaining to salary, salary schedules, and wage related matters.

**ARTICLE 13: HEALTH AND WELFARE:**

CSEA proposes to add, modify, and/or delete language pertaining to health and welfare benefits.

**ARTICLE 16:**

**TRANSFERS/PROMOTIONS/RECLASSIFICATION:**

CSEA proposes to add, modify, and/or delete language pertaining to transfers, promotions, and reclassifications.

**ARTICLE 28: CONTRACTING OUT:**

CSEA proposes to add, modify, and/or delete language pertaining to contracting out bargaining unit work.

**ARTICLE 31: AFTER SCHOOL PROGRAM/AVID/(ASP)**

CSEA proposes to add, modify, and/or delete language pertaining to after school programs, avid, and ASP.

**CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT**  
**Regular Board Meeting Agenda**  
**April 25, 2024**

**AGENDA SECTION:** ADMINISTRATIVE ORGANIZATIONAL

**AGENDA ITEM:** SUNSHINE DISTRICT’S INITIAL PROPOSAL TO CSEA FOR THE 2024-2025 SCHOOL YEAR

**ATTACHMENTS:** N/A

**FUNDING SOURCE:** N/A

**DISCUSSION:**

DISTRICT PRESENTS INITIAL PROPOSAL TO CSEA FOR 2024-2025

The District proposes to add, modify, and/or delete language pertaining to:

**Article 9** – Pay and Allowances and **Article 13** – Health and Welfare: The District desires to negotiate these articles to ensure that the District Continues to provide a fair and equitable compensation that also maintains district fiscal responsibility and provides for high student achievement and personal and social development.

Additional articles the District wishes to negotiate:

**Article 17 -Leaves:** The District proposes to alter and/or amend language regarding sections in the Miscellaneous Provisions article.

The District retains the right to amend, modify, add to or delete from this initial proposal at any time during the negotiations process as may be needed to be responsive to discussions that occur during negotiations.

**ITEM SUBMITTED AND APPROVED BY:** *Name and title of administrator who reviewed and approved this item: Craig B. Drennan, CBD, Assistant Superintendent*

- BOARD GOAL:**
- 1. Achieve academic excellence and meet the needs for all students in a safe supportive environment.
  - 2. Build human capacity by investing in training, coaching, and setting expectations for students, parents, staff and the Board to support student achievement.
  - 3. Create efficient and effective systems that are innovative, accountable and proactive.

**RECOMMENDATION:** The Superintendent recommends that the Board approve the District’s Initial proposal CSEA.

**PROPOSED ACTION:** SUNSHINE