

# Gold Trail Union School District



**BOARD OF TRUSTEES**  
**Regular and Closed Session Meeting**  
**Thursday, March 12, 2015**  
**Gold Trail School**  
**Agenda**

**District Office**  
1575 Old Ranch Road  
Placerville, CA 95667  
1.530.626.3194  
Fax 1.530.626.3199  
Joe Murchison  
*Superintendent*

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board Secretary, Joe Murchison, at (530) 626-3194 for assistance. Notification at least 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

**Board of Trustees**  
Gary Ritz  
*President*  
Julie Bauer  
*Clerk*  
Janet Barbieri  
Lauren Keith  
Daryl Lander

**Sutter's Mill School (K-3)**  
4801 Luneman Road  
Placerville, CA 95667  
1.530.626.2591  
Fax 1.530.626.3199  
Joe Murchison  
*Superintendent/Principal*

**Gold Trail School (4-8)**  
889 Cold Springs Road  
Placerville, CA 95667  
1.530.626.2595  
Fax 1.530.626.3289  
Scott Lyons  
*Principal*

*An Equal Opportunity Employer*

**6:00 P.M. OPENING BUSINESS**

**1. CALL TO ORDER**

- J. Bauer, President
- D. Lander, Clerk
- J. Barbieri, Member
- S. Hennike, Member
- G. Ritz, Member

**2. PUBLIC SESSION**

**.1 Flag Salute**

**3. ACTION ITEM: Adoption of Agenda**

**4. OPEN HEARING**

Members of the public are encouraged to address the Board concerning any item on the agenda either before or during the Board's consideration of the item. Under the Brown Act and open meeting laws, members of the public shall also be given an opportunity to address the Board on any item of interest that is not on the agenda but within the subject matter jurisdiction of the Board. Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. Members of the community may address the Board at this time. (*Education Code 35145.5, Government Code 54952/54954.3, Board Bylaw 9323*)

## RECOGNITION

### 5. RECOGNITION

The Board will recognize Mountain Enterprises for their generous donation of Track Uniforms for the Gold Trail School sports program.

## REPORTS AND PRESENTATIONS

### 6. REPORT: Student Council

A. Fowler-Vogel, President, will report on Student Council activities.

### 7. REPORT: Physical Fitness Test—District and School Summary

K. Dunn, Physical Education Specialist, will present the annual report and summary. (BP6142.7)

### 8. REPORT: Local Control Accountability Plan (LCAP) Update

J. Murchison, Superintendent, will present the District's update on the 2015-16 LCAP.

### 9. REPORT: 2014-15 Second Interim Financial

W. Scarlett, Chief Fiscal Officer, will present the mandated report to the Board for approval. (AR3460)

## CONSENT

### 10. CONSENT ITEMS

The items listed below are passed in one motion without discussion. Any item may be pulled from the Consent Agenda by the Board. (Board Bylaw 9322)

#### .1 Meeting Minutes (Board Bylaw 9324)

##### Regular Meeting of February 5, 2015

The Board will approve the Minutes.

#### .2 Warrants (Board Policy 3314)

The Board will approve the expenditures.

#### .3 Personnel

##### Hiring

T. Aguilar, Instructor: Tutorial, effective 2014-15 School Year

C. Brunts, Instructor: Enrichment, effective 2014-15 School Year

A. Butler, Instructor: Tutorial, effective 2014-15 School Year

C. Jackson, Instructor: Tutorial, effective 2014-15 School Year

N. Kessler, Playground Monitor, 1.0 hours per day, effective February 6, 2015

S. Meadows, Instructor: Tutorial (Saturday School), effective 2014-15 School Year

S. Morgan, Instructor: Tutorial, effective 2014-15 School Year

J. Stigall, Instructor: Tutorial, effective 2014-15 School Year

*Gold Trail Union School District*

*Supplemental Information*

*Regular Meeting of the Board: March 12, 2015*

- B. Thomas, Instructor: Tutorial, effective 2014-15 School Year
- J. Thompson, Maintenance/Custodian, 3.0 hours per day, effective March 5, 2015
- E. Thurlo, Maintenance/Custodian, 3.0 hours per day, effective March 5, 2015
- A. Yost, Instructor: Enrichment/Spelling Bee Grades 7/8, effective 2014-15 School Year

*Resignation*

- C. Jackson, Instructor: Enrichment/Spelling Bee Grades 7/8, effective February 9, 2015
- E. Lynch, Teacher (1.0 FTE), effective 2015-16 School Year
- J. Thompson, Custodian, 3.0 hours per day, effective March 4, 2015
- E. Thurlo, Custodian, 3.0 hours per day, effective March 4, 2015

**.4 Request for Leave of Absence**

- A Garcia, Teacher (0.2 FTE), effective 2015-16 School Year

**.5 Consolidated Application**

The Board will take action to approve the application.

**.6 Resolution 2014-15: 03-01: Resolution to Employ Short Term Classified Support**

The Board will adopt the Resolution allowing an increase for short term classified support for the 2014-15 school year only.

**.7 Second Reading and Adoption of Board Policies, Administrative Regulations and Board Bylaws**

**AR 4161.9, AR 4261.9, AR 4361.9, Catastrophic Leave Program**

The Board will adopt the roster.

**ACTION ITEMS**

**11. ACTION ITEM: First Reading of Board Policies, Administrative Regulations and Board Bylaws**

**BP/AR 0420.1, School Based Program Coordination (BP/AR Deleted)**

**BP/AR 0440, District Technology Plan (BP/AR Revised)**

**AR 1220, Citizen Advisory Committees (AR Revised)**

**BP/AR 1240, Volunteer Assistance (BP/AR Revised)**

**BP/AR 3100, Budget (BP/AR Revised)**

**AR 4112.4/4212.4/4312.4, Health Examinations (AR Revised)**

**AR/E 4112.5/4212.5/4312.5, Criminal Record Check (AR Revised/E Added)**

**AR/E 4112.62/4212.62/4312.62, Maintenance of Criminal Offender Records (AR/E Deleted)**

**AR 4117.4, Dismissal (AR Deleted)**

**BP/AR 4118, Dismissal/Suspension/Disciplinary Action (BP/AR Revised)**

**BP 4121, Temporary/Substitute Personnel (BP Revised)**

**AR 4161.1/4361.1, Personal Illness/Injury Leave (AR Revised)**

**AR 4161.2/4261.2/4361.2, Personal Leaves (AR Revised)**

**AR 4261.1, Personal Illness/Injury Leave (AR Revised)**

**BP/AR 5125, Student Records (BP/AR Revised)**

The Board will take action to adopt the roster for first reading.

**12. ACTION ITEM: 2015-16 District Negotiating Team**

The Board will take action to assign the District's team to serve in collective bargaining for the 2015-16 contract year.

**13. ACTION ITEM: Bus Purchase**

The Board will take action to go forward with the purchase of a school bus for the District.

**DISCUSSION ITEMS**

**14. DISCUSSION ITEM: Administrative Reports**

J. Murchison will report on activities relevant to District and Sutter's Mill School site business.  
S. Lyons will report on activities relevant to Gold Trail School site business.  
W. Scarlett will be available to answer question relevant to financial business.  
Board members will report on activities relevant to District business.

**CLOSED SESSION**

**15. Closed Session Open Hearing**

Members of the public may take this opportunity to comment on Closed Session agenda items.

**16. Closed Session**

The Board will adjourn to Closed Session pursuant to Government Code 54956.8. Closed Session attendants: Board Members and Superintendent

**17. Personnel**

**.1 Conference with Labor Negotiators (Government Code Section 54957.6)**

The Board will give direction regarding employee bargaining issues with the Gold Trail Federation of Educators and discussion with other non-represented employee groups.

**RECONVENE PUBLIC SESSION**

**18. Reconvene Public Session and Closed Session Disclosure**

Any action taken during Closed Session will be disclosed at this time. Public action necessitated by Closed Session deliberations will also be disclosed at this time.

**Gold Trail Union School District**

**Supplemental Information**

**Regular Meeting of the Board: March 12, 2015**

**ADVANCE PLANNING**

**19. Future Regular Meeting Schedule**

The next regular meeting of the Board of Trustees is scheduled for:

**Date: April 9, 2015 Time: 6:00 p.m. Location: Gold Trail School**

Agenda Items for that meeting may include but not limited to:

Board Policies, Administrative Regulations and Board Bylaw Updates  
District Fees Adjustment, If Applicable (Annual)  
Monthly Local Control Accountability Plan (LCAP) Update  
Williams Act Uniform Complaint Procedures Quarterly Report

*Requests may be made at this time for items to be placed on a future agenda.*

**ADJOURNMENT**

**PUBLIC INSPECTION**

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located in the Sutter's Mill School Administration building, 4801 Luneman Road, Placerville, California, during normal business hours. In addition, such writings and documents will be posted on the District's website, [www.gtusd.org](http://www.gtusd.org). Agendas will be posted at:

**Gold Trail School**  
889 Cold Springs Road  
Placerville, Ca 95667

**Sutter's Mill School/District Office**  
4801 Luneman Road  
Placerville, CA 95667

**And E-mailed To Every District Family**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM  
Opening Business**

**1.0 CALL TO ORDER**

-  J. Bauer, President
-  D. Lander, Clerk
-  J. Barbieri, Member
-  S. Hennike, Member
-  G. Ritz, Member

**2.0 PUBLIC SESSION**

**.1 Flag Salute**

**3.0 ACTION ITEM: Adoption of Agenda**

This item is provided as an opportunity for trustees, through consensus, to re-sequence or table agenda topics.

<b><i>ACTION</i></b>	<b><i>Moved</i></b>	<b><i>Seconded</i></b>
<input type="checkbox"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

<b><i>Vote</i></b>	<b><i>Ayes</i></b>	<b><i>Noes</i></b>	<b><i>Absent</i></b>	<b><i>Abstain</i></b>
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**4.0 OPEN HEARING**

Members of the public are encouraged to address the Board concerning any item on the agenda either before or during the Board's consideration of the item. Under the Brown Act and open meeting laws, members of the public shall also be given an opportunity to address the Board on any item of interest that is not on the agenda but within the subject matter jurisdiction of the Board. Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. Members of the community may address the Board at this time. (*Education Code 35145.5, Government Code 54952/54954.3, Board Bylaw 9323*)

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 5.0  
RECOGNITION**

**BACKGROUND**

The Board will recognize Mountain Enterprises for their generous donation of Track Uniforms for the Gold Trail School sports program.

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 6.0**  
**Report: Student Council**

**BACKGROUND**

A Fowler-Vogel, President, will report on Student Council activities.

**ATTACHMENTS**

➤ **None**

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

**AGENDA ITEM 7.0**  
**REPORT: Physical Fitness Test—District and School Summary**

**BACKGROUND**

K. Dunn, Physical Education Specialist, will present the annual report and summary. (BP6142.7)

Education code 60800 notes:

*(a) During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board.*

*(b) Upon request of the department, a school district shall submit to the department, at least once every two years, the results of its physical performance testing.*

*(c) The department shall compile the results of the physical performance test and submit a report every two years, by December 31, to the Legislature and Governor that standardizes the data, tracks the development of high-quality fitness programs, and compares the performance of California's pupils with national performance, to the extent that funding is available.*

*(d) Pupils shall be provided with their individual results after completing the physical performance testing. The test results may be provided orally as the pupil completes the testing.*

*(e) The governing board of a school district shall report the aggregate results of its physical performance testing administered pursuant to this section in their annual school accountability report card required by Sections 33126 and 35256.*

**ATTACHMENTS**

- **2013-14 Summary**
- **FITNESSGRAM Performance Standards**

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Accept the report.

**NOTES**

## 2013-14 California Physical Fitness Report Overall - Summary of Results Gold Trail Union Elementary District

Additional information can be found at the California Department of Education [Physical Fitness Test Web page](#).

Physical Fitness Area	Total Tested <sup>1</sup> in Grade 5	Number Grade 5 Students in HFZ <sup>2</sup>	% Grade 5 Students in HFZ	% Grade 5 Students in Needs Improvement - Health Risk	Total Tested <sup>1</sup> in Grade 7	Number Grade 7 Students in HFZ <sup>2</sup>	% Grade 7 Students in HFZ	% Grade 7 Students in Needs Improvement - Health Risk	Total Tested <sup>1</sup> in Grade 9	Number Grade 9 Students in HFZ <sup>2</sup>	% Grade 9 Students in HFZ	% Grad 9 Students in Neec Improvement
Aerobic Capacity	72	52	72.2	22.2	5.6	76	65	85.5	11.8	2.7	0	0.0 0
Body Composition	72	54	75.0	12.5	12.5	76	57	75.0	15.8	9.2	0	0.0 0
Abdominal Strength	72	62	86.1	13.9	N/A	76	31	40.8	59.2	N/A	0	0.0 0
Trunk Extension Strength	72	45	62.5	37.5	N/A	76	71	93.4	6.6	N/A	0	0.0 0
Upper Body Strength	72	32	44.4	55.6	N/A	76	70	92.1	7.9	N/A	0	0.0 0
Flexibility	72	42	58.3	41.7	N/A	76	60	78.9	21.1	N/A	0	0.0 0

<sup>1</sup> Includes partially tested students

<sup>2</sup> HFZ is an acronym for Healthy Fitness Zone a registered trademark of The Cooper Institute

\*\* To protect confidentiality scores are not shown when the number of students tested is 10 or less

N/A Not applicable

The PFT is based on the FITNESSGRAM/ACTIVITYGRAM software, owned by the Cooper Institute, Dallas, TX, and published by Human Kinetics, Champaign, IL. The PFT is created and copyrighted by the California Department of Education (CDE) under a license agreement with Human Kinetics. The FITNESSGRAM is a registered trademark of The Cooper Institute. The PFT performance standards are available on the CDE FITNESSGRAM: Healthy Fitness Zone Charts Web page. Information about the FITNESSGRAM is available on the Human Kinetics Web site (Outside Source).



## FITNESSGRAM® Performance Standards<sup>1</sup>

For each test area, the *FITNESSGRAM* uses the Healthy Fitness Zone (HFZ) to evaluate fitness performance. The performance goal for all test areas is the HFZ which represents a level of fitness that offers protection against the diseases that result from sedentary living. If the performance goal is not met, the results are classified as Needs Improvement (NI) or, for Aerobic Capacity and Body Composition, Very Lean (Body Composition, Very Lean (Body Composition only) or Needs Improvement-Health Risk (NI-HR). Note: There are no changes to the performance standards for the 2014-15 school year.

### Females

Age	Aerobic Capacity			Skinfold Measurements/ Bioelectric Impedance Analyzer Percent Body Fat			Body Composition			Body Mass Index		
	NI – Health Risk	NI	HFZ	NI – Health Risk	NI	HFZ	Very Lean	NI – Health Risk	NI	HFZ	Very Lean	
5	VO <sub>2</sub> max standards not available for students ages 5 through 9 <sup>2</sup> . For Walk Test only, standards also not available for students ages 10, 11, and 12.	≥ 28.4	≥ 20.9	20.8 – 9.8	≤ 9.7	≥ 18.5	≥ 16.9	16.8 – 13.6	≤ 13.5	16.8 – 13.6	≤ 13.5	
6		≥ 28.4	≥ 20.9	20.8 – 9.9	≤ 9.8	≥ 19.2	≥ 17.3	17.2 – 13.5	≤ 13.4	17.2 – 13.5	≤ 13.4	
7		≥ 28.4	≥ 20.9	20.8 – 10.1	≤ 10.0	≥ 20.2	≥ 18.0	17.9 – 13.6	≤ 13.5	17.9 – 13.6	≤ 13.5	
8		≥ 28.4	≥ 20.9	20.8 – 10.5	≤ 10.4	≥ 21.2	≥ 18.7	18.6 – 13.7	≤ 13.6	18.6 – 13.7	≤ 13.6	
9		≥ 30.8	≥ 22.7	22.6 – 11.0	≤ 10.9	≥ 22.4	≥ 19.5	19.4 – 14.0	≤ 13.9	19.4 – 14.0	≤ 13.9	
10	≤ 37.3	37.4 – 40.1	≥ 40.2	≥ 33.0	≥ 24.4	24.3 – 11.6	≤ 11.5	≥ 23.6	≥ 20.4	20.3 – 14.3	≤ 14.2	
11	≤ 37.3	37.4 – 40.1	≥ 40.2	≥ 34.5	≥ 25.8	25.7 – 12.2	≤ 12.1	≥ 24.7	≥ 21.3	21.2 – 14.7	≤ 14.6	
12	≤ 37.0	37.1 – 40.0	≥ 40.1	≥ 35.5	≥ 26.8	26.7 – 12.7	≤ 12.6	≥ 25.8	≥ 22.2	22.1 – 15.2	≤ 15.1	
13	≤ 36.6	36.7 – 39.6	≥ 39.7	≥ 36.3	≥ 27.8	27.7 – 13.4	≤ 13.3	≥ 26.8	≥ 23.0	22.9 – 15.7	≤ 15.6	
14	≤ 36.3	36.4 – 39.3	≥ 39.4	≥ 36.8	≥ 28.6	28.5 – 14.0	≤ 13.9	≥ 27.7	≥ 23.7	23.6 – 16.2	≤ 16.1	
15	≤ 36.0	36.1 – 39.0	≥ 39.1	≥ 37.1	≥ 29.2	29.1 – 14.6	≤ 14.5	≥ 28.5	≥ 24.4	24.3 – 16.7	≤ 16.6	
16	≤ 35.8	35.9 – 38.8	≥ 38.9	≥ 37.4	≥ 29.8	29.7 – 15.3	≤ 15.2	≥ 29.3	≥ 24.9	24.8 – 17.1	≤ 17.0	
17	≤ 35.7	35.8 – 38.7	≥ 38.8	≥ 37.9	≥ 30.5	30.4 – 15.9	≤ 15.8	≥ 30.0	≥ 25.0	24.9 – 17.5	≤ 17.4	
17+	≤ 35.3	35.4 – 38.5	≥ 38.6	≥ 38.6	≥ 31.4	31.3 – 16.5	≤ 16.4	≥ 30.0	≥ 25.0	24.9 – 17.8	≤ 17.7	

≥ The score is greater than or equal to the indicated value.  
≤ The score is less than or equal to the indicated value.

<sup>1</sup> The *FITNESSGRAM* and Healthy Fitness Zones (HFZ) are registered trademarks of The Cooper Institute.

<sup>2</sup> VO<sub>2</sub>max reflects the maximum rate that oxygen can be taken up and utilized by the body during exercise. It is estimated by utilizing the student's height, weight, and other specific information, which is based on the test option (i.e., One-Mile Run, 20m PACER, or Walk Test) administered. The calculation procedures are found in the Reference Guide on the California Physical Fitness Test (PFT) Resources Web page at <http://www.pftdata.org/resources.aspx>.

<sup>3</sup> For Body Composition, the California Department of Education (CDE) considers a student who exceeds the HFZ as meeting the HFZ. Exceeding the HFZ means obtaining a score less than a number on the lower end or right side of the HFZ.

<sup>4</sup> Grade five students age 9 with time or laps reported have a VO<sub>2</sub>max calculated and are compared to the HFZ for students age 10. If a One-Mile Run time or PACER laps are reported for grade five students less than age 9, a VO<sub>2</sub>max will not be calculated, but the student will be reported in the HFZ.



## Females

Age	Abdominal Strength and Endurance	Trunk Extensor Strength and Flexibility		Upper Body Strength and Endurance		Flexibility	
		Curl-Up # completed up to max of 75	Trunk Lift # of inches up to max of 12	90° Push-Up # completed up to max of 75	Modified Pull-Up # completed up to max of 75	Flexed-Arm Hang # of seconds up to max of 90	Back-Saver Sit & Reach <sup>5</sup> # of inches up to max of 12
5	≥ 2	6 – 12	≥ 3	≥ 2	≥ 2	≥ 2	9
6	≥ 2	6 – 12	≥ 3	≥ 2	≥ 2	≥ 2	9
7	≥ 4	6 – 12	≥ 4	≥ 3	≥ 3	≥ 3	9
8	≥ 6	6 – 12	≥ 5	≥ 4	≥ 4	≥ 3	9
9	≥ 9	6 – 12	≥ 6	≥ 4	≥ 4	≥ 4	9
10	≥ 12	9 – 12	≥ 7	≥ 4	≥ 4	≥ 4	9
11	≥ 15	9 – 12	≥ 7	≥ 4	≥ 4	≥ 6	10
12	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 7	10
13	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 8	10
14	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 8	10
15	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 8	12
16	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 8	12
17	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 8	12
17+	≥ 18	9 – 12	≥ 7	≥ 4	≥ 4	≥ 8	12

<sup>5</sup> The score is greater than or equal to the indicated value.

<sup>5</sup> The score is less than or equal to the indicated value.

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<sup>5</sup> Student must reach the distance on both the right and left sides to achieve the HFZ.



# FITNESSGRAM Performance Standards<sup>1</sup>

For each test area, the *FITNESSGRAM* uses the Healthy Fitness Zone (HFZ) to evaluate fitness performance. The performance goal for all test areas is the HFZ, which represents a level of fitness that offers protection against the diseases that result from sedentary living. If the performance goal is not met, the results are classified as Needs Improvement (NI) or, for Aerobic Capacity and Body Composition, Very Lean (Body Composition only) or Needs Improvement-Health Risk (NI-HR). **Note:** There are no changes to the performance standards for the 2014-15 school year.

## Males

Age	Aerobic Capacity			Skinfold Measurements/ Bioelectric Impedance Analyzer Percent Body Fat			Body Composition			Body Mass Index
	NI – Health Risk	NI	HFZ	NI – Health Risk	HFZ	Very Lean	NI – Health Risk	NI	HFZ	
5	VO <sub>2</sub> max standards not available for students ages 5 through 9 <sup>2</sup> . For Walk Test only, standards also not available for students ages 10, 11, and 12.	≥ 27.0	≥ 18.9	18.8 – 8.9	≤ 8.8	≥ 18.1	≥ 16.9	16.8 – 13.9	≤ 13.8	
6		≥ 27.0	≥ 18.9	18.8 – 8.5	≤ 8.4	≥ 18.8	≥ 17.2	17.1 – 13.8	≤ 13.7	
7		≥ 27.0	≥ 18.9	18.8 – 8.3	≤ 8.2	≥ 19.6	≥ 17.7	17.6 – 13.8	≤ 13.7	
8		≥ 27.0	≥ 18.9	18.8 – 8.4	≤ 8.3	≥ 20.6	≥ 18.3	18.2 – 14.0	≤ 13.9	
9		≥ 30.1	≥ 20.7	20.6 – 8.7	≤ 8.6	≥ 21.6	≥ 19.0	18.9 – 14.2	≤ 14.1	
10	≤ 37.3	37.4 – 40.1	≥ 40.2	≥ 33.2	≥ 22.5	22.4 – 8.9	≤ 8.8	≥ 22.7	≥ 19.8	19.7 – 14.5
11	≤ 37.3	37.4 – 40.1	≥ 40.2	≥ 35.4	≥ 23.7	23.6 – 8.8	≤ 8.7	≥ 23.7	≥ 20.6	20.5 – 14.9
12	≤ 37.6	37.7 – 40.2	≥ 40.3	≥ 35.9	≥ 23.7	23.6 – 8.4	≤ 8.3	≥ 24.7	≥ 21.4	21.3 – 15.3
13	≤ 38.6	38.7 – 41.0	≥ 41.1	≥ 35.0	≥ 22.9	22.8 – 7.8	≤ 7.7	≥ 25.6	≥ 22.3	22.2 – 15.8
14	≤ 39.6	39.7 – 42.4	≥ 42.5	≥ 33.2	≥ 21.4	21.3 – 7.1	≤ 7.0	≥ 26.5	≥ 23.1	23.0 – 16.4
15	≤ 40.6	40.7 – 43.5	≥ 43.6	≥ 31.5	≥ 20.2	20.1 – 6.6	≤ 6.5	≥ 27.2	≥ 23.8	23.7 – 16.9
16	≤ 41.0	41.1 – 44.0	≥ 44.1	≥ 31.6	≥ 20.2	20.1 – 6.5	≤ 6.4	≥ 27.9	≥ 24.6	24.5 – 17.5
17	≤ 41.2	41.3 – 44.1	≥ 44.2	≥ 33.0	≥ 21.0	20.9 – 6.7	≤ 6.6	≥ 28.6	≥ 25.0	24.9 – 18.1
17+	≤ 41.2	41.3 – 44.2	≥ 44.3	≥ 35.1	≥ 22.3	22.2 – 7.0	≤ 6.9	≥ 29.3	≥ 25.0	24.9 – 18.6

≥ The score is greater than or equal to the indicated value.

≤ The score is less than or equal to the indicated value.

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<sup>2</sup> VO<sub>2</sub>max reflects the maximum rate that oxygen can be taken up and utilized by the body during exercise. It is estimated by utilizing the student's height, weight, and other specific information, which is based on the test option (i.e., One-Mile Run, 20m PACER, or Walk Test) administered. The calculation procedures are found in the Reference Guide on the California Physical Fitness Test (PFT) Resources Web page at <http://www.pftdata.org/resources.aspx>.

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<sup>4</sup> Grade five students age 9 with time or laps reported have a VO<sub>2</sub>max calculated and are compared to the HFZ for students less than age 9, a VO<sub>2</sub>max will not be calculated, but the student will be reported in the HFZ.



## Males

Age	Abdominal Strength and Endurance # completed up to max of 75	Trunk Extensor Strength and Flexibility Trunk Lift # of inches up to max of 12	Upper Body Strength and Endurance			Flexibility	
			90° Push-Up # completed up to max of 75	Modified Pull-Up # completed up to max of 75	Flexed-Arm Hang # of seconds up to max of 90	Back-Saver Sit & Reach <sup>c</sup> # of inches up to max of 12	Shoulder Stretch
5	≥ 2	6 – 12	≥ 3	≥ 2	≥ 2	≥ 2	8
6	≥ 2	6 – 12	≥ 3	≥ 2	≥ 2	≥ 2	8
7	≥ 4	6 – 12	≥ 4	≥ 3	≥ 3	≥ 3	8
8	≥ 6	6 – 12	≥ 5	≥ 4	≥ 4	≥ 3	8
9	≥ 9	6 – 12	≥ 6	≥ 5	≥ 5	≥ 4	8
10	≥ 12	9 – 12	≥ 7	≥ 5	≥ 5	≥ 4	8
11	≥ 15	9 – 12	≥ 8	≥ 6	≥ 6	≥ 6	8
12	≥ 18	9 – 12	≥ 10	≥ 7	≥ 7	≥ 10	8
13	≥ 21	9 – 12	≥ 12	≥ 8	≥ 8	≥ 12	8
14	≥ 24	9 – 12	≥ 14	≥ 9	≥ 9	≥ 15	8
15	≥ 24	9 – 12	≥ 16	≥ 10	≥ 10	≥ 15	8
16	≥ 24	9 – 12	≥ 18	≥ 12	≥ 12	≥ 15	8
17	≥ 24	9 – 12	≥ 18	≥ 14	≥ 14	≥ 15	8
17+	≥ 24	9 – 12	≥ 18	≥ 14	≥ 14	≥ 15	8

≥ The score is greater than or equal to the indicated value.

≤ The score is less than or equal to the indicated value.

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<sup>c</sup> Student must reach the distance on both the right and left sides to achieve the HFZ.

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 8.0**  
**REPORT: Local Control Accountability Plan (LCAP) Update**

**BACKGROUND**

J. Murchison, Superintendent, will present the District's update on the 2015-16 LCAP.

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 9.0**  
**Report: 2014-15 Second Interim Financial**

**BACKGROUND**

W. Scarlett, CFO, will present the mandated report to the Board for approval. (AR3460)

Administrative Regulation 3460 is included to further explain the need and requirements for subject report.

**ATTACHMENTS**

➤ AR 3460, Financial Reports and Accountability\*

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Accept the report.

**NOTES**

**\*The 2014-15 Second Interim Financial Report will be available on Monday, March 9, 2015, at the District Office located on the Sutter's Mill School campus, 4801 Luneman Road, Placerville, CA. 95667.**

<b><i>ACTION</i></b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b><i>Vote</i></b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

# **Gold Trail Union SD**

## **Administrative Regulation**

### **Financial Reports And Accountability**

**AR 3460**  
**Business and Noninstructional Operations**

#### **Interim Reports**

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)  
(cf. 3220.1 - Lottery Funds)  
(cf. 3300 - Expenditures and Purchases)  
(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

#### **Audit Report**

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

The Superintendent or designee shall provide the necessary financial records and cooperate with

the auditor selected by the Board of Trustees to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

When required by federal law, specified records pertaining to the audit of federal funds received and expended by the district shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (31 USC 7502)

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

#### Fund Balance

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law

3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

#### Negative Balance Report

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

#### Non-Voter-Approved Debt Report

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

#### Other Postemployment Benefits Report (GASB 45)

In accordance with GASB Statement 45, the district's financial statements shall report the annual expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

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

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

The amount of the district's financial obligation for OPEBs shall be reevaluated every two or three years in accordance with GASB 45 depending on the number of members in the OPEB plan.

#### Workers' Compensation Claims Report

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

Regulation     GOLD TRAIL UNION SCHOOL DISTRICT  
approved: September 4, 2014     Placerville, California

**AGENDA ITEM 10.0**  
**Consent**

***President Script:***

***The following is the consent agenda. In accordance with law, the public has a right to comment on any consent item.***

**10.0 Consent Items**

The items listed below are passed in one motion without discussion. Any item may be pulled from the Consent Agenda by the Board. (Board Bylaw 9322)

- .1 Meeting Minutes (Board Bylaw 9324)**  
**Regular Meeting of February 5, 2015**  
The Board will approve the Minutes.
- .2 Warrants (Board Policy 3314)**  
The Board will approve the expenditures.
- .3 Personnel**  
**Hiring**  
T. Aguilar, Instructor: Tutorial, effective 2014-15 School Year  
C. Brunts, Instructor: Enrichment, effective 2014-15 School Year  
A. Butler, Instructor: Tutorial, effective 2014-15 School Year  
C. Jackson, Instructor: Tutorial, effective 2014-15 School Year  
N. Kessler, Playground Monitor, 1.0 hours per day, effective February 6, 2015  
S. Meadows, Instructor: Tutorial (Saturday School), effective 2014-15 School Year  
S. Morgan, Instructor: Tutorial, effective 2014-15 School Year  
J. Stigall, Instructor: Tutorial, effective 2014-15 School Year  
B. Thomas, Instructor: Tutorial, effective 2014-15 School Year  
J. Thompson, Maintenance/Custodian, 3.0 hours per day, effective March 5, 2015  
E. Thurlo, Maintenance/Custodian, 3.0 hours per day, effective March 5, 2015  
A. Yost, Instructor: Enrichment/Spelling Bee Grades 7/8, effective 2014-15 School Year  
**Resignation**  
C. Jackson, Instructor: Enrichment/Spelling Bee Grades 7/8, effective February 9, 2015  
E. Lynch, Teacher (1.0 FTE), effective 2015-16 School Year  
J. Thompson, Custodian, 3.0 hours per day, effective March 4, 2015  
E. Thurlo, Custodian, 3.0 hours per day, effective March 4, 2015
- .4 Request for Leave of Absence**  
A Garcia, Teacher (0.2 FTE), effective 2015-16 School Year
- .5 Consolidated Application**  
The Board will take action to approve the application.
- .6 Resolution 2014-15: 03-01: Resolution to Employ Short Term Classified Support**  
The Board will adopt the Resolution allowing an increase for short term classified support for the 2014-15 school year only.

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

.7      **Second Reading and Adoption of Board Policies, Administrative Regulations and Board Bylaws**  
**AR 4161.9, AR 4261.9, AR 4361.9, Catastrophic Leave Program**  
The Board will adopt the roster.

*President Script:*

*Do any members of the audience wish to address or comment any of these items?*

**PULL (If Applicable)**

**NOTES**

<b><i>ACTION</i></b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b><i>Vote</i></b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

<b>AGENDA ITEM</b> <b>Consent</b>
--------------------------------------

**10.1 Meeting Minutes (Board Bylaw 9324)**

**BACKGROUND**

Minutes of prior Board meetings are included for review and approval.

**ATTACHMENTS**

- Minutes of Regular Meeting of February 5, 2015

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Approve the minutes.

**NOTES**

*If pulled from Consent*

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

# Gold Trail Union School District



## BOARD OF TRUSTEES Regular and Closed Session Meeting Thursday, February 5, 2015 OPEN AND CLOSED SESSION MINUTES

**District Office**  
1575 Old Ranch Road  
Placerville, CA 95667  
1.530.626.3194  
Fax 1.530.626.3199  
Joe Murchison  
Superintendent

**Board of Trustees**  
Julie Bauer  
President  
Daryl Lander  
Clerk  
Janet Barbieri  
Sue Hennike  
Gary Ritz

**Sutter's Mill School (K-3)**  
4801 Luneman Road  
Placerville, CA 95667  
1.530.626.2591  
Fax 1.530.626.3199  
Joe Murchison  
Superintendent/Principal

**Gold Trail School (4-8)**  
889 Cold Springs Road  
Placerville, CA 95667  
1.530.626.2595  
Fax 1.530.626.3289  
Scott Lyons  
Principal

*An Equal Opportunity  
Employer*

### 1. CALL TO ORDER

The meeting was called to order in the Gold Trail School Library by J. Bauer, president, at 5:32 p.m.

Members present: J. Barbieri, J. Bauer, D. Lander, and S. Hennike

Members absent: G. Ritz

### 2. CLOSED SESSION OPEN HEARING

Members of the public were afforded the opportunity to comment on Closed Session agenda items. No audience member addressed the Board.

### 3. Closed Session

The Board moved to closed session at 5:33 p.m.

Also present: J. Murchison and W. Scarlett

### 4. Personnel—Conference with Labor Negotiators

Board Member G. Ritz arrived at 5:55 p.m. and moved to closed session immediately.

### 5. Reconvene Public Session and Closed Session Disclosure

The Board reconvened Public Session at 6:03 p.m.

The Board discussed Labor Negotiations.

### 6. PUBLIC SESSION

J. Bauer, Board president, led the flag salute.

### 7. ACTION ITEM: Adoption of Agenda

MOTION WAS MADE by J. Barbieri and duly seconded by D. Lander to adopt the agenda, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, D. Lander, S. Hennike, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

### 8. OPEN HEARING

The Board president solicited comments in accordance with the Brown Act and Open Meeting laws. No one addressed the Board.

**9. PUBLIC HEARING: 2014-15 Gold Trail Federation of Educators: Certificated Employees Settlement**

The District conducted a hearing to allow public comment regarding the 2014-15 Certificated employee bargaining unit agreement. (*Government Code 3547.5*). No one addressed the Board.

**10. RECOGNITION**

- The Board recognized M. and J. McClone for their generous donation of \$500.00 to the Gold Trail music program.
- The Board recognized R. Azvedo for his generous donation of stage lighting for the Gold Trail School Multi-Purpose room.
- The Board recognized the California Department of Fish and Wildlife for their generous donation of forty computers with flat screen monitors and keyboards, twenty laptops, and various speaker sets to the District technology program.

**11. REPORT: Student Council**

The report was tabled at this time.

**12. REPORT: Gold Trail Federation of Educators**

B. Beveridge, President, reported on Federation activities

**13. REPORT: Local Control Accountability Plan (LCAP) Update**

J. Murchison, Superintendent, presented an update to the District's 2015-16 LCAP.

**14. REPORT: After School Sports Report and Walk-On Coach Certification**

J. Perez, Athletic Director, presented an overview of the program.

MOTION WAS MADE by G. Ritz and duly seconded by J. Bauer to certify the walk on coaches, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

**15. Consent Items**

**.1 Meeting Minutes (Board Bylaw 9324)**

**Regular Meeting of January 8, 2015**

**.2 Warrants (Board Policy 3314)**

**.3 Personnel**

*Hiring*

S. Barbato, Athletic Coach: 7 Boys' Volleyball, effective 2014-15 School Year

S. Barbato, Athletic Coach: 8 Boys' Volleyball, effective 2014-15 School Year

C. Jackson, Instructor: Enrichment (Spelling Bee Grades 7/8), effective 2014-15 School Year

C. Mueller, Teacher Associate, Short Term Position, effective January 20, 2015 through May 28, 2015

**.4 School Accountability Report Cards (BP0510)**

MOTION WAS MADE by D. Lander and duly seconded by J. Barbieri to approve the consent agenda with no changes, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

**16. ACTION ITEM: 2015-16 Calendar Adoption and Possible Change to 2014-15 Board Meeting Schedule**

MOTION WAS MADE by D. Lander and duly seconded by G. Ritz, to adopt the calendar with no changes, and to change the August 13, 2015 Board meeting date to August 6, 2015, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

**17. ACTION ITEM: 2014-15 Gold Trail Federation of Educators: Certificated Employees Settlement**

Taking into consideration that there was no public comment, MOTION WAS MADE by J. Barbieri and duly seconded by D. Lander, to ratify the agreement, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

**18. ACTION ITEM: Resolution 2014-15: 02-01 Local Reserves Cap**

MOTION WAS MADE by G. Ritz to amend paragraph 11 to read "WHEREAS, SB 858, Sec. 27 Education Code 42127.01, became operative when voters passed Proposition 2 on the November 2014 state ballot, and now requires school districts to spend their assigned and unassigned account balances down to no more than two to-three times the minimum level of the statutory reserve for economic uncertainties (depending on district size) in the fiscal year following the fiscal year in which the State of California makes a payment of any amount to the Public School System Stabilization Account; and" , and duly seconded by D. Lander, to approve the resolution, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

**19. ACTION ITEM: Review of Administrative Regulations 4161.9, 4261.9, 4361.9, Catastrophic Leave Program**

MOTION WAS MADE by D. Lander and duly seconded by J. Bauer to approve the roster for first reading, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None  
ABSTENSIONS: None

MOTION CARRIED

**20. ACTION ITEM: Annual Review of Board Policy 4117.3, Personnel Reduction (Tie Breaking Criteria)**

The Board reviewed the tie breaking criteria language to confirm the current relevancy to instructional program needs, and made no changes to the subject Policy.

**21. ACTION ITEM: El Dorado County School Boards Association Annual Awards Nomination**

The item was tabled at this time.

**22. DISCUSSION ITEM: Administrative Reports**

The Board members and administration reported on District activities.

**23. Future Regular Meeting Schedule**

The next regular meeting of the Board of Trustees is scheduled for:

Date: March 12      Time: 6:00 p.m.      Location: Gold Trail School

Agenda Items for that meeting may include but not limited to:

Board Policies, Administrative Regulations and Board Bylaw Updates

CSBA Delegate Assembly Election (Annual)

EDCOE Agreement for Services (Annual)

Monthly LCAP Update

Physical Fitness Test District and School Summary (Annual)

Reduction of Certificated Employees, If Applicable

Reduction of Classified Services, If Applicable

Second Period Interim Financial Report (Annual)

There being no further business to come before the Board, MOTION WAS MADE by J. Barbieri and duly seconded by D. Lander, and carried to adjourn the meeting at 6:55 p.m. and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, D. Lander, G. Ritz

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

---

J. Bauer, President

---

J. Murchison, Secretary

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM**  
**Consent**

**10.2 Warrants (Board Policy 3314)**

**BACKGROUND**

The warrants are included for Board review and approval.

**ATTACHMENTS**

- Warrants

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

All warrants are within the adopted budget and/or approved expenditures.

**RECOMMENDATION**

Approve the warrants.

**NOTES**

*If pulled from Consent*

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

APY250 L.00.04

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 5021 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 02/03/2015

02/03/15 PAGE 1

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80462749	100716/	AT&T	PV-150380	01-0000-0-5901-0000-7200-000-1210-00-000 WARRANT TOTAL	6167822 T-1	155.95 \$155.95
80462750	100912/	BANK OF AMERICA	PV-150381	01-0000-0-4300-0000-2700-002-0000-00-000 01-0000-0-4300-0000-7100-000-0000-00-000 01-0000-0-4300-0000-8100-002-0000-00-000 01-0000-0-4300-0000-8100-003-0000-00-000 01-0000-0-4300-1110-1000-000-0000-00-000 01-0000-0-4300-1110-1000-002-0000-00-000 01-0000-0-4300-1110-1000-002-0000-00-000 01-0000-0-4300-1110-1000-002-0000-00-000 01-0000-0-4300-1110-1000-002-0000-00-000 01-0000-0-5210-1110-1000-003-0106-00-000 01-0000-0-5600-0000-8100-000-0000-00-000 01-0000-0-5902-0000-2700-000-0000-00-000 01-6500-0-4300-5770-1120-000-0000-00-000 13-5310-0-4300-0000-3700-000-0000-00-000 13-5310-0-4300-0000-3700-000-0000-00-000 WARRANT TOTAL	SM TEACHER RESOURCE BOARD MEETING SUPPLIES SM MAINTENANCE SUPPLIES GT MAINTENANCE SUPPLIES ORIO REIMBURSE DISTRICT SM MP ROOM SOUND SYSTEM STUDENT DRY ERASE BOARDS SM LAMINATING FILM REF YOSEMITE DRIVER LODGING MAINT TRUCK SMOG POSTAGE SP ED CLASSROOM SUPPLIES CAFE CAMERA CAFE SIGNS	8.49 20.12 192.30 89.22 4.99 39.02 27.40 317.63 221.89- 193.25 5.75 58.64 215.99 17.61 \$968.52
80462751	101503/	LANCE BEESON	PV-150382	01-0000-0-5800-1110-1000-003-0104-00-000 WARRANT TOTAL	MUSICIANS 4TH GR PETALUMA FT	450.00 \$450.00
80462752	101412/	CALSTRS/JEM	PV-150384	01-0000-0-5800-0000-7200-000-0000-00-000 WARRANT TOTAL	134580 DECEMBER ADMIN FEES	24.00 \$24.00
80462753	101714/	JENNIFER CALVIN	PV-150385	01-0000-0-4300-1110-1000-003-0104-00-000	FOOD ADVANCE-4TH GR FIELD TRIP	1,000.00

APY250 L.00.04

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 02/03/2015

02/03/15 PAGE 2

DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 5021 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT	GOAL FUNC LC1 LOC2 L3 SCH	DESCRIPTION		
WARRANT TOTAL						\$1,000.00
80462754	100962/	DATA MANAGEMENT				
155139	PO-150137	1. 01-0000-0-4300-0000-2700-003-0000-00-000		I359333	GT VISITOR PASSES	159.00
		WARRANT TOTAL				\$159.00
80462755	101066/	DEPARTMENT OF PARKS & REC				
PV-150383		01-0000-0-5835-1110-1000-003-0104-00-000		ADMISSION 4TH GR PETALUMA FT		400.00
		WARRANT TOTAL				\$400.00
80462756	082726/	TROY DUNHAM				
PV-150386		01-0000-0-5800-1110-1000-003-0104-00-000		STORYTELLER 4TH GR PETALUMA FT		250.00
		WARRANT TOTAL				\$250.00
80462757	000126/	EL DORADO COUNTY OFFICE				
PV-150387		01-4035-0-5200-1110-1000-003-0000-00-000		150576 MULLIGAN MATH WORKSHOP		50.00
		WARRANT TOTAL				\$50.00
80462758	101346/	FERRELLGAS				
PV-150388		01-0000-0-5530-0000-8100-002-0000-00-000		1086009218 SM		1,598.11
		WARRANT TOTAL				\$1,598.11
80462759	000761/	FOLLETT SCHOOL SOLUTIONS INC				
155124	PO-150122	1. 01-1100-0-4200-1110-1000-003-0600-00-000		558303F-1 GT LIBRARY BOOKS		456.30
155141	PO-150139	1. 01-0600-0-4200-0000-2420-003-0205-00-000		588104-4 GT LIBRARY BOOKS		684.86
		WARRANT TOTAL				\$1,141.16
80462760	100356/	GOLD TRAIL FEDERATION OF				
PV-150390		01-0000-0-9573-0000-0000-000-0000-00-000		AFT DUES JANUARY 2015		3,204.56
		WARRANT TOTAL				\$3,204.56
80462761	016971/	GOLD TRAIL STUDENT BODY FUND				
PV-150389		01-0000-0-4300-1110-1000-003-0000-00-000		REIMB ASB - STUDENT INCENTIVE		572.00
		WARRANT TOTAL				\$572.00
80462762	100904/	HILLYARD/SACRAMENTO				
155140	PO-150138	1. 01-0000-0-4300-0000-8100-000-0000-00-000		601457980 CUSTODIAL SUPPLIES		4,359.46

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN	FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH	DESCRIPTION		
WARRANT TOTAL						\$4,359.46
80462763	101669/	STEPHEN HODGES				
	155015	PO-150013	1. 01-0000-0-3901-1110-1000-000-0000-00-000 WARRANT TOTAL	FEBRUARY		1,000.00 \$1,000.00
80462764	101314/	LEGALSHIELD				
		PV-150391	01-0000-0-9576-0000-0000-000-0000-00-000 WARRANT TOTAL	0126086 JANUARY		77.70 \$77.70
80462765	100979/	DANNY LULLA				
		PV-150392	01-0000-0-4300-1110-1000-003-0104-00-000 WARRANT TOTAL	4TH GR FIELD TRIP ADVANCE		400.00 \$400.00
80462766	101233/	MCGRAW-HILL SCHOOL EDUCATION				
		155134	PO-150133	1. 01-0600-0-5875-1110-1000-003-1210-00-000 WARRANT TOTAL	84453626001 RTI ALEK SUBSCRIP	697.50 \$697.50
80462767	003269/	SANDI MORGAN				
			PV-150393	01-0000-0-4300-1110-1000-003-0104-00-000 WARRANT TOTAL	4TH GR PETALUMA FT ADVANCE	600.00 \$600.00
80462768	003202/	JOE MURCHISON				
			PV-150394	01-0000-0-5210-0000-2700-000-0000-00-000 01-0000-0-5210-0000-2700-000-0000-00-000 WARRANT TOTAL	MILEAGE OCTOBER 2014 MILEAGE JANUARY 2015	99.68 102.01 \$201.69
80462769	009356/	OFFICE DEPOT				
			PO-153076	1. 01-0000-0-4300-1110-1000-002-0300-68-000 1. 01-0000-0-4300-1110-1000-002-0300-68-000	749336125001 GRIFFIN CLASS SUP 749335980001 GRIFFIN CLS SUPPL	30.23 25.46
			PO-153080	1. 01-0000-0-4400-0000-7200-000-1210-00-000	750443328001 D O FAX	102.59
			PO-153081	1. 01-6500-0-4300-5770-1120-000-0000-00-000	750538747001 SP ED MATERIALS	32.39
			PO-153082	1. 01-0000-0-4300-1110-1000-002-0300-60-000 2. 01-0000-0-4300-1110-1000-002-0300-73-000	751293615001 BRAITHWAITE CLS S 751293615001 SWANEY CLS SUPPLY	26.10 28.61

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM				
	REQ#	REFERENCE	LN FD RESC Y OBJT	GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION	AMOUNT		
			WARRANT TOTAL					\$245.38	
80462770	000232/	PACIFIC GAS & ELECTRIC COMPANY							
		PV-150395	01-0000-0-5540-0000-8100-000-0000-00-000	0991367996-6	EXT DAY		70.93		
			01-0000-0-5540-0000-8100-002-0000-00-000	0991367996-6	SM		2,721.16		
			01-0000-0-5540-0000-8100-003-0000-00-000	0991367996-6	GT		4,171.63		
			01-0000-0-5540-0000-8100-003-0000-00-000	1274317581-7	GT STREET LIGHT		40.08		
			WARRANT TOTAL					\$7,003.80	
80462771	100218/	SCHOOL MATE							
		155145	PO-150143	1. 01-0000-0-4300-0000-2700-003-0000-00-000	IN000409839	GT PLANNERS	48.60		
				WARRANT TOTAL					\$48.60
80462772	101512/	SCHOOL OUTFITTERS							
		155136	PO-150132	1. 01-0000-0-4400-1110-1000-003-0000-00-000	INV11610513	GT CLSRM CHAIRS	1,923.49		
				WARRANT TOTAL					\$1,923.49
80462773	101128/	SCHOOLS INSURANCE AUTHORITY							
		PV-150396	01-0000-0-3901-1110-1000-000-0000-00-000	DIST PD RET VISION	- FEB '15		41.40		
			01-0000-0-9570-0000-0000-000-0000-00-000	EMP VISION	- FEB '15		1,226.96		
			01-0000-0-9570-0000-0000-000-0000-00-000	RET VISION	- FEB '15		359.24		
			WARRANT TOTAL					\$1,627.60	
80462774	100751/	SIGNATURE WIRELESS GROUP							
		155019	PO-150019	1. 01-0000-0-5800-0000-3600-000-0000-00-000	24751	SMR REPEATER	326.40		
				WARRANT TOTAL					\$326.40
80462775	101638/	SONOMA STATE HISTORIC PARK							
		PV-150397	01-0000-0-5835-1110-1000-003-0104-00-000	DAY USE FEE	-4TH GR FIELD TRIP		50.00		
			WARRANT TOTAL					\$50.00	
80462776	101638/	SONOMA STATE HISTORIC PARK							
		PV-150398	01-0000-0-5835-1110-1000-003-0104-00-000	DAY USE FEE	-4TH GR FIELD TRIP		50.00		
			WARRANT TOTAL					\$50.00	

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WARRANT	VENDOR/ADDR	NAME (REMIT) REQ# REFERENCE	DEPOSIT TYPE LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
80462777	101575/	SONOMA VALLEY U S D	PV-150399 01-0000-0-5835-1110-1000-003-0104-00-000 WARRANT TOTAL		FLOWERY SCHL USE-4TH GR FT	60.00 \$60.00
80462778	100580/	STAPLES ADVANTAGE	PO-153072 2. 01-0000-0-4300-0000-2700-003-0000-00-000 1. 13-5310-0-4300-0000-3700-000-0000-00-000 PO-153073 1. 01-0000-0-4300-5770-1120-002-0300-64-000 PO-153075 1. 01-0000-0-4300-1110-1000-000-0000-00-000 1. 01-0000-0-4300-1110-1000-000-0000-00-000 WARRANT TOTAL	3253520014 GT PRINCPL SUPPLIES 3253520014 SM CAFE PRNTR INK 3253696129 SP ED PRNTR INK 3253865246 DISTRICT PAPER 3253696132 DISTRICT PAPER		5.86 71.23 44.17 93.53 627.11 \$841.90
80462779	000558/	TRUE VALUE HARDWARE	PV-150400 01-0000-0-4300-0000-8100-002-0000-00-000 WARRANT TOTAL	389894 SM MAINTENANCE SUPPLIES		53.74 \$53.74
80462780	101027/	MICHELE WAGSTROM	PV-150401 01-0000-0-5210-0000-7200-000-0000-00-000 WARRANT TOTAL		MILEAGE JANUARY 2015	113.85 \$113.85
80462781	013563/	WALKER'S OFFICE SUPPLIES	PO-153074 1. 01-0000-0-4300-1110-1000-000-0000-00-000 WARRANT TOTAL	971317-0 DISTRICT PAPER		1,295.57 \$1,295.57
*** BATCH TOTALS ***		TOTAL NUMBER OF CHECKS:	33	TOTAL AMOUNT OF CHECKS:		\$30,949.98*
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:		\$0.00*
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:		\$0.00*
*** DISTRICT TOTALS ***		TOTAL NUMBER OF CHECKS:	33	TOTAL AMOUNT OF CHECKS:		\$30,949.98*
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:		\$0.00*
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:		\$0.00*

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WARRANT REQ#	VENDOR/ADDR REFERENCE	NAME (REMIT) LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
80464188	008233/	AMERICAN FIDELITY ASSURANCE				
		PV-150403	01-0000-0-9582-0000-0000-000-0000-00-000 WARRANT TOTAL	B264014	MARCH 2015	1,128.37 \$1,128.37
80464189	100716/	AT&T				
		PV-150402	01-0000-0-5901-0000-2700-002-1210-00-000 01-0000-0-5901-0000-7200-000-1210-00-000 01-0000-0-5901-0000-7200-000-1210-00-000 01-0000-0-5901-0000-7200-000-1210-00-000 WARRANT TOTAL	6201883 6201874 6201878 6201881	GT PRI ALARM LINES D O	61.49 318.61 30.91 53.31 \$464.32
80464190	100123/	CALIFORNIA CUSTOM TEES				
		155159 PO-150156	1. 01-0000-0-5800-1110-1000-003-0104-00-000 WARRANT TOTAL	45306	4TH GR FT SWEATSHIRTS	1,146.05 \$1,146.05
80464191	011529/	THE DANIELSEN CO				
		155020 PO-150020	1. 13-5310-0-4700-0000-3700-000-0800-00-000 2. 13-5310-0-4700-0000-3700-000-0801-00-000 3. 13-5310-0-4700-0000-3700-000-0802-00-000 WARRANT TOTAL	63783	LUNCH ROOD BREAKFAST FOOD ALA CARTE FOOD	1,155.97 366.52 50.43 \$1,572.92
80464192	100999/	DAWSON OIL COMPANY				
		155017 PO-150017	1. 01-0000-0-4370-0000-3600-000-0000-00-000 WARRANT TOTAL	73191	BUS FUEL - JAN '15	1,403.52 \$1,403.52
80464193	101618/	DE LAGE LANDEN				
		155026 PO-150026	1. 01-0000-0-7439-0000-9100-000-0000-00-000 2. 01-0000-0-7439-0000-9100-002-0000-00-000 WARRANT TOTAL	44382598	D O COPIER SM COPIER	252.13 207.27 \$459.40
80464194	101690/	CERITA DEBERRY				
		PV-150404	01-0000-0-4300-5770-1120-003-0300-85-000 WARRANT TOTAL		CLASSROOM SUPPLIES	128.83 \$128.83

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION		
80464195	100422/	SUE FADEL				
		PV-150405	01-6500-0-5210-5770-1120-000-0000-00-000 WARRANT TOTAL		MILEAGE JANUARY 2015	75.90 \$75.90
80464196	101346/	FERRELLGAS				
		PV-150406	01-0000-0-5530-0000-8100-003-0000-00-000 01-0000-0-5530-0000-8100-003-0000-00-000 WARRANT TOTAL	1086094598 GT 1086094592 GT	1,587.38 574.50 \$2,161.88	
80464197	100036/	FOOTHILL FOOD SERVICE INC				
	155022	PO-150022	1. 13-5310-0-4700-0000-3700-000-0800-00-000 1. 13-5310-0-4700-0000-3700-000-0800-00-000 2. 13-5310-0-4700-0000-3700-000-0801-00-000 2. 13-5310-0-4700-0000-3700-000-0801-00-000 3. 13-5310-0-4700-0000-3700-000-0802-00-000 3. 13-5310-0-4700-0000-3700-000-0802-00-000 WARRANT TOTAL	430421 LUNCH FOOD 430420 LUNCH FOOD 429279 LUNCH FOOD 430095 LUNCH FOOD 429649 LUNCH FOOD 430094 LUNCH FOOD 429651 LUNCH FOOD 429280 LUNCH FOOD 429649 BREAKFAST FOOD 430420 BREAKFAST FOOD 429279 BREAKFAST FOOD 430094 ALA CARTE FOOD 430420 ALA CARTE FOOD	209.09 331.52 369.29 159.73 511.58 375.73 221.56 246.81 18.27 18.27 18.35 28.62 33.65 \$2,542.47	
80464198	101665/	SHARI HARM				
		PV-150407	01-0000-0-4300-0000-2700-003-0000-00-000 WARRANT TOTAL		STUDENT INCENTIVES	13.79 \$13.79
80464199	100480/	LINDA HAVNER				
		PV-150408	01-0000-0-5210-0000-3600-000-0000-00-000		MILEAGE JANUARY 2015	271.92

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION	
					WARRANT TOTAL	\$271.92
80464200	100904/	HILLYARD/SACRAMENTO	PV-150409	01-0000-0-4300-0000-8100-000-0000-00-000 WARRANT TOTAL	601467247 CUSTODIAL SUPPLIES	137.79 \$137.79
80464201	101298/	ICEE-USA CORP	PV-150410	13-5310-0-4700-0000-3700-000-0802-00-000 WARRANT TOTAL	2774868 ALA CARTE FOOD	257.68 \$257.68
80464202	075544/	IMPERIAL PRINTING	155150	PO-150148 1. 01-0000-0-5800-0000-3600-000-0000-00-000 WARRANT TOTAL	25410 BUS TICKETS	275.40 \$275.40
80464203	101087/	CARINA JACKSON	PV-150411	01-0000-0-4300-1110-1000-003-0300-76-000 01-0000-0-4300-1110-1000-003-0300-76-000 WARRANT TOTAL	CLASSROOM SUPPLIES	15.95 85.71 \$101.66
80464204	100788/	LOS ANGELES FREIGHTLINER	155047	PO-150047 1. 01-0000-0-6500-0000-3600-000-0000-00-000 WARRANT TOTAL	NB16693 NEW BUS CAMERA/INSTALL	3,390.62 \$3,390.62
80464205	100834/	MARGARET MOORE	PV-150412	01-0000-0-5210-0000-3140-000-0000-00-000 WARRANT TOTAL	NURSE MILEAGE JANUARY 2015	27.60 \$27.60
80464206	009356/	OFFICE DEPOT	PO-153085	2. 01-0000-0-4300-0000-2700-002-0000-00-000 2. 01-0000-0-4300-0000-2700-002-0000-00-000 1. 01-0000-0-4300-0000-7200-000-0000-00-000 WARRANT TOTAL	754094190001 SM OFC SUPPLIES 754094562001 SM OFC SUPPLIES 754037747001 D O SUPPLIES	12.18 3.05 112.74 \$127.97
80464207	077441/	PLACERVILLE GROCERY OUTLET	155023	PO-150023 1. 13-5310-0-4700-0000-3700-000-0800-00-000 2. 13-5310-0-4700-0000-3700-000-0801-00-000	LUNCH FOOD BREAKFAST FOOD	236.65 149.55

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
	155023	3. 13-5310-0-4700-0000-3700-000-0802-00-000		ALA CARTE FOOD		131.94
		WARRANT TOTAL				\$518.14
80464208	100735/	RIEBES AUTO PARTS				
		PV-150413	01-0000-0-4300-0000-3600-000-0000-00-000	730183 BUS SUPPLIES		86.25
			WARRANT TOTAL			\$86.25
80464209	101653/	RIMROCK WATER COMPANY				
		PV-150414	01-0000-0-4300-0000-2700-002-0000-00-000	04800 B2/E5 WATER/CUPS		22.22
			WARRANT TOTAL			\$22.22
80464210	101209/	SELF-INSURED SCHOOLS OF CALIF				
		PV-150415	01-0000-0-3901-1110-1000-000-0000-00-000	DIST PD RET MEDICAL - FEB '15		1,174.60
			01-0000-0-3901-1110-1000-000-0000-00-000	DIST PD RET DENTAL - FEB '15		150.00
			01-0000-0-9570-0000-0000-000-0000-00-000	EMP MEDICAL - FEB '15		39,245.00
			01-0000-0-9570-0000-0000-000-0000-00-000	EMP DENTAL - FEB '15		6,000.00
			01-0000-0-9570-0000-0000-000-0000-00-000	RET MEDICAL - FEB '15		4,415.40
			01-0000-0-9570-0000-0000-000-0000-00-000	RET DENTAL - FEB '15		1,575.00
			WARRANT TOTAL			\$52,560.00
80464211	004234/	SKI AIR INCORPORATED				
		PV-150416	01-8150-0-5600-0000-8100-000-0000-00-000	SW28510 GT GYM HVAC REPAIRS		1,310.84
			WARRANT TOTAL			\$1,310.84
80464212	023098/	SLY PARK ENVIRONMENTAL				
		155158 PO-150155	1. 01-0000-0-5835-1110-1000-002-0103-00-000	D0424154874 DEPOSIT SM 3RD GR		500.00
			WARRANT TOTAL			\$500.00
80464213	101716/	STARFALL EDUCATION				
		155153 PO-150151	1. 01-5810-0-5875-1110-1000-002-1210-00-000	S2172448.001 STARFALL LICENSE		270.00
			WARRANT TOTAL			\$270.00
80464214	002823/	WAYNE'S LOCKSMITH SERVICE				
		PV-150417	01-8150-0-5600-0000-8100-003-0000-00-000	11299 GT LOCKS GIRLS LOCKEROOM		213.80

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
<hr/>						
WARRANT TOTAL						\$213.80
***	BATCH TOTALS ***	TOTAL NUMBER OF CHECKS:	27	TOTAL AMOUNT OF CHECKS:	\$71,169.34*	
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$.00*	
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$.00*	
***	DISTRICT TOTALS ***	TOTAL NUMBER OF CHECKS:	27	TOTAL AMOUNT OF CHECKS:	\$71,169.34*	
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$.00*	
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$.00*	

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION	
80464800	000623/	ARNOLD'S FOR AWARDS	PV-150418 01-1100-0-4300-1110-1000-000-0600-00-000 WARRANT TOTAL	68574	BATTLE OF BOOKS TROPHY	60.95 \$60.95
80464801	100513/	BUCKEYE UNION SCHOOL DISTRICT	155016 PO-150016 1. 01-0000-0-5600-0000-3600-000-0000-00-000 155016 1. 01-0000-0-5600-0000-3600-000-0000-00-000 155016 1. 01-0000-0-5600-0000-3600-000-0000-00-000 155016 1. 01-0000-0-5600-0000-3600-000-0000-00-000 155016 1. 01-0000-0-5600-0000-3600-000-0000-00-000 155016 1. 01-0000-0-5600-0000-3600-000-0000-00-000 WARRANT TOTAL	150084	BUS #15 BUS #8 BUS #7 BUS #1 BUS #2 BUS #3	157.50 81.00 425.62 190.16 636.88 90.00 \$1,581.16
80464802	000126/	EL DORADO COUNTY OFFICE	PV-150419 01-0000-0-5809-0000-7700-000-1210-00-000 WARRANT TOTAL	150600	ADD'L IT SUPPORT-DEC	1,561.56 \$1,561.56
80464803	000761/	FOLLETT SCHOOL SOLUTIONS INC	155142 PO-150140 1. 01-9021-0-4200-1110-2420-002-0205-00-000 155154 PO-150152 1. 01-0600-0-4200-0000-2420-003-0205-00-000 WARRANT TOTAL	588115-6	SM SPAN LIBRARY BOOKS	604.86 603818F-2 GT SCIENCE LIBRY BKS \$718.85
80464804	100904/	HILLYARD/SACRAMENTO	PV-150420 01-0000-0-4300-0000-8100-000-0000-00-000 WARRANT TOTAL	601481713	FLOOR MACHINE PARTS	48.65 \$48.65
80464805	101430/	INFINITY COMMUNICATIONS	155149 PO-150147 1. 01-0000-0-5800-0000-7700-000-1210-00-000 WARRANT TOTAL	4833	ERATE CONSULT SVCS	833.00 \$833.00
80464806	101233/	MCGRAW-HILL SCHOOL EDUCATION	155134 PO-150133 1. 01-0600-0-5875-1110-1000-003-1210-00-000 WARRANT TOTAL	84771797001	ALEK 5 MO SUBSCRIPT	27.50 \$27.50

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION	AMOUNT
80464807	009356/	OFFICE DEPOT				
		PO-153083	1. 01-0000-0-4300-1110-1000-000-0000-00-000	753530176001	GT KRAFT PAPER	120.11
		PO-153086	1. 01-0000-0-4300-1110-1000-003-0300-67-000	753814897001	GARCIA CLS SUPPLY	10.78
			1. 01-0000-0-4300-1110-1000-003-0300-67-000	753815125001	GARCIA CLS SUPPLY	46.44
		PO-153087	1. 01-0000-0-4300-1110-1000-003-0300-70-000	754142781001	ULLA CLASS SUPPL	39.97
			1. 01-0000-0-4300-1110-1000-003-0300-70-000	754142980001	ULLA CLASS SUPPL	14.73
		PO-153088	1. 01-0000-0-4300-1110-1000-003-0300-77-000 WARRANT TOTAL	754206145001	PROSCHOLD CLS SUP	61.65
						\$293.68
80464808	081131/	PITNEY BOWES				
		PV-150421	01-0000-0-5902-0000-2700-000-0000-00-000 WARRANT TOTAL	#18005942	POSTAGE	3.90
						\$3.90
80464809	101468/	PROTECH PROJECTION SYSTEMS INC				
		155155	PO-150153 1. 01-5810-0-4400-1110-1000-003-1210-00-000 WARRANT TOTAL	13339	MORGAN DOC CAMERA	585.00
						\$585.00
80464810	101569/	CHERYL ROMIG				
		PV-150422	01-0000-0-4300-1110-1000-002-0000-00-000 WARRANT TOTAL	ROMIG CLASS LIBRARY/SCIENCE		151.15
						\$151.15
80464811	101614/	SIERRA CHILD & FAMILY SERVICES				
		PV-150423	01-6512-0-5811-5770-1120-000-0000-00-000 WARRANT TOTAL	JANUARY COUNSELING SERVICES		1,870.50
						\$1,870.50
80464812	000738/	SIERRA DISPOSAL SERVICE				
		PV-150424	01-0000-0-5560-0000-8100-002-0000-00-000	30861308	SM	564.24
			01-0000-0-5560-0000-8100-003-0000-00-000 WARRANT TOTAL	30860352	GT	564.24
						\$1,128.48
80464813	101394/	SIERRA WEST OFFICIALS ASSOC				
		PV-150425	01-1100-0-5807-1110-4200-003-1206-00-000 WARRANT TOTAL	021615-GTG BASKETBALL OFFICIAT		420.00
						\$420.00

APY250 L.00.04

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 02/19/2015

02/19/15 PAGE 3

DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 5023 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80464814	004234/	SKI AIR INCORPORATED	PV-150426	01-8150-0-5600-0000-8100-000-0000-00-000 WARRANT TOTAL	SW28532 D O HVAC REPAIRS	331.50 \$331.50
80464815	100981/	VERIZON WIRELESS	PV-150427	01-0000-0-5901-0000-3140-000-1210-00-000 01-0000-0-5901-0000-8100-000-1210-00-000 01-5810-0-5901-0000-2700-002-1210-00-000 01-5810-0-5901-0000-2700-003-1210-00-000 WARRANT TOTAL	9734569249 GT NURSE PHONE 9734569249 MAINT CELL PHONES 9734569249 SM CELL PHONES 9734569249 GT CELL PHONES	34.57 34.57 25.19 \$119.52
*** BATCH TOTALS ***			TOTAL NUMBER OF CHECKS:	16	TOTAL AMOUNT OF CHECKS:	\$9,735.40*
			TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$0.00*
			TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$0.00*
*** DISTRICT TOTALS ***			TOTAL NUMBER OF CHECKS:	16	TOTAL AMOUNT OF CHECKS:	\$9,735.40*
			TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$0.00*
			TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$0.00*

APY250 L.00.04

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 5024 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 02/26/2015

02/26/15 PAGE 1

WARRANT REQ#	VENDOR/ADDR REFERENCE	NAME (REMIT) LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
80465706	101412/	CALSTRS/JEM	PV-150428 01-0000-0-5800-0000-7200-000-0000-00-000 WARRANT TOTAL	134905	JANUARY ADMIN FEES	26.00 \$26.00
80465707	000352/	CALTRONICS BUSINESS SYSTEMS	PV-150429 01-0000-0-4300-0000-2700-003-0000-00-000 WARRANT TOTAL	1719389	GT TONER SHIPPING	12.00 \$12.00
80465708	000073/	CHEVRON & TEXACO	PV-150430 01-0000-0-4370-0000-8100-003-0000-00-000 WARRANT TOTAL	6000917515	GT MAINT FUEL	40.16 \$40.16
80465709	101104/	CIT TECHNOLOGY FIN SERV INC	155025 PO-150025 2. 01-1100-0-5600-1110-1000-003-1210-00-000 WARRANT TOTAL	26502853	GT COPIER LEASE	529.76 \$529.76
80465710	003582/	CONFORTI PLUMBING	PV-150431 01-8150-0-5600-0000-8100-003-0000-00-000 01-8150-0-5600-0000-8100-003-0000-00-000 WARRANT TOTAL	B15-131	GT PLUMBING REPAIRS	248.00
				A15-514	GT PLUMBING REPAIRS	150.00 \$398.00
80465711	000126/	EL DORADO COUNTY OFFICE	PV-150432 01-0000-0-5812-0000-7200-000-0000-00-000 WARRANT TOTAL	150632	FNGRPRNT SEP/OCT/NOV 14	36.00 \$36.00
80465712	101640/	LAZEL	155147 PO-150145 1. 01-5810-0-5875-1110-1000-002-1210-00-000 WARRANT TOTAL	4324314	RENEW RAZ-KIDS SOFTWARE	1,104.35 \$1,104.35
80465713	100979/	DANNY LULLA	PV-150433 01-0000-0-4300-1110-1000-003-0104-00-000 01-0000-0-4300-1110-1000-003-0104-00-000 01-0000-0-4300-1110-1000-003-0104-00-000 01-0000-0-4300-1110-1000-003-0104-00-000 WARRANT TOTAL	SUPPLIES - 4TH GR FIELD TRIP MARY'S PIZZA-4TH GR FIELD TRIP SUPPLIES ADVANCE 4TH GR FT MARY'S PIZZA-4TH GR FIELD TRIP	292.58 352.60 400.00- 342.33 \$587.51	

APY250 L.00.04

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 5024 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 02/26/2015

02/26/15 PAGE 2

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80465714	082690/	DEBBI MATYAC	PV-150434	01-0000-0-4300-1110-1000-002-0200-00-000	KINDER FUND RAISER SUPPLIES	135.57
				01-0000-0-4300-1110-1000-002-0200-00-000	KINDER FUND RAISER SUPPLIES	167.84
				01-0000-0-4300-1110-1000-002-0300-51-000	CLASSROOM SUPPLIES	96.63
				01-0000-0-4300-1110-1000-002-0300-51-000	CLASSROOM SUPPLIES	130.40
				WARRANT TOTAL		\$530.44
80465715	101237/	NWN CORPORATION	155146 PO-150144	1. 01-5810-0-4400-0000-7700-000-1210-00-000	IN236313 UPS/BATTERY BACKUP	2,617.64
			155152 PO-150150	1. 01-5810-0-4400-0000-7700-000-1210-00-000	IN235969 RUCKUS ACCESS POINTS	1,128.75
				WARRANT TOTAL		\$3,746.39
80465716	100633/	ORGANIZED SPORTSWEAR	155131 PO-150129	1. 01-0000-0-4300-1110-1000-003-0302-00-000	87178 GT SWEATPANTS	903.00
				WARRANT TOTAL		\$903.00
80465717	000232/	PACIFIC GAS & ELECTRIC COMPANY	PV-150435	01-0000-0-5540-0000-8100-003-0000-00-000	1274317581-7 GT STREET LIGHT	40.29
				WARRANT TOTAL		\$40.29
80465718	011513/	RISO PRODUCTS OF SACRAMENTO	PV-150436	01-0000-0-4300-1110-1000-002-0000-00-000	137962 SM COPIER STAPLES	72.03
				01-1100-0-5600-0000-7200-000-1210-00-000	137614 D O COPIER	909.94
				WARRANT TOTAL		\$981.97
80465719	000895/	SCHOOL SERVICES OF CALIFORNIA	155014 PO-150012	1. 01-0000-0-5800-0000-7200-000-0000-00-000	0100088-IN BUDGET SVCS	53.00
				WARRANT TOTAL		\$53.00
80465720	003679/	SCHOOLS INSURANCE AUTHORITY	PV-150437	01-0000-0-5410-0000-7200-000-0000-00-000	PL2015-050 PROP/LIAB INS 1/2	11,935.50
				01-0000-0-9560-0000-0000-000-0000-00-000	WC2015-42 WRKRS COMP 1/2	20,994.50
				WARRANT TOTAL		\$32,930.00

APY250 L.00.04

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 5024 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 02/26/2015

02/26/15 PAGE 3

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80465721	023212/	SHELL FLEET MANAGEMENT				
		PV-150438	01-0000-0-4370-0000-3600-000-0000-00-000	80 000	6176 5 TRANSP FUEL	51.51
			01-0000-0-4370-0000-8100-003-0000-00-000	80 000	6176 5 GT MAINT FUEL	10.00
			13-5310-0-4370-0000-3700-000-0000-00-000	80 000	6176 5 CAFE FUEL	10.00
			WARRANT TOTAL			\$71.51
80465722	101000/	SIERRA SECURITY & FIRE				
		PV-150439	01-0000-0-5800-0000-8100-002-0000-00-000	701-1375	SM-1ST QTR 2015	105.00
			01-0000-0-5800-0000-8100-002-0000-00-000	701-1375	GT-1ST QTR 2015	105.00
			WARRANT TOTAL			\$210.00
80465723	100580/	STAPLES ADVANTAGE				
		PO-153089	1. 01-0000-0-4400-1110-1000-002-1210-00-000	3256746119	BRUNTS PRINTER	177.38
			WARRANT TOTAL			\$177.38
80465724	101715/	STUDYPAD INC				
		155151	PO-150149 1. 01-5810-0-5875-1110-1000-002-1210-00-000	SM201501280102	SM MATH PGM	1,995.00
			WARRANT TOTAL			\$1,995.00
80465725	101700/	DEBORAH VALLADON-HORNSBY				
		PV-150440	01-0000-0-4300-1110-1000-003-0300-75-000	CLASSROOM SUPPLIES	191.01	
			WARRANT TOTAL			\$191.01
80465726	002823/	WAYNE'S LOCKSMITH SERVICE				
		PV-150441	01-0000-0-4300-0000-8100-002-0000-00-000	11552	SM CONTAINER PADLOCK	16.20
			WARRANT TOTAL			\$16.20
*** BATCH TOTALS ***		TOTAL NUMBER OF CHECKS:	21	TOTAL AMOUNT OF CHECKS:	\$44,579.97*	
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$.00*	
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$.00*	
*** DISTRICT TOTALS ***		TOTAL NUMBER OF CHECKS:	21	TOTAL AMOUNT OF CHECKS:	\$44,579.97*	
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$.00*	
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$.00*	

Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015

**AGENDA ITEM**  
**Consent**

**10.3 Personnel**

**BACKGROUND**

*Hiring*

T. Aguilar, Instructor: Tutorial, effective 2014-15 School Year  
C. Brunts, Instructor: Enrichment, effective 2014-15 School Year  
A. Butler, Instructor: Tutorial, effective 2014-15 School Year  
C. Jackson, Instructor: Tutorial, effective 2014-15 School Year  
N. Kessler, Playground Monitor, 1.0 hours per day, effective February 6, 2015  
S. Meadows, Instructor: Tutorial (Saturday School), effective 2014-15 School Year  
S. Morgan, Instructor: Tutorial, effective 2014-15 School Year  
J. Stigall, Instructor: Tutorial, effective 2014-15 School Year  
B. Thomas, Instructor: Tutorial, effective 2014-15 School Year  
J. Thompson, Maintenance/Custodian, 3.0 hours per day, effective March 5, 2015  
E. Thurlo, Maintenance/Custodian, 3.0 hours per day, effective March 5, 2015  
A. Yost, Instructor: Enrichment/Spelling Bee Grades 7/8, effective 2014-15 School Year

*Resignation*

C. Jackson, Instructor: Enrichment/Spelling Bee Grades 7/8, effective February 9, 2015  
E. Lynch, Teacher (1.0 FTE), effective 2015-16 School Year  
J. Thompson, Custodian, 3.0 hours per day, effective March 4, 2015  
E. Thurlo, Custodian, 3.0 hours per day, effective March 4, 2015

*Resignation*

C. Jackson, Instructor: Enrichment/Spelling Bee Grades 7/8, effective February 9, 2015  
E. Lynch, Teacher (1.0 FTE), effective 2015-16 School Year

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Approve the Action.

**NOTES**

*If pulled from Consent*

<b>ACTION</b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b>Vote</b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM**  
**Consent**

**10.4 Request for Leave of Absence**

**BACKGROUND**

A Garcia, Teacher, requests a .2 FTE leave of absence for the 2015-16 School Year.

**ATTACHMENTS**

➤ **None**

**BUDGETED**

NA      Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Accept the report

**NOTES**

*If pulled from Consent*

<b>ACTION</b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b>Vote</b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM**  
**Consent**

**10.5 Consolidated Application**

**BACKGROUND**

The purpose of this data collection is to collect carryover, make allowable reservations at the LEA level and to determine the amount available for the 2014-15 school-level allocations.

**ATTACHMENTS**

- **Consolidated Application**

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Approve the application.

*If pulled from Consent*

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

## 2014-15 Federal Transferability

Federal transferability is governed by Title VI in ESEA Section 6123. An LEA may transfer a maximum of 50% of any program to other programs. This transferability is not the same as Title VI Subpart 1 REAP Flexibility governed by ESEA Section 6211.

**CDE Program Contact:**

Anne Daniels, Education Data Office, [adaniels@cde.ca.gov](mailto:adaniels@cde.ca.gov), 916-319-0640

Program Improvement Year	0
<b>Title II Part A Transfers</b>	
Title II, Part A entitlement	\$10,714
Transferred to Title I, Part A	\$0

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**California Department of Education**

Gold Trail Union Elementary (09 61887 0000000)

**Consolidated Application**

Status: Certified

Saved by: Wendy Scarlett

Date: 2/22/2015 11:35 AM

**2014-15 Title I, Part A LEA Allocation**

The purpose of this data collection is to calculate the full Title I Part A allocation available to the LEA.

**CDE Program Contact:**Stephanie Smith, Title I Policy & Program Guidance, [SSmith@cde.ca.gov](mailto:SSmith@cde.ca.gov), 916-319-0948Jyoti Singh, Title I Policy & Program Guidance, [jysingh@cde.ca.gov](mailto:jysingh@cde.ca.gov), 916-319-0372

2014-15 Title I, Part A entitlement	\$52,606
Transferred-in amount	\$0
Title I, Part A entitlement after transfers	\$52,606
<b>Note:</b>	
In order for the 2013-14 Carryover amount to be pre-populated, the 2013-14 Title I, Part A Carryover data collection should be completed and saved before beginning data entry.	
2013-14 Carryover	\$0
(Allowable values are the 12 or 15 month 2013-14 carryover. The default value displayed is the 15 month calculated carryover.)	
Repayment of funds	
2014-15 Total allocation	\$52,606
Indirect cost reservation	\$2,327
Administrative reservation	
2014-15 Title I, Part A adjusted allocation	\$50,279
<b>Indirect Cost and Administration Calculation Tool</b>	
To help determine allowable indirect cost and administration reserves, based on your Approved Indirect Cost Rate as defined on <a href="http://www.cde.ca.gov/fg/ac/ic/">http://www.cde.ca.gov/fg/ac/ic/</a> , below are recommended values.	
2014-15 Approved indirect cost rate	4.63%
Maximum allowable indirect cost reservation	\$2,327
Recommended administration reservation	\$5,563

**\*\*\*Warning\*\*\***

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**2014-15 Title I, Part A Reservations, Required**

To report LEA required reservations before distributing funds to schools, and to calculate and report nonprofit private school set-aside values.

**CDE Program Contact:**

Nancy Bodenhausen, Title I Policy & Program Guidance, [NBodenhausen@cde.ca.gov](mailto:NBodenhausen@cde.ca.gov), 916-445-4904  
Lana Zhou, Title I Policy & Program Guidance, [ljzhou@cde.ca.gov](mailto:ljzhou@cde.ca.gov), 916-319-0956

**Nonprofit Private School Equitable Services Percentage Calculation**

Total participating nonprofit school low income students	
Total participating attendance area low income students	
Percent of nonprofit private school low income students for equitable service calculations	0.00%

**Required Reservations**

Title I Part A adjusted allocation	\$50,279
------------------------------------	----------

**Parental Involvement**

Parental involvement (1% of the entitlement plus transfers-in if greater than \$500,000.)	\$0
Supplemental parental involvement (Optional: Additional discretionary set-aside.)	\$50
Nonprofit private school parental involvement set-aside	\$0
Amount remaining	\$50
Public school parental involvement	\$0
Balance available for LEA parental involvement activities	\$50

**Direct and Indirect Services**

Direct or indirect services to homeless children, regardless of their school of attendance	\$100
Homeless services provided (Maximum 500 characters)	Transportation for homeless students
Local neglected institutions	No
Does the LEA have local institutions for neglected children or children currently classified as neglected?	
Direct or indirect services in local institutions for neglected children	
Local delinquent institutions	No
Does the LEA have local institutions for delinquent children?	
Other neglected or delinquent services	

**\*\*\*Warning\*\*\***

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**2014-15 Title I, Part A Reservations, Allowed**

To report LEA allowable reservations before distributing funds to schools, and to calculate and report nonprofit private school set-aside values.

**CDE Program Contact:**

Lana Zhou, Title I Policy & Program Guidance, [Izhou@cde.ca.gov](mailto:Izhou@cde.ca.gov), 916-319-0956  
 Karen Neilsen, Title I Policy & Program Guidance, [KNeilson@cde.ca.gov](mailto:KNeilson@cde.ca.gov), 916-319-0946

**Allowed Reservations****Professional Development for Highly Qualified Teachers and Paraprofessionals**

Professional development for highly qualified teachers and paraprofessionals	
Nonprofit private school equitable services	\$0
Professional development reserved for public schools	\$0

**District-wide Instructional Programs**

District-wide instructional programs (Non-PI activities)	
Nonprofit private school equitable services	\$0
District-wide instructional programs for Title I public schools	\$0

**Other School Programs**

Other school programs Including summer school or intersession programs or before and after school programs.	
Nonprofit private school equitable services	\$0
Other school programs reserved for public schools	\$0

**Other Allowable Reservations**

Salary differentials	
Preschool programs	
Capital expenses for nonprofit private schools	

**Reservation Summary**

Adjusted Allocation	\$50,279
Total required reservations	\$150
Total allowed reservations	\$0
Allocations after reservations	\$50,129
Total nonprofit private school set aside	\$0
Private nonprofit school Parental Involvement set-aside	\$0

**\*\*\*Warning\*\*\***

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**2014-15 Title I, Part A Reservations, Allowed**

To report LEA allowable reservations before distributing funds to schools, and to calculate and report nonprofit private school set-aside values.

**CDE Program Contact:**

Lana Zhou, Title I Policy & Program Guidance, [ljzhou@cde.ca.gov](mailto:ljzhou@cde.ca.gov), 916-319-0956  
Karen Neilsen, Title I Policy & Program Guidance, [KNeilsen@cde.ca.gov](mailto:KNeilsen@cde.ca.gov), 916-319-0946

Public school Parental Involvement set-aside	\$0
Amount available for Title I, Part A school allocations	\$50,129

**\*\*\*Warning\*\*\***

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**2014-15 Title II, Part A LEA Allocations and Reservations**

The purpose of this data collection is to calculate the total allocation amount available to the LEA for Title II Part A Teacher & Principal Training & Recruiting, and to report required reservations.

**CDE Program Contact:**

Jackie Rose, Title II Leadership, [jrose@cde.ca.gov](mailto:jrose@cde.ca.gov), 916-322-9503  
Juan J. Sanchez, Section 2141 Contact, [jsanchez@cde.ca.gov](mailto:jsanchez@cde.ca.gov), 916-319-0452

2014-15 Title II Part A entitlement	\$10,714
Total funds transferred out of Title II, Part A	\$0
Total entitlement after transfers	\$10,714
2013-14 Carryover (as of 06/30/14)	\$0
Repayment of funds	
Repayment comment	
Provide an explanation of why repayment dollars were added back to the allocation	
2014-15 Allocation	\$10,714
Administrative and indirect costs	\$475
Title II Part A adjusted allocation	\$10,239
Funds available for flexible use under REAP	\$10,714
Budgeted REAP funds	

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**2014-15 Title III, Part A Immigrant LEA Allocations**

The purpose of this data collection is to calculate the total allocation amount available to the LEA for Title III Part A Immigrant, and to report required reservations.

**CDE Program Contact:**

Patty Stevens, Title III Language Policy & Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838

2014-15 Title III, Part A Immigrant entitlement	\$186
2013-14 Carryover (As of June 30, 2014)	
Repayment of funds	
2014-15 Allocation	\$186
Administrative and indirect costs	\$0
2014-15 Adjusted allocation	\$186
General comment (Maximum 500 characters)	

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

## 2014-15 Title III, Part A Immigrant YTD Expenditure Report, 6 Months

A report of year-to-date expenditures by activity. Activity period covered is July 1, 2014 through December 31, 2014.

### CDE Program Contact:

Patty Stevens, Title III Language Policy & Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838  
 Geoffrey Ndirangu, Language Policy & Leadership Office, [gndirang@cde.ca.gov](mailto:gndirang@cde.ca.gov), 916-323-5831

### Approved Immigrant Sub-grantee Activities

#### (e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH-

(1) IN GENERAL-An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include-

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth

(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

2014-15 Title III, Part A Immigrant entitlement	\$186
<b>Object Code - Activity</b>	
1000-1999 Certificated personnel salaries	\$0
2000-2999 Classified personnel salaries	\$0
3000-3999 Employee benefits	\$0
4000-4999 Books and supplies	\$186
5000-5999 Services and other operating expenditures	\$0
Administrative and indirect costs	\$0
Total year-to-date expenditures	\$186
2014-15 Unspent funds	\$0
General comment (Maximum 500 characters)	

#### \*\*\*Warning\*\*\*

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**California Department of Education**

Gold Trail Union Elementary (09 61887 0000000)

**Consolidated Application**Status: Certified  
Saved by: Wendy Scarlett  
Date: 2/22/2015 11:25 AM**2014-15 Title I, Part A Notification of Authorization of School Wide Program**

This report provides notification to the California Department of Education of a school's eligibility and local board approval to operate under and report as School Wide Program

**CDE Program Contact:**Franco Rozic, Title I Monitoring & Support, [frozic@cde.ca.gov](mailto:frozic@cde.ca.gov), 916-319-0269**Note:**

In order for CDE program staff to have visibility to all SWP authorized schools, it is important to have an Authorized Representative certify this Notification of Authorization data collection after a change is made.

School Name	School Code	Authorized	Local Board Approval Date (ex. 04/30/2014)	SIG Approval Date (ex. 04/30/2014)	Poverty Level %
Gold Trail	6005516	N			
Sutters Mill	6110167	N			

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**2013-14 Economic Impact Aid Carryover**

Funds allocated as Economic Impact Aid must be used as originally purposed for English learners and educationally disadvantaged youth. The categorical intent continues to be in effect for funds previously allocated. The purpose of this data collection is to identify carryover funds for fiscal year 2014-15 use.

**CDE Program Contact:**Mark Klinesteker , EIA / SCE, [mklinesteker@cde.ca.gov](mailto:mklinesteker@cde.ca.gov), 916-319-0256Sonia Petrozello , EIA / LEP, [SPetrozello@cde.ca.gov](mailto:SPetrozello@cde.ca.gov), 916-319-0950

<b>Note: Carryover reported below will be used to determine 2014-15 Economic Impact Aid school allocations.</b>	
Economic Impact Aid carryover (Amount should include all prior fiscal year unspent funds.)	\$0

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**2013-14 Title I Part A Carryover**

Report only expenditures for fiscal year 2013-14 allocation to determine funds to be carried over to fiscal year 2014-15.

**CDE Program Contact:**

Jyoti Singh, Title I Policy & Program Guidance, [jysingh@cde.ca.gov](mailto:jysingh@cde.ca.gov), 916-319-0372

Rina DeRose-Swinstoe, Title I Policy & Program Guidance, [RDeroseswinstoe@cde.ca.gov](mailto:RDeroseswinstoe@cde.ca.gov), 916-323-0472

**2013-14 Carryover Calculation**

2013-14 Title I Part A Entitlement	\$29,011
Transferred in	\$0
Title I Part A available allocation	\$29,011
Expenditures and obligations from July 1, 2013 through June 30, 2014 (12 Months)	\$29,011
Carryover as of June 30, 2014	\$0
Carryover percent as of June 30, 2014	0.00%
Expenditures and obligations from July 1, 2013 through September 30, 2014 (15 Months)	\$29,011
Carryover as of September 30, 2014	\$0
Carryover percent as of September 30, 2014	0.00%

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**2012-13 Title II, Part A Fiscal Year Expenditure Report, 27 Months**

A report of year-to-date expenditures and encumbrances by activity. Activity period covered is July 1, 2012 through September 30, 2014.

**CDE Program Contact:**

Jackie Rose, Title II Leadership, [jrose@cde.ca.gov](mailto:jrose@cde.ca.gov), 916-322-9503

2012-13 Title II, Part A entitlement	\$11,249
--------------------------------------	----------

**Professional Development Expenditures**

Professional development for teachers	\$9,974
Professional development for administrators	\$309
Subject matter project	
Other professional development expenditures	

**Exams and Test Preparation Expenditures**

Exam fees, reimbursement	
Test preparation training and or materials	
Other exam and test preparation expenditures	

**Recruitment, Training, and Retaining Expenditures**

Recruitment activities	
Hiring incentive and or relocation allotment	
National Board Certification and or stipend	
Verification process for special settings (VPSS)	
University course work	
Other recruitment training and retaining expenditures	

**Miscellaneous Expenditures**

Class size reduction	
Administrative and indirect costs	\$966
Title VI, Part B Subpart 1 REAP	
Funds used for flexible use under REAP	
Total funds transferred to Title I, Part A	
Other allowable expenditures or encumbrances	
Total expenditures and encumbrances	\$11,249
2012-13 Unspent Funds	\$0
Note: CDE will invoice the LEA for the amount of 2012-13 unspent funds.	
General Comment (Maximum 500 characters)	

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**AGENDA ITEM**  
**Consent**

**10.6 Resolution 2014-15: 03-01: Resolution to Employ Short Term Classified Support**

**BACKGROUND**

The Board will adopt the Resolution allowing an increase for short term classified support for the 2014-15 school year only.

**ATTACHMENTS**

➤ **Resolution 2014-15: 03-01: Resolution to Employ Short Term Classified Support**

**BUDGETED**

NA      Yes       No       Cost Analysis Follows

**RECOMMENDATION**

The Board will adopt the resolution.

*If pulled from Consent*

<b>ACTION</b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

**Gold Trail Union School District**  
**Resolution 2014-15: 03-01**  
**RESOLUTION TO EMPLOY SHORT TERM CLASSIFIED SUPPORT**

**WHEREAS**, Gold Trail Union School District, County of El Dorado, State of California, is duly authorized and existing under the law of said state; and

**WHEREAS**, school districts are authorized by Education code section 45103 to utilize "short-term employees" when required; and

**WHEREAS**, "short-term employee" means any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis; and

**WHEREAS**, before employing a short-term employee, the Governing Board, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of "classification" in subdivision (a) of Section 45101, and shall certify the ending date of the service; and

**WHEREAS**, the ending date may be shortened or extended by the Governing Board, but shall not extend beyond 75 percent of a school year; that "seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation and other leaves of absence, irrespective of number of hours worked per day; and

**WHEREAS**, this section shall apply only to districts not incorporating the merit system as outlined in Article 6 (commencing with Section 45240).

**WHEREAS**, it is advantageous to support individual students' needs;

**THEREFORE, BE IT RESOLVED** that the Governing Board hereby authorizes the Superintendent to add the following short-term classified support:

Position :

Instructional Aide (1.0 hours per day)

March 6, 2015 through May 28, 2015 (no more than 32%)

**ADOPTED** by the Governing Board of Gold Trail Union School District on November 6, 2014 by the following vote:

Ayes [ ]      Noes [ ]      Absent [ ]    Abstain [ ]

---

Julie Bauer, President

**AGENDA ITEM**  
**Consent**

**10 .7 Second Reading and Adoption of Board Policies, Administrative Regulations and Board Bylaws**

**BACKGROUND**

The following Board policies and administrative regulations are brought before the Board for second reading and adoption.

**ATTACHMENTS**

➢ AR 4161.9, AR 4261.9, AR 4361.9, Catastrophic Leave Program

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

The Board will adopt the roster as presented.

*If pulled from Consent*

<b>ACTION</b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

# Gold Trail Union SD

## Administrative Regulation

### Catastrophic Leave Program

AR 4161.9

#### Personnel

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

#### Catastrophic Leave Bank

The district shall operate a voluntary Catastrophic Leave Bank, open to all participating employees of the district. Catastrophic leave shall only be available to participants of the bank. Days in the Catastrophic Leave Bank shall accumulate from year to year.

Immediate family members, for the purpose of Catastrophic Leave, means the employee's spouse, mother, father, grandmother, grandfather, grandchildren, son, son-in-law, daughter, daughter-in-law, brother, sister, aunt, uncle, niece, nephew, or any person living in the immediate household of the employee.

The Catastrophic Leave Bank shall be administered by a committee comprised of two members from each the certificated employee group, two members from the classified employee group, one member from the confidential employee group, and one member (non-voting) from administration. The applicant is not eligible to be a member of the committee. Except for administration, all other Committee members must be participants in the program. If there are not enough program participants to fill any of these committee positions, then non program participants can serve in a non-voting capacity. The District administrator of the bank will be present at the committee meeting for informational purposes only, and will not be a voting member. Once convened, the committee members will serve for the entire school year.

#### Eligibility and Contributions

1. All employees on active duty with the district are eligible to contribute to the Catastrophic Leave Bank 8 hours of accrued sick leave. Such time shall be donated in 8 hour

increments from the employee's accrued sick leave. A window period will commence each year, running from July 1st through October 31st, during which time employees may opt to participate in the leave bank. Those employees joining the Catastrophic Leave Bank for the first time, those returning from leave, or newly hired unit members who wish to contribute to the bank shall be required to contribute 8 hours to the bank.

2. Participation is voluntary, but requires contribution to the bank. Only contributors will be permitted to withdraw from the bank.

3. All transfers of accumulated sick leave are irrevocable and binding.

4. An additional eight hours of contribution will be required of participants if the number of hours in the bank falls below 240. Leave Bank participant who are drawing from the bank at the time of the assessment will not be required to contribute to remain eligible, nor shall participants who have exhausted their accumulated and annual sick leave. Should the Leave Bank run out of hours, the program shall be discontinued.

Employees applying to withdraw from the bank will be required to submit to the Superintendent a doctor's statement indicating the nature of the illness or injury and the probable length of absence. Employees will also be required to sign a form authorizing release of necessary medical information. Information regarding the nature of the illness will be kept confidential.

No employee shall withdraw more than 800 hours from the bank for any illness or injury.

Withdrawal from the bank may not be denied on the basis of the type of illness or injury.

Denial of a withdrawal from the bank shall not be subject to the grievance procedure.

Regulation    GOLD TRAIL UNION SCHOOL DISTRICT  
approved: April 12, 2007    Placerville, California

# Gold Trail Union SD

## Administrative Regulation

### Catastrophic Leave Program

AR 4261.9  
**Personnel**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

#### Catastrophic Leave Bank

The district shall operate a voluntary Catastrophic Leave Bank, open to all participating employees of the district. Catastrophic leave shall only be available to participants of the bank. Days in the Catastrophic Leave Bank shall accumulate from year to year.

Immediate family members, for the purpose of Catastrophic Leave, means the employee's spouse, mother, father, grandmother, grandfather, grandchildren, son, son-in-law, daughter, daughter-in-law, brother, sister, aunt, uncle, niece, nephew, or any person living in the immediate household of the employee.

The Catastrophic Leave Bank shall be administered by a committee comprised of two members from each the certificated employee group, two members from the classified employee group, one member from the confidential employee group, and one member (non-voting) from administration. The applicant is not eligible to be a member of the committee. Except for administration, all other Committee members must be participants in the program. If there are not enough program participants to fill any of these committee positions, then non program participants can serve in a non-voting capacity. The District administrator of the bank will be present at the committee meeting for informational purposes only, and will not be a voting member. Once convened, the committee members will serve for the entire school year.

#### Eligibility and Contributions

1. All employees on active duty with the district are eligible to contribute to the

Catastrophic Leave Bank 8 hours of accrued sick leave. Such time shall be donated in 8 hour increments from the employee's accrued sick leave. A window period will commence each year, running from July 1st through October 31st, during which time employees may opt to participate in the leave bank. Those employees joining the Catastrophic Leave Bank for the first time, those returning from leave, or newly hired unit members who wish to contribute to the bank shall be required to contribute 8 hours to the bank.

2. Participation is voluntary, but requires contribution to the bank. Only contributors will be permitted to withdraw from the bank.
3. All transfers of accumulated sick leave are irrevocable and binding.
4. An additional eight hours of contribution will be required of participants if the number of hours in the bank falls below 240. Leave Bank participant who are drawing from the bank at the time of the assessment will not be required to contribute to remain eligible, nor shall participants who have exhausted their accumulated and annual sick leave. Should the Leave Bank run out of hours, the program shall be discontinued.

Employees applying to withdraw from the bank will be required to submit to the Superintendent a doctor's statement indicating the nature of the illness or injury and the probable length of absence. Employees will also be required to sign a form authorizing release of necessary medical information. Information regarding the nature of the illness will be kept confidential.

No employee shall withdraw more than 800 hours from the bank for any illness or injury.

Withdrawal from the bank may not be denied on the basis of the type of illness or injury.

Denial of a withdrawal from the bank shall not be subject to the grievance procedure.

Regulation    GOLD TRAIL UNION SCHOOL DISTRICT  
approved: April 12, 2007    Placerville, California

# Gold Trail Union SD

## Administrative Regulation

### Catastrophic Leave Program

AR 4361.9

#### Personnel

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

#### Catastrophic Leave Bank

The district shall operate a voluntary Catastrophic Leave Bank, open to all participating employees of the district. Catastrophic leave shall only be available to participants of the bank. Days in the Catastrophic Leave Bank shall accumulate from year to year.

Immediate family members, for the purpose of Catastrophic Leave, means the employee's spouse, mother, father, grandmother, grandfather, grandchildren, son, son-in-law, daughter, daughter-in-law, brother, sister, aunt, uncle, niece, nephew, or any person living in the immediate household of the employee.

The Catastrophic Leave Bank shall be administered by a committee comprised of two members from each the certificated employee group, two members from the classified employee group, one member from the confidential employee group, and one member (non-voting) from administration. The applicant is not eligible to be a member of the committee. Except for administration, all other Committee members must be participants in the program. If there are not enough program participants to fill any of these committee positions, then non program participants can serve in a non-voting capacity. The District administrator of the bank will be present at the committee meeting for informational purposes only, and will not be a voting member. Once convened, the committee members will serve for the entire school year.

#### Eligibility and Contributions

1. All employees on active duty with the district are eligible to contribute to the Catastrophic Leave Bank 8 hours of accrued sick leave. Such time shall be donated in 8 hour

increments from the employee's accrued sick leave. A window period will commence each year, running from July 1st through October 31st, during which time employees may opt to participate in the leave bank. Those employees joining the Catastrophic Leave Bank for the first time, those returning from leave, or newly hired unit members who wish to contribute to the bank shall be required to contribute 8 hours to the bank.

2. Participation is voluntary, but requires contribution to the bank. Only contributors will be permitted to withdraw from the bank.

3. All transfers of accumulated sick leave are irrevocable and binding.

4. An additional eight hours of contribution will be required of participants if the number of hours in the bank falls below 240. Leave Bank participant who are drawing from the bank at the time of the assessment will not be required to contribute to remain eligible, nor shall participants who have exhausted their accumulated and annual sick leave. Should the Leave Bank run out of hours, the program shall be discontinued.

Employees applying to withdraw from the bank will be required to submit to the Superintendent a doctor's statement indicating the nature of the illness or injury and the probable length of absence. Employees will also be required to sign a form authorizing release of necessary medical information. Information regarding the nature of the illness will be kept confidential.

No employee shall withdraw more than 800 hours from the bank for any illness or injury.

Withdrawal from the bank may not be denied on the basis of the type of illness or injury.

Denial of a withdrawal from the bank shall not be subject to the grievance procedure.

Regulation    GOLD TRAIL UNION SCHOOL DISTRICT  
approved: April 12, 2007    Placerville, California

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 11.0**

**ACTION ITEM: First Reading of Board Policies, Administrative Regulations and Board Bylaws**

**BACKGROUND**

The District receives from the California School Boards Association (CSBA) periodic updates of Policies, Regulations and Bylaws that reflect current law and court decisions. The following Board policies and administrative regulations are brought before the Board for first reading.

**ATTACHMENTS**

- BP/AR 0420.1, School Based Program Coordination (BP/AR Deleted)
- BP/AR 0440, District Technology Plan (BP/AR Revised)
- AR 1220, Citizen Advisory Committees (AR Revised)
- BP/AR 1240, Volunteer Assistance (BP/AR Revised)
- BP/AR 3100, Budget (BP/AR Revised)
- AR 4112.4/4212.4/4312.4, Health Examinations (AR Revised)
- AR/E 4112.5/4212.5/4312.5, Criminal Record Check (AR Revised/E Added)
- AR/E 4112.62/4212.62/4312.62, Maintenance of Criminal Offender Records (AR/E Deleted)
- AR 4117.4, Dismissal (AR Deleted)
- BP/AR 4118, Dismissal/Suspension/Disciplinary Action (BP/AR Revised)
- BP 4121, Temporary/Substitute Personnel (BP Revised)
- AR 4161.1/4361.1, Personal Illness/Injury Leave (AR Revised)
- AR 4161.2/4261.2/4361.2, Personal Leaves (AR Revised)
- AR 4261.1, Personal Illness/Injury Leave (AR Revised)
- BP/AR 5125, Student Records (BP/AR Revised)

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

The Board will adopt the roster for first reading.

**NOTES**

<b><i>ACTION</i></b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b><i>Vote</i></b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

## CSBA POLICY GUIDESHEET

### **BP/AR 0420.1 - School-Based Program Coordination**

(BP/AR deleted)

Policy and regulation deleted since School-Based Program Coordination was effectively eliminated by the local control funding formula (LCFF).

### **BP/AR 0440 - District Technology Plan**

(BP/AR revised)

Policy contains updated information about the status of state and federal grant programs requiring technology plans, provides for the district's plan to cover a three-year period consistent with California Department of Education (CDE) criteria, and adds language on ensuring the confidentiality of student and staff records.

Regulation updated to reflect new criteria for technology plans adopted by CDE in November 2014 and optional component on noninstructional uses of technology.

### **AR 1220 - Citizen Advisory Committees**

(AR revised)

Regulation updates section on "Committees Subject to Brown Act Requirements" to include the local control and accountability plan (LCAP) parent advisory committee and English learner parent advisory committee. Section on "Committees Not Subject to Brown Act Requirements" revised to delete references to committees for certain categorical programs based on the redirection of categorical program funding into the LCFF and/or **NEW LAW (SB 971)** which repealed provisions of law requiring those committees.

### **BP/AR 1240 - Volunteer Assistance**

(BP/AR revised)

Policy updated to add optional section on workers' compensation for volunteers and to reflect **NEW LAW (AB 1443)** which prohibits harassment of unpaid interns and volunteers. Policy also revised to delete material on options for volunteers working in a student activity program to obtain fingerprint clearance or an Activity Supervisor Clearance Certificate, as this issue is addressed in AR.

Regulation updated to reflect law allowing principal to grant permission for a sex offender to volunteer at a school if all parents/guardians are notified at least 14 days in advance. Section on "Criminal Background Check" adds optional language for district to give volunteers working in a student activity program the discretion to choose whether to obtain fingerprint clearance or obtain an Activity Supervisor Clearance Certificate. Regulation also reflects **NEW LAW (AB 1667)** which requires volunteers instructing or supervising students to complete a tuberculosis risk assessment and provides that a tuberculin skin test will only be necessary if risk factors are identified.

### **BP/AR 3100 - Budget**

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2585)** which eliminates the option to develop the district budget using the "dual budget" process and to include material formerly in AR which addresses board responsibilities related to budget adoption and review. Section on "Budget Criteria and Standards" updated to reflect **NEW TITLE 5 REGULATIONS** (Register 2015, No. 2) which address the calculation of "increased and improved services" for LCFF expenditures and to reflect **NEW LAW (SB 858)** which limits the maximum amount of funds that may be held in district reserves and ending balances under certain conditions.

Regulation updated to reflect **NEW LAW (AB 2585)** which eliminates the option to develop the district budget using the "dual budget" process, specifies information that must be provided for the public hearing if the budget proposes to have an ending fund balance in excess of the minimum recommended reserve, and

requires submission of information to the county superintendent regarding any ending fund balance in excess of the minimum recommended reserve.

#### **AR 4112.4/4212.4/4312.4 - Health Examinations**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1667)** which requires employees to complete a tuberculosis risk assessment and provides that a tuberculin skin test will only be necessary if risk factors are identified. Regulation also adds language on tuberculosis risk assessment/examination requirements for school bus drivers when the district contracts for transportation services and clarifies allowable exemptions from the tuberculosis risk assessment/examination requirements.

#### **AR/E 4112.5/4212.5/4312.5 - Criminal Record Check**

(AR revised; E added)

AR 4112.5/4312.5 - Criminal Record Check (certificated) and AR 4212.5 - Criminal Record Check (classified) consolidated and triple coded. Regulation deletes references to outdated process based on fingerprint identification cards, reflects law requiring the district to notify the Department of Justice (DOJ) when an applicant/employee whose fingerprints are maintained by DOJ is not hired or is terminated, and reflects law requiring the district to notify an applicant/employee when it receives notification from DOJ of the applicant/employee's criminal record. Section on "Maintenance of Records" revised to reflect **NEW LAW (SB 1461)** which deletes requirement to annually notify DOJ of the identity of the custodian of records.

Exhibit renumbered and retitled from E 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records.

#### **AR/E 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records**

(AR/E deleted)

Regulation deleted and concepts moved into AR 4112.5/4212.5/4312.5 - Criminal Record Check.

Exhibit renumbered and retitled as E 4112.5/4212.5/4312.5 - Criminal Record Check.

#### **AR 4117.4 - Dismissal**

(AR deleted)

Regulation deleted and concepts moved into BP/AR 4118 - Dismissal/Suspension/Disciplinary Action.

#### **BP/AR 4118 - Dismissal/Suspension/Disciplinary Action**

(BP/AR revised)

Policy retitled and updated to include board actions related to the dismissal of certificated employees, formerly in AR 4117.4 - Dismissal. Policy reflects **NEW LAW (AB 215)** which allows notice of the board's intent to suspend or dismiss an employee to be given to the employee at any time of year except when the charge is unsatisfactory performance, requires any notice given outside of the instructional year to be served personally upon the employee, and addresses notification of an employee charged with egregious misconduct.

Regulation retitled and updated to include requirements related to the dismissal of certificated employees, formerly in AR 4117.4 - Dismissal. Regulation reflects **NEW LAW (AB 215)** which amends the causes for which a certificated employee may be suspended or dismissed, establishes an alternative procedure for charges related solely to egregious misconduct, and amends the list of mandatory leave of absence offenses.

#### **BP 4121 - Temporary/Substitute Personnel**

(BP revised)

Policy updated to reflect **NEW LAW (AB 1522)** which requires districts to grant paid sick leave to all employees who work 30 or more days per year, including temporary and substitute employees, unless the district has adopted a collective bargaining agreement that expressly provides paid sick leave for such employees and contains additional specified provisions.

**AR 4161.1/4361.1 - Personal Illness/Injury Leave**

(AR revised)

Mandated regulation updated to reflect **NEW LAW (AB 1522)** which requires districts to grant paid sick leave to all employees who work 30 or more days per year, unless the district's collective bargaining agreement contains specified provisions. Regulation also reflects provisions of AB 1522 which expand the allowable uses of sick leave to include (1) diagnosis, care, or treatment of an existing health condition, or preventive care, for an employee or his/her family member (defined to include registered domestic partner and sibling) and (2) the need of an employee who has been the victim of domestic violence, sexual assault, or stalking to seek any relief or medical attention for himself/herself or his/her child.

**AR 4161.2/4261.2/4361.2 - Personal Leaves**

(AR revised)

Mandated regulation updated to reflect **NEW LAW (AB 1522)** which requires districts to allow an employee who has been the victim of domestic violence, sexual assault, or stalking to use sick leave to seek any relief or medical attention for himself/herself or his/her child. Section on "Leaves for Victims of Domestic Violence and Sexual Assault," which prohibits adverse employment action against employees taking leave who are victims of domestic violence and sexual assault, expanded to include employees who are victims of stalking. Section on "Leave for Emergency Duty" updated to reflect law allowing employees who are reserve peace officers and emergency rescue personnel to take up to 14 days of leave per calendar year to receive training.

**AR 4261.1 - Personal Illness/Injury Leave**

(AR revised)

Mandated regulation updated to reflect **NEW LAW (AB 1522)** which requires districts to grant paid sick leave to all employees who work 30 or more days per year and expands purposes for sick leave, as described above for BP 4121 - Temporary/Substitute Personnel and AR 4161.1/4361.1 - Personal Illness/Injury Leave.

**BP/AR 5125 - Student Records**

(BP/AR revised)

Mandated policy updated to reflect **NEW LAW (AB 1442)** which requires districts to notify students and parents/guardians and provide an opportunity for public input before adopting a program to gather or maintain safety-related information from students' social media activity. Policy also reflects **NEW LAW (SB 1177)** which, effective January 1, 2016, will prohibit an online/mobile operator from selling or disclosing student information or using student information to target advertising or amass a profile about a student. Policy reflects **NEW LAW (AB 1584)** which mandates districts entering into a contract with a third party for the digital storage, management, and retrieval of student records to adopt policy allowing such contracts.

Mandated regulation reflects **NEW LAW (AB 2160)** which requires districts to submit the grade point average of all 12th-graders to the Cal Grant program unless a student opts out, and **NEW LAW (AB 1068, 2013)** which authorizes the disclosure of records to students age 14 years and older who are homeless and unaccompanied minors, persons who complete a caregiver's authorization affidavit, and caseworkers or other agency representatives legally responsible for the care and protection of a student. New section added to reflect requirements of **NEW LAW (AB 1442)** for districts that choose to adopt a program to gather or maintain information from students' social media activity related to school or student safety.

**DISTRICT TECHNOLOGY PLAN**

Note: The following **optional** policy may be revised to reflect district practice. Education Code 51871.5 requires an approved technology plan as a precondition for any technology grant program administered by the California Department of Education (CDE). In developing or revising a plan, districts may use the Technology Plan Builder available on the CDE's web site.

However, several state and federal grant programs no longer exist or no longer require the development of a technology plan. AB 97 (Ch. 47, Statutes of 2013) redirected funding for the California Technology Assistance Project and Statewide Education Technology Services into the local control funding formula. The state Education Technology K-12 Voucher Program, which resulted from the settlement agreement between California consumers and the Microsoft Corporation in Microsoft Cases, J.C.C.P. No. 4106, Superior Court of California, County of San Francisco, Department 305, is no longer awarding new grants, except that the possibility for future grant funding exists as long as funds remain from local educational agencies not using the funds allocated to them for this program. In addition, new funding is no longer available through the federal Enhancing Education Through Technology grant program. Funding for universal service discounts (E-rate) (47 USC 254; 47 CFR 54.500-54.523) continues to be available but, pursuant to the E-rate Modernization Order adopted by the Federal Communications Commission on July 11, 2014, districts will no longer be required to develop a technology plan as part of the E-rate application for any services beginning in funding year 2015.

Regardless of whether or not the district needs a technology plan in order to apply for a grant, the CDE, in its California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, strongly encourages districts to develop and have a comprehensive technology plan approved by the Governing Board or district administration.

The Governing Board recognizes that technological resources can enhance student achievement by increasing student access to information, supporting teacher effectiveness, and facilitating the administration of student assessments. Effective use of technology can also increase the efficiency of the district's noninstructional operations and governance.

*(cf. 6162.51 - State Academic Achievement Tests)*

Note: Although Education Code 51871.5 requires districts to have a three- to five-year technology plan as a precondition of receiving a technology grant administered by the CDE, the CDE's California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, available on its web site, calls for a three-year plan.

The Superintendent or designee shall develop, for Board approval, a comprehensive three-year technology plan based on an assessment of current uses of technology in the district and an identification of future needs. The Superintendent or designee may appoint an advisory committee consisting of a variety of staff and community stakeholders to assist with the development of the technology plan.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9140 - Board Representatives)*

## **DISTRICT TECHNOLOGY PLAN (continued)**

The plan shall be integrated into the district's vision and goals for student learning and shall contain research-based strategies and methods for the effective use of technology. When required for state or federal grant programs in which the district participates, the plan shall also address all components required for receipt of such grants.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 6000 - Concepts and Roles)*

The Superintendent or designee shall ensure that any use of technological resources in the district protects the private and confidential information of students and employees in accordance with law.

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

*(cf. 5125 - Student Records)*

*Legal Reference: (see next page)*

## DISTRICT TECHNOLOGY PLAN (continued)

### *Legal Reference:*

*BUSINESS AND PROFESSIONS CODE*  
22584-22585 *Student Online Personal Information Protection Act*  
*EDUCATION CODE*  
10550-10555 *Telecommunications standards*  
11800 *K-12 High Speed Network grant program*  
49060-49085 *Student records*  
51006 *Computer education and resources*  
51007 *Programs to strengthen technological skills*  
51865 *California distance learning policy*  
51870-51871.5 *Educational technology planning*  
60010 *Instructional materials, definition*  
66940 *Distance learning*  
*PENAL CODE*  
502 *Computer crimes, remedies*  
*UNITED STATES CODE, TITLE 20*  
1232g *Family Educational Rights and Privacy Act*  
1232h *Protection of Pupil Rights Amendment*  
*UNITED STATES CODE, TITLE 47*  
254 *Universal service discounts (E-rate)*  
*CODE OF FEDERAL REGULATIONS, TITLE 16*  
Part 312 *Children's Online Privacy Protection Rule*  
*CODE OF FEDERAL REGULATIONS, TITLE 34*  
Part 99 *Family Educational Rights and Privacy*  
*CODE OF FEDERAL REGULATIONS, TITLE 47*  
54.500-54.523 *Universal service support for schools*

### *Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*  
*California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, November 2014*  
*Empowering Learning: A Blueprint for California Education Technology 2014-2017, April 2014*  
*FEDERAL COMMUNICATIONS COMMISSION PUBLICATIONS*  
*E-rate Modernization Order, July 11, 2014*  
*WEB SITES*  
CSBA: <http://www.csba.org>  
California Department of Education, Education Technology Office: <http://www.cde.ca.gov/ls/et>  
California Educational Technology Professionals Association: <http://www.cetpa.net>  
Computer-Using Educators: <http://www.cue.org>  
Federal Communications Commission: <http://www.fcc.gov>  
ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>  
Technology Information Center for Administrative Leadership: <http://www.portical.org>

**DISTRICT TECHNOLOGY PLAN**

Note: Education Code 51871.5 requires an approved technology plan for any education technology grant program administered by the California Department of Education (CDE). Items #1-5 below reflect the major criteria considered by CDE in its review of district technology plans, as updated in November 2014. A template for plan development and guiding questions related to each criterion are included in the CDE's [California K-12 Education Technology Plan Template, Criteria, and Guiding Questions](#), available on its web site.

Districts that are not applying for any grant program that requires adoption of a technology plan may revise the following administrative regulation to reflect district practice.

The district's technology plan shall address, at a minimum, the following components:

1. Background Information: A guide to the district's use of technology for the next three years, including:
  - a. Specific starting and ending dates of the plan
  - b. An overview of the district's location and demographics
  - c. A description of how stakeholders from the district and community were involved in the planning process
  - d. A description of the relevant research behind the strategies and/or methods in the plan and how the research supports the plan's curricular and professional development goals
2. Curriculum: Clear goals and realistic strategies for using telecommunications and information technology to improve educational services, including:
  - a. A description of teachers' and students' current access to instructional technology and current use of digital tools, including district policies or practices to ensure equitable technology access for all students
  - b. Goals and an implementation plan, including annual activities, for:
    - (1) How technology will be used to improve teaching and learning, how these goals align with district curricular goals and other plans, how the district budget and local control and accountability plan support these goals, and whether future funding proposals or partnerships may be needed for successful implementation
    - (2) How and when students will acquire the technology skills and information literacy skills needed for college and career readiness

## DISTRICT TECHNOLOGY PLAN (continued)

(3) Internet safety and the appropriate and ethical use of technology in the classroom

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

*(cf. 6163.4 - Student Use of Technology)*

3. Professional Development: A professional development strategy to ensure that staff understands how to use new technologies to improve education services, including:

- a. A summary of teachers' and administrators' current technology proficiency and integration skills and needs for professional development
- b. Goals and an implementation plan, including annual activities, for providing professional development opportunities based on district needs assessment data and the curriculum component of the technology plan

*(cf. 4040 - Employee Use of Technology)*

*(cf. 4131 - Staff Development)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

4. Infrastructure, Hardware, Technical Support, Software, and Asset Management: An assessment of the telecommunication services, hardware, software, asset management, and other services that will be needed to improve education services, including:

- a. A description of existing hardware, Internet access, electronic learning resources, technical support, and asset management in the district
- b. A description of technology hardware, electronic learning resources, networking and telecommunications infrastructure, physical plant modifications, technical support, and asset management needed by district teachers, students, and administrators to support the activities in the curriculum and professional development components of the plan

## DISTRICT TECHNOLOGY PLAN (continued)

*(cf. 3100 - Budget)*

*(cf. 7000 - Facilities Master Plan)*

5. Monitoring and Evaluation: An evaluation process that enables the school to monitor progress toward the specific goals and mid-course corrections in response to new developments and opportunities as they arise, including:
  - a. The process for evaluating the plan's overall progress and impact on teaching and learning
  - b. The schedule for evaluating the effect of plan implementation and a description of the process and frequency of communicating evaluation results to technology plan stakeholders

*(cf. 0500 - Accountability)*

Note: Items #6-7 below are not included in CDE's criteria for the review of technology plans and may be revised to reflect district practice.

Among the technological tools available to facilitate governance and management are CSBA's GAMUT Online, a service which provides online access to CSBA's sample board policies as well as the hosting of the district's local policies. In addition, CSBA offers Agenda Online, a service that allows development of and access to Governing Board meeting agendas and materials from any computer with Internet access.

6. Noninstructional Uses of Technology: A description of how technology will be used to improve district governance, district and school site administration, support services, and communications

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

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

*(cf. 3580 - District Records)*

7. Cost: An estimate of the cost for each year of the plan and each of its major components

**CITIZEN ADVISORY COMMITTEES**

**Note:** The following **optional** administrative regulation may be modified to reflect district practice.

**Committee Charge**

When committees are appointed, committee members shall receive written information including, but 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

Members of advisory committees are not vicariously liable for injuries caused by the act or omission of the district or a committee and are not liable for injuries caused by an act or omission of a committee member acting within the scope of his/her role as a member of the committee. However, a member may be liable for injury caused by his/her own wrongful conduct. (Government Code 815.2, 820.9)

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3530 - Risk Management/Insurance)*

**Committees Subject to Brown Act Requirements**

**Note:** Pursuant to Government Code 54952, open meeting laws (the Brown Act) apply to any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory. Items #1-6 below are committees that are generally created by formal Board action and thus are subject to the Brown Act. This list should be modified to add any other specific committees in the district created by formal Board action or

## CITIZEN ADVISORY COMMITTEES (continued)

any committees that the Board has required to follow the Brown Act. This list should be modified to delete any of the committees that were not created by formal Board action (e.g., Superintendent committees) or do not exist within the district. In Frazer v. Dixon Unified School District, the court held that the adoption of a Board policy that required the appointment of a committee to advise the Superintendent, and in turn, the Board, was a committee created by "formal Board action" within the meaning of Government Code 54952. Therefore, the committee's meetings were subject to the Brown Act. Districts should consult legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees.

Education Code 35147 specifies exceptions, as listed in the section "Committees Not Subject to Brown Act Requirements" below. Committees composed solely of Board members who are less than a quorum of the Board may also be exempt from Brown Act requirements in limited circumstances; see BB 9130 - Board Committees.

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

1. Advisory committee established pursuant to Education Code 56190-56194 related to special education

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

2. Advisory committee established pursuant to Education Code 8070 related to career technical education

*(cf. 6178 - Career Technical Education)*

3. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b

*(cf. 5030 - Student Wellness)*

4. Committee established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property

*(cf. 3280 - Sale or Lease of District-Owned Real Property)*

5. 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

*(cf. 7213 - School Facilities Improvement Districts)*

*(cf. 7214 - General Obligation Bonds)*

## CITIZEN ADVISORY COMMITTEES (continued)

Note: Education Code 52063, as added by AB 97 (Ch. 47, Statutes of 2013), requires the Board to establish a parent advisory committee that includes parents/guardians of "unduplicated students" (i.e., students who are eligible for free or reduced-price meals, English learners, foster youth) to review and comment on the local control and accountability plan (LCAP). If district enrollment includes at least 15 percent English learners and at least 50 students who are English learners, the Board is also required to establish an English learner parent advisory committee. See AR 0460 - Local Control and Accountability Plan.

In addition, pursuant to Education Code 52060, as added by AB 97, districts are required to consult on LCAP development with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students. If the district chooses to satisfy this requirement by establishing a committee consisting of representatives of all the specified groups, that committee would be subject to the Brown Act.

6. 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 (LCAP) and, if applicable, any advisory committee established pursuant to Education Code 52060 to consult with the district on LCAP development

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 9130 - Board Committees)*

*(cf. 9320 - Meetings and Notices)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

*(cf. 9323 - Meeting Conduct)*

### Committees Not Subject to Brown Act Requirements

Note: Pursuant to Education Code 35147, school site councils and some advisory committees, as specified in items #1-6 below, are exempt from the Brown Act, but must comply with other, less complex procedural requirements (i.e., the "mini" Brown Act). In addition, the Board may require other specific district committees that are not subject to the Brown Act to follow the requirements of the "mini" Brown Act. Such committees should be added to the list below.

The following committees are exempt from the Brown Act but must conform with procedural meeting requirements established in Education Code 35147:

Note: SB 971 (Ch. 923, Statutes of 2014) repealed the Pupil Retention Block Grant and School and Library Improvement Block Grant. In addition, economic impact aid funding was redirected into the local control funding formula (LCFF) pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, school site councils are no longer required for those purposes. Any use of school site councils to assist with the determination of LCFF funding distribution is at the district's discretion.

1. School site councils established pursuant to Education Code 52852 and 64001 to develop and approve a single plan for student achievement

*(cf. 0420 - School Plans/Site Councils)*

**CITIZEN ADVISORY COMMITTEES (continued)**

2. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners

*(cf. 6174 - Education for English Language Learners)*

3. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education

*(cf. 6171 - Title I Programs)*

4. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs

*(cf. 6175 - Migrant Education Program)*

5. School committees established pursuant to Education Code 11503 related to parent involvement

*(cf. 6020 - Parent Involvement)*

Meetings of the above councils or committees shall be open to the public. Any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location 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 not listed on the agenda unless all members present unanimously find 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, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request pursuant to the California Public Records Act. (Education Code 35147; Government Code 6250-6270)

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

**CITIZEN ADVISORY COMMITTEES (continued)**

Note: Committees not specified in Education Code 35147, as listed above, which are created by the Superintendent and do not advise the Board, are not subject to any open meeting requirements.

Committees created by the Superintendent or designee to advise the administration and which do not report to the Board are not subject to the requirements of the Brown Act or Education Code 35147.

*(cf. 2230 - Representative and Deliberative Groups)*

**VOLUNTEER ASSISTANCE**

The Governing Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

*(cf. 1000 - Concepts and Roles)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

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

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall develop and implement a plan for recruiting, screening, and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors to students and/or make appropriate referrals to community organizations.

*(cf. 1020 - Youth Services)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

Note: Government Code 12940, as amended by AB 1443 (Ch. 302, Statutes of 2014), prohibits harassment of a volunteer on the basis of the characteristics listed below. Also see BP 0410 - Nondiscrimination in District Programs and Activities.

The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. (Government Code 12940)

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

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

Volunteer work shall be limited to those projects that do not replace the normal duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school and comply with employee negotiated agreements.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

## **VOLUNTEER ASSISTANCE (continued)**

Note: Education Code 45347 and 45349 require certain volunteers, depending on the types of duties they will be performing, to meet qualifications pertaining to basic skills proficiency, tuberculosis testing, and/or criminal background checks; see the accompanying administrative regulation.

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

*(cf. 3515.2 - Disruptions)*

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

*(cf. 1150 - Commendations and Awards)*

The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.

*(cf. 0500 - Accountability)*

## **Workers' Compensation Insurance**

Note: The following **optional** section is for use by districts that choose to extend workers' compensation insurance to volunteers as authorized, but not required, pursuant to Labor Code 3352 and 3364.5. Labor Code 3364.5 requires that the Board adopt a resolution to provide such insurance to volunteers.

The Board desires to provide a safe environment for volunteers and minimize the district's exposure to liability.

Upon the adoption of a resolution by the Board, volunteers shall be entitled to workers' compensation benefits for any injury sustained while engaged in the performance of service for the district. (Labor Code 3364.5)

*(cf. 3530 - Risk Management/Insurance)*

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

*Legal Reference: (see next page)*

## VOLUNTEER ASSISTANCE (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 8482-8484.6 *After School Education and Safety program*
- 8484.7-8484.9 *21st Century Community Learning Center program*
- 35021 *Volunteer aides*
  - 35021.1 *Automated records check*
  - 35021.3 *Registry of volunteers for before/after school programs*
- 44010 *Sex offense; definition*
- 44814-44815 *Supervision of students during lunch and other nutrition periods*
- 45125 *Fingerprinting requirements*
- 45125.01 *Interagency agreements for criminal record information*
- 45340-45349 *Instructional aides*
- 45360-45367 *Teacher aides*
- 48981 *Parental notifications*
- 49024 *Activity Supervisor Clearance Certificate*
- 49406 *Examination for tuberculosis*

#### GOVERNMENT CODE

- 3543.5 *Prohibited interference with employees' rights*

- 12940 *Prohibited discrimination and harassment*

#### HEALTH AND SAFETY CODE

- 1596.871 *Fingerprints of individuals in contact with child day care facility clients*

#### LABOR CODE

- 1720.4 *Public works; exclusion of volunteers from prevailing wage law*
- 3352 *Workers' compensation; definitions*
- 3364.5 *Authority to provide workers' compensation insurance for volunteers*

#### PENAL CODE

- 290 *Registration of sex offenders*
- 290.4 *Information re: sex offenders*
- 290.95 *Disclosure by person required to register as sex offender*
- 626.81 *Sex offender; permission to volunteer at school*

#### CODE OF REGULATIONS, TITLE 22

- 101170 *Criminal record clearance*
- 101216 *Health screening, volunteers in child care centers*

#### UNITED STATES CODE, TITLE 20

- 6319 *Qualifications and duties of paraprofessionals, Title I programs*

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

- Whisman Elementary School District, (1991) PERB Decision No. 868

### *Management Resources:*

#### WEB SITES

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

California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>

California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>

California Parent Teacher Association: <http://www.capta.org>

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

**VOLUNTEER ASSISTANCE****Duties of Volunteers**

The Superintendent or designee may assign volunteers to:

1. Assist certificated personnel in the performance of their duties, including in the supervision of students and in the performance of instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher (Education Code 35021, 45343, 45344, 45349)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

2. Serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities (Education Code 35021)
3. Supervise students during lunch, breakfast, or other nutritional periods (Education Code 35021, 44814, 44815)
4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"
5. Perform other duties in support of district or school operations as approved by the Superintendent or designee

*(cf. 6163.1 - Library Media Centers)*

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021, 45344)

*(cf. 4217.3 - Layoff/Rehire)*

**Basic Skills Proficiency Requirement**

Volunteers who supervise or provide instruction to students pursuant to Education Code 45349 shall submit evidence of basic skills proficiency to the Superintendent or designee. (Education Code 45344.5, 45349)

*(cf. 4212 - Appointment and Conditions of Employment)*

## **VOLUNTEER ASSISTANCE (continued)**

### **Criminal Background Check**

Note: Education Code 49024 requires that, prior to beginning volunteer duties working with students in a student activity program, as defined below, a volunteer must either (1) clear a Department of Justice and Federal Bureau of Investigation criminal background check or (2) obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. The following paragraph gives individual volunteers discretion to choose which method to use to meet the requirement, and should be modified by districts that choose to require that a particular method be used by all volunteers in student activity programs.

Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer shall obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. (Education Code 49024)

*(cf. 4112.5/4212.5/4312.5 - Criminal Background Check)*

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

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

The Superintendent or designee shall determine which volunteer positions in the district are subject to the above requirement.

The criminal background check requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)

Note: Education Code 45125.01 authorizes multiple districts within a county or within contiguous counties to enter into an agreement to share criminal record information of noncertificated employees and volunteers working in a student activity program; see AR 4112.5/4212.5/4312.5 - Criminal Record Check.

### **Registered Sex Offenders**

Note: To determine whether a potential volunteer is a registered sex offender, the district may check the Department of Justice's Megan's Law web site, request a background check from law enforcement pursuant to Education Code 35021.1, and/or require volunteers to certify as to their status. The following paragraph should be modified to reflect district practice.

The Superintendent or designee may require all volunteers to disclose whether they are a registered sex offender and/or to provide the district with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.

## **VOLUNTEER ASSISTANCE (continued)**

Note: Penal Code 626.81, as amended by SB 326 (Ch. 279, Statutes of 2013), requires principals to notify parents/guardians of students at the school whenever a registered sex offender is granted permission to volunteer at the school, as provided below.

The principal may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school. At least 14 days prior to the first date for which permission has been granted, the principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code 48981, that a person who is required to register as a sex offender pursuant to Penal Code 290 has been granted permission to come into a school building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)

*(cf. 5145.6 - Parental Notifications)*

However, no person who is required to register as a sex offender pursuant to Penal Code 290 shall be assigned as a volunteer to assist certificated personnel in the performance of their duties; supervise students during lunch, breakfast, or other nutritional period; or serve as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

*(cf. 3515.5 - Sex Offender Notification)*

### **Tuberculosis Assessment/Examination**

Note: As amended by AB 1667 (Ch. 329, Statutes of 2014), Education Code 49406 requires school volunteers, with certain authorized exceptions, to submit to a tuberculosis risk assessment as developed by the California Department of Public Health. If risk factors are identified, then the volunteer is required to submit to an intradermal (skin) tuberculin test or other tuberculin test recommended by the Centers for Disease Control and Prevention.

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406)

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

## **VOLUNTEER ASSISTANCE (continued)**

**Note:** The following paragraph is **optional** pursuant to Education Code 49406.

The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

**Note:** See AR 5148.2 - Before/After School Programs for information about health screening and fingerprint clearance requirements for volunteers in the After School Education and Safety program and 21st Century Community Learning Center program pursuant to Education Code 8483.4 and 35021.3.

### **Volunteer Facilities Projects**

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

Pursuant to Labor Code 1720.4, volunteers are exempt from laws requiring workers employed in public works projects (e.g., construction and repair work) to be paid at least the general prevailing rate of per diem wages.

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance. Projects also shall be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions, or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling, or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs
7. Paving
8. Tree planting, pruning, or removal

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective

**VOLUNTEER ASSISTANCE** (continued)

bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary.

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 7140 - Architectural and Engineering Services)*

**BUDGET**

The Governing Board recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans. The district budget shall guide decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3460 - Financial Reports and Accountability)*

*(cf. 9000 - Role of the Board)*

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

**Budget Development and Adoption Process**

Note: AB 2585 (Ch. 309, Statutes of 2014) amended Education Code 42127 to eliminate the "dual budget" adoption process, whereby the Governing Board could elect to hold a second public hearing and adopt a September 8 budget that would formally replace its July 1 adopted budget. Thus, district budgets for 2015-16 and beyond must be developed in accordance with the "single budget" adoption process.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff in the development of budget projections.

Note: Education Code 42103 and 42127 require the district to hold a public hearing prior to adoption of the budget; see the accompanying administrative regulation for requirements pertaining to the public hearing. A public hearing on the district's local control and accountability plan (LCAP) must occur at the same meeting; see BP 0460 - Local Control and Accountability Plan.

The Board shall hold a public hearing on the proposed budget in accordance with Education Code 42103 and 42127.

## BUDGET (continued)

*(cf. 9320 - Meetings and Notices)  
(cf. 9322 - Agenda/Meeting Materials)  
(cf. 9323 - Meeting Conduct)*

The Board shall adopt the district budget on or before July 1 of each year. (Education Code 42127)

At a public meeting held on a date after the public hearing on the budget, the Board shall adopt the budget following its adoption of the LCAP or an annual update to the LCAP at the same meeting. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127)

Note: Pursuant to Education Code 42126, the district budget must be in a format prescribed by the Superintendent of Public Instruction (SPI). The SPI has established a requirement that districts use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE) California School Accounting Manual provides guidance regarding coding of revenues and expenditures.

At its discretion, the district may use a different format for communicating the budget to the Board, staff, and public but, according to the CDE, the budget that the Board formally adopts must be in the SACS format.

The budget that is formally adopted by the Board shall adhere to the state's Standardized Account Code Structure as prescribed by the Superintendent of Public Instruction. (Education Code 42126, 42127)

The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

Note: Education Code 42127 requires the district to file the adopted budget with the County Superintendent of Schools as described below. If the district fails to submit a budget by July 1, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Board.

No later than five days after the Board adopts the district budget or by July 1, whichever occurs first, the Board shall file with the County Superintendent of Schools the adopted district budget and supporting data. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

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

Note: Pursuant to Education Code 42127, on or before August 15, the County Superintendent must approve, conditionally approve, or disapprove the district's adopted budget. Education Code 42127, as amended by SB 858 (Ch. 32, Statutes of 2014), requires that this determination be based on a consideration of whether the district's adopted budget complies with state standards and criteria, will allow the district to meet its current and future financial obligations, satisfies all conditions established by the County Superintendent in

**BUDGET** (continued)

the case of a conditionally approved budget, will enable the district to satisfy its multiyear financial commitments, includes the expenditures necessary to implement the LCAP or the annual update to the LCAP, and, when applicable, complies with the requirements pertaining to ending fund balances that exceed the state minimum recommended reserve. Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team's Fiscal Oversight Guide and BP 3460 - Financial Reports and Accountability.

If the district's budget is disapproved, the County Superintendent will report to the Board and the SPI regarding the fiscal solvency of the district, as required by Education Code 1240 and 42127. If the budget is disapproved or conditionally approved, the County Superintendent will provide the Board with recommendations regarding revision of the budget and the reasons for those recommendations. The County Superintendent also may assign a fiscal advisor or may appoint a committee to review his/her recommendations.

If the County Superintendent disapproves or conditionally approves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting on or before September 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

### **Budget Advisory Committee**

Note: The following **optional** section is for use by districts that choose to establish a budget advisory committee to provide input during the budget development process. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties.

This committee is different from the budget review committee that is required in the event that the County Superintendent disapproves the district's budget; see the accompanying administrative regulation.

**OPTION 1:** The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

**OPTION 2:** The Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

**OPTION 3:** The Board may establish a budget subcommittee composed exclusively of Board members.

Note: The following paragraph is for use by districts that selected either Option 1, 2, or 3 above.

The committee shall submit recommendations during the budget development process and its duties shall be assigned each year based on district needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board.

## BUDGET (continued)

*(cf. 1220 - Citizen Advisory Committees)  
(cf. 2230 - Representative and Deliberative Groups)  
(cf. 3350 - Travel Expenses)  
(cf. 9130 - Board Committees)  
(cf. 9140 - Board Representatives)*

### Budget Criteria and Standards

Note: Education Code 33129 requires the district to develop its budget and manage its expenditures in accordance with criteria and standards adopted by the State Board of Education pursuant to Education Code 33127-33128. These criteria and standards, along with certain other required supplemental information, are specified in 5 CCR 15440-15451, which, as amended by Register 2013, No. 49, reflect the requirements of the local control funding formula (LCFF) applicable to district budgets starting in 2014-15.

While 5 CCR 15450 establishes a minimum local reserve balance for economic uncertainties based on the district's average daily attendance (ADA), Education Code 42127.01, as added by SB 858 (Ch. 32, Statutes of 2014), limits the amount of the reserve if certain conditions are met. In a fiscal year immediately after a fiscal year in which the state makes a deposit of any amount into the state Public School System Stabilization Account created by Proposition 2 in November 2014, the reserve balance is limited to two times the minimum recommended reserve for districts with an ADA of 400,000 or less, or three times the minimum recommended reserve for districts with an ADA over 400,000. The County Superintendent may grant an exemption of this requirement for up to two consecutive fiscal years within a three-year period to any district that provides documentation of extraordinary fiscal circumstances (e.g., multiyear infrastructure or technology projects) that substantiate the need for a reserve in excess of the limit specified in Education Code 42127.01.

The Superintendent or designee shall develop a district budget in accordance with state criteria and standards specified in 5 CCR 15440-15450 as they relate to projections of average daily attendance (ADA), enrollment, ratio of ADA to enrollment, local control funding formula revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, unrestricted general fund balance, and reserves. In addition, he/she shall provide the supplemental information specified in 5 CCR 15451 which addresses the methodology and budget assumptions used, contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, status of collective bargaining agreements, the LCAP, and LCAP expenditures. (Education Code 33128, 33128.3, 33129, 42127.01; 5 CCR 15440-15451)

Note: The following paragraph is for use by districts that receive supplemental and concentration funding within the LCFF based on the number and concentration of "unduplicated students" (i.e., students who are eligible for free or reduced-price meals, English learners, and foster youth) pursuant to Education Code 42238.02 and 42238.03. 5 CCR 15494-15496, as amended by Register 2015, No. 2, address the method of determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

The district budget shall provide for increasing or improving services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number

## BUDGET (continued)

and concentration of unduplicated students. *Unduplicated students* are students who are eligible for free or reduced-price meals, English learners, and/or foster youth. (Education Code 42238.07; 5 CCR 15496)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

(cf. 3110 - Transfer of Funds)

## Fund Balance

Note: The following **optional** section should be revised to reflect district practice. Governmental Accounting Standards Board (GASB) Statement 54 addresses the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds are reported in external financial reports. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; also see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components.

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. *Nonspendable fund balance* includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. *Restricted fund balance* includes amounts constrained to specific purposes by their providers or by law.

Note: For purposes of the committed fund balance, GASB 54 requires that the Board commit funds no later than the end of the reporting period. In New Requirements for Reporting Fund Balance in Governmental Funds, the CDE clarifies that for districts the end of the reporting period is June 30.

3. *Committed fund balance* includes amounts constrained to specific purposes by the Board.

**BUDGET** (continued)

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period (June 30), although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. *Assigned fund balance* includes amounts which are intended for a specific purpose but do not meet the criteria to be classified as restricted or committed.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements. The Superintendent may further delegate the authority to assign funds at his/her discretion.

5. *Unassigned fund balance* includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the district shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the assigned fund balance, and lastly from the unassigned fund balance.

Note: Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA's Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, liquidity of resources, and portion of unrestricted fund balance already committed or assigned for a specific purpose.

Pursuant to Education Code 42127.01, as added by SB 858 (Ch. 32, Statutes of 2014), in any fiscal year following a transfer of funds by the state into the Public School System Stabilization Account, the district cannot have a combined assigned and unassigned ending fund balance that exceeds the amount specified in Education Code 42127.01. In order to prevent Board policy from being outdated in the event that these provisions become effective, the following paragraph expresses Board intent to maintain a sufficient unassigned fund balance, but does not include a specific amount or percentage.

The Board intends to maintain a minimum assigned and unassigned fund balance in an amount the Board deems sufficient to maintain fiscal solvency and stability and to protect the district against unforeseen circumstances.

Note: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following **optional** paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year).

**BUDGET (continued)**

If the assigned and unassigned fund balance falls below the level set by the Board due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

**Long-Term Financial Obligations**

The district's current-year budget and multiyear projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

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

*(cf. 7210 - Facilities Financing)*

*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

Note: The following two **optional** paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members) and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt to the extent possible using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

Regardless of the funding strategy used by the district, GASB Statement 45 requires the district to report the annual expense of OPEBs and, to the extent that the OPEBs are not prefunded, to report them as a liability on the district's financial statements; see AR 3460 - Financial Reports and Accountability.

CSBA's GASB 45 Solutions program provides access to qualified actuaries and consultants and a GASB 45-compliant trust to prefund future obligations. See CSBA's web site for further information.

The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

**BUDGET (continued)**

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of OPEBs, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

**Note:** The following **optional** paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report.

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

**Budget Amendments**

**Note:** The following section is **optional** and should be revised to reflect district practice.

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which occur as a result of the funding made available by that Budget Act. (Education Code 42127)

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval as necessary when collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

## BUDGET (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 1240 *Duties of county superintendent of schools*
- 33127-33131 *Standards and criteria for local budgets and expenditures*
- 42103 *Public hearing on proposed budget; requirements for content of proposed budget*
- 42122-42129 *Budget requirements*
- 42130-42134 *Financial certifications*
- 42140-42141 *Disclosure of fiscal obligations*
- 42238-42251 *Apportionments to districts, especially:*
  - 42238.01-42238.07 *Local control funding formula*
- 42602 *Use of unbudgeted funds*
- 42610 *Appropriation of excess funds and limitation thereon*
- 45253 *Annual budget of personnel commission*
- 45254 *First year budget of personnel commission*
- 52060-52077 *Local control and accountability plan*

#### GOVERNMENT CODE

- 7900-7914 *Appropriations limit*

#### CODE OF REGULATIONS, TITLE 5

- 15060 *Standardized account code structure*
- 15440-15451 *Criteria and standards for school district budgets*
- 15494-15496 *Local control funding formula, expenditures*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

##### California School Accounting Manual

New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

#### FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

#### GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

#### GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009

Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004

Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

#### WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

California Department of Finance: <http://www.dof.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Government Finance Officers Association: <http://www.gfoa.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

School Services of California, Inc.: <http://www.sscal.com>

**BUDGET****Budget Advisory Committee**

Note: The following **optional** section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy.

Membership of the district's budget advisory committee may include representatives of each of the following groups:

1. Governing Board members, provided that less than a majority of the Board serves on the committee  
*(cf. 9140 - Board Representatives)*
2. District and school site administrators
3. Representatives of bargaining units
4. Certificated and/or classified staff
5. Parents/guardians
6. Representatives of the business community and/or other community members
7. Students

*(cf. 1220 - Citizen Advisory Committees)  
(cf. 2230 - Representative and Deliberative Groups)  
(cf. 9130 - Board Committees)*

Note: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the accompanying Board policy.

The committee's duties may include, but not necessarily be limited to:

1. Making recommendations regarding budget priorities
2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications

**BUDGET (continued)**

4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

*(cf. 3350 - Travel Expenses)*

**Public Hearing**

Note: Pursuant to Education Code 52062, the public hearing on the budget must be at the same meeting as the public hearing on the local control and accountability plan (LCAP) as described below; see the accompanying Board policy and BP 0460 - Local Control and Accountability Plan.

The agenda for the public hearing on the district budget shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127, 52062)

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

Note: Pursuant to Education Code 42103, the County Superintendent of Schools must publish the location, dates, and times at which the district's proposed budget may be inspected, as well as the location, date, and time of the public hearing described above. This notice must be published in a newspaper of general circulation 10-45 days before the hearing.

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing as required by Education Code 42103.

Note: Pursuant to Education Code 42127, as amended by AB 2585 (Ch. 309, Statutes of 2014), if the proposed budget for 2015-16 or a subsequent year includes a combined assigned and unassigned ending fund balance in excess of the minimum recommended reserve for economic uncertainties adopted by the State Board of Education and contained in 5 CCR 15450, the public hearing must provide the information specified below for public review and discussion.

Whenever the proposed district budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties

## **BUDGET (continued)**

adopted by the State Board of Education, the district shall provide, for each fiscal year included in the budget, the following information for public review and discussion at the public hearing: (Education Code 42127; 5 CCR 15450)

1. The minimum recommended reserve for economic uncertainties
2. The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve
3. A statement of reasons substantiating the need for the combined assigned and unassigned ending balances that are in excess of the minimum recommended reserve

During the hearing, any district resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

*(cf. 9323 - Meeting Conduct)*

### **Budget Review Committee for Disapproved Budgets**

Note: Pursuant to Education Code 42127, if the County Superintendent conditionally approves or disapproves the district's initial budget, the district must respond to the County Superintendent's recommendations by September 8; see the accompanying Board policy. If the County Superintendent then disapproves that revised budget, Education Code 42127 and 42127.1 require him/her to call for the formation of a budget review committee unless the Board and the County Superintendent agree to waive the committee requirement and the California Department of Education agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3.

Education Code 42127 provides that, beginning in the 2014-15 fiscal year, the County Superintendent cannot call for the formation of a budget review committee if his/her sole reason for disapproving the district's budget is that he/she has not approved the district's LCAP or the annual update to the LCAP.

If the district's budget is disapproved by the County Superintendent for any reason other than his/her disapproval of the district's local control and accountability plan (LCAP) or annual update to the LCAP, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

Note: Pursuant to Education Code 42127.2, if the Governing Board fails to select the budget review committee from a list of candidates provided by the Superintendent of Public Instruction (SPI) within five working days of receiving the list, as provided in item #1 below, the SPI will select and convene the committee no later than 10 working days after the district's receipt of the candidate list.

**BUDGET** (continued)

This committee shall consist of either: (Education Code 42127.1, 42127.2)

1. Three persons selected by the Board from a list of candidates provided by the Superintendent of Public Instruction (SPI), who shall be selected within five working days after receiving the list of candidates
2. A regional review committee convened by the County Superintendent with the approval of the Board

Note: Pursuant to Education Code 42127.2, the budget review committee is required to submit, by October 31, its recommendation as to whether the district's budget should be approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget.

If the budget review committee recommends disapproval of the district budget, the Board may submit a response to the SPI no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by November 30, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)

<b>All Personnel</b>	AR 4112.4(a)
<b>HEALTH EXAMINATIONS</b>	4212.4
	4312.4

## **Tuberculosis Tests**

**Note:** Education Code 49406, as amended by AB 1667 (Ch. 329, Statutes of 2014), requires employees, upon being initially employed by the district and at specified periods thereafter, to submit to a tuberculosis risk assessment as developed by the California Department of Public Health. If risk factors are identified, then the employee is required to submit to an intradermal (skin) tuberculin test or other tuberculin test recommended by the Centers for Disease Control and Prevention and licensed by the federal Food and Drug Administration.

For information about health examination requirements for volunteers, see AR 1240 - Volunteer Assistance.

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4112 - Appointment and Conditions of Employment)*

*(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)*

*(cf. 4212 - Appointment and Conditions of Employment)*

**Note:** AB 1667 (Ch. 329, Statutes of 2014) amended Education Code 49406 to authorize nurse practitioners, along with physicians and physician assistants, to conduct tuberculosis risk assessments and tuberculosis examinations and to sign the corresponding medical certificate.

Pursuant to Education Code 49406, such medical certificates may be filed with and maintained by the district or, upon petition by the governing boards of a majority of the school districts in the county, the County Board of Education may require that the certificates be filed with or maintained in the office of the County Superintendent of Schools (although a district, or districts with a common governing board, having an average daily attendance of 60,000 or more may elect to maintain the files for its employees).

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are

## HEALTH EXAMINATIONS (continued)

identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Note: The following paragraph should be modified to reflect district practice. For pre-employment tuberculosis risk assessments and examinations, Education Code 49406 specifies that the cost will be borne by the applicant unless otherwise provided by the Governing Board. Education Code 49406 allows the district to reimburse those applicants who are subsequently hired by the district.

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Note: The following paragraph is for use by districts that contract for student transportation services.

Whenever the district contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

*(cf. 3312 - Contracts)  
(cf. 3540 - Transportation)  
(cf. 3542 - School Bus Drivers)*

Note: Education Code 49406 authorizes exemptions from the tuberculosis requirement for employees under the conditions described below. Although Education Code 49406 does not expressly include job applicants within these provisions, it is recommended that the district exempt applicants to the same extent that it exempts employees in order to ensure compliance with state and federal nondiscrimination laws; see BP 4030 - Nondiscrimination in Employment. The district should consult legal counsel if any question arises regarding the applicability of an exemption from the tuberculosis risk assessment or examination to any applicant or employee.

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

## HEALTH EXAMINATIONS (continued)

1. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is inflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

(cf. 4030 - *Nondiscrimination in Employment*)

Note: Optional items #2-4 below reflect exemptions authorized, but not required, by Education Code 49406 and should be revised to reflect district practice.

2. A classified employee who is employed for less than a school year and whose functions do not require frequent or prolonged contact with students
3. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy
4. A private contracted driver who transports students infrequently without prolonged contact with students

## Examination of Certificated Employees for Disabling Diseases

Note: To fill a position requiring certification with an applicant who has not previously been employed in a certificated position in California, or to employ a retainer who has not previously been employed as a retainer, Education Code 44839 and 44839.5 require the district to obtain a medical certification that the applicant or retainer is free from any disabling disease that renders him/her unfit to instruct children or associate with them. Pursuant to Education Code 44839 and 44839.5, the medical certification must be completed and submitted by a physician, physician assistant, registered nurse, or commissioned medical officer. 5 CCR 5504 provides a sample medical certificate to meet the requirements of Education Code 44839 and 44839.5, which may be modified to reflect all categories of medical personnel currently authorized by the Education Code to submit the medical certification.

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retainer who has not been employed as a retainer, the district shall have on file a medical certification indicating that the applicant or retainer is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

## HEALTH EXAMINATIONS (continued)

(cf. 4117.14/4317.14 - *Postretirement Employment*)

The certificate shall be completed and submitted directly to the district by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

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

~~Certificated employees and/or retirants shall be required to periodically undergo, at district expense, a medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)~~

### Mental Examination for Certificated Employees

Note: Education Code 44942 specifies a process to be followed to suspend or transfer a certificated employee based on the Board's reasonable belief that the employee is suffering from a mental illness that renders him/her incompetent to perform the duties of the position. As part of this process, Education Code 44942 requires the Board to give the employee a statement of charges, allow the employee to appear before the Board to refute the charges, and offer the employee, at district expense, the opportunity to be examined by a panel of psychiatrists or psychologists. In Doe v. Lincoln Unified School District, an appellate court held that when a district chooses to suspend or transfer a certificated employee due to concerns about mental illness, the procedure outlined in Education Code 44942 is mandatory before the district can take any action (e.g., requiring the employee to be placed on administrative leave). Because the procedures are complex, and because of the interactions with other laws such as the Americans with Disabilities Act, district legal counsel should be consulted as appropriate.

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the district. The examination shall be conducted, at district expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

(cf. 4032 - *Reasonable Accommodation*)  
(cf. 4114 - *Transfers*)

AR 4112.4(e)  
4212.4  
4312.4

## HEALTH EXAMINATIONS (continued)

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

### *Legal Reference:*

#### EDUCATION CODE

- 44839 *Medical certificate; periodic medical examination*
- 44839.5 *Requirements for employment of retireant*
- 44932 *Grounds for dismissal of permanent employee*
- 44942 *Suspension or transfer of certificated employee on ground of mental illness*
- 45122 *Physical examinations*
- 49406 *Examination for tuberculosis*

#### BUSINESS AND PROFESSIONS CODE

- 2700-2838 *Nurses*
- 3500-3546 *Physician assistants*

#### HEALTH AND SAFETY CODE

- 121525 *Private and parochial school employees, examination for tuberculosis*

#### CODE OF REGULATIONS, TITLE 5

- 5502 *Filing of notice of physical examination for employment of retired persons*
- 5503 *Physical examination for employment of retired persons*
- 5504 *Medical certification procedures*

#### COURT DECISIONS

- Doe v. Lincoln Unified School District*, (2010) 188 Cal.App.4th 758
- Leonel v. American Airlines, Inc.*, (2005) 400 F.3d. 702
- Raven v. Oakland Unified School District*, (1989) 213 Cal.App.3d 1347

### *Management Resources:*

#### WEB SITES

- California Department of Public Health:* <http://www.cdph.ca.gov>
- Centers for Disease Control and Prevention:* <http://www.cdc.gov>
- Public Health Institute:* <http://www.phi.org>
- U.S. Food and Drug Administration:* <http://www.fda.gov>

**All Personnel**

AR 4112.5(a)

4212.5

**CRIMINAL RECORD CHECK**

4312.5

Note: Education Code 44830.1, 44836, 45122.1, and 45123 prohibit the district from hiring or retaining in employment, in a certificated or classified position, a person who has been convicted of or pleads no contest to a violent or serious felony, sex offense, or controlled substance offense, as defined. Exceptions specified in law are reflected in items #1-5 below.

These requirements apply to job applicants, temporary employees, substitute employees, and probationary employees serving before March 15 of their second year. Employees with permanent status may only be suspended or dismissed in accordance with the grounds and procedures specified in BP/AR 4118 - Dismissal/Suspension/Disciplinary Action or AR 4218 - Dismissal/Suspension/Disciplinary Action, as applicable.

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 if: (Education Code 44830.1, 44836, 45122.1, 45123)

1. The conviction for a violent or serious felony, controlled substance offense, or sex offense 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. A person convicted of a violent or serious felony has obtained a certificate of rehabilitation or a pardon.
3. A person who has been convicted of a serious felony, that is not also a violent felony, proves to the sentencing court that he/she has been rehabilitated for purposes of school employment for at least one year.
4. A person who has been convicted of a controlled substance offense is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
5. A person who has been convicted of a controlled substance offense 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.

*(cf. 4112 - Appointment and Conditions of Employment)*

*(cf. 4112.2 - Certification)*

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

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

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

## CRIMINAL RECORD CHECK (continued)

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)

Note: The following **optional** paragraph is for use by districts that issue temporary certificates pursuant to Education Code 44332.5 to authorize salary payments while a certificated employee's credential application is being processed. If the issuance of temporary certificates is handled by the county office of education, the following paragraph should be deleted.

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

Note: The following section may be revised to reflect district practice. To fulfill the requirement for a criminal record check through the California Department of Justice (DOJ) and Federal Bureau of Investigation, the applicant must submit fingerprints using the electronic Live Scan process. Locations offering the Live Scan service are listed on the DOJ's web site. The DOJ provides the results to the district via email, or by U.S. mail if no email is available.

The Superintendent or designee shall require each person to be employed by the district to submit his/her 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

## CRIMINAL RECORD CHECK (continued)

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 his/her fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

### Subsequent Arrest Notification

Note: Pursuant to Education Code 44830.1 and 45125, the district must sign up for "subsequent arrest notification" from the DOJ in accordance with Penal Code 11105.2. Forms available for this purpose are available on DOJ's web site.

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 his/her 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)

*(cf. 4116 - Probationary/Permanent Status)  
(cf. 4121 - Temporary/Substitute Personnel)*

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 his/her 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 that 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

## CRIMINAL RECORD CHECK (continued)

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)

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

### Maintenance of Records

Note: To be qualified to obtain Criminal Record Offender Information (CORI) for the purpose of employment decisions, the district must apply to the DOJ for authorization and must designate at least one custodian of records who is responsible for the security, storage, dissemination, and destruction of criminal records furnished to the district.

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)

Note: The DOJ requires every person with access to CORI, including the custodian of records, to complete an Employee Statement Form acknowledging an understanding of the law governing CORI. The custodian of records is required to return his/her own form to the DOJ and to retain any forms completed by other district staff. The Employee Statement Form is reproduced in the accompanying Exhibit.

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her 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)

(cf. 4119.23/4219.23/4319.23 - *Unauthorized Release of Confidential/Privileged Information*)  
(cf. 9011 - *Disclosure of Confidential/Privileged Information*)

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)

## CRIMINAL RECORD CHECK (continued)

Note: SB 1461 (Ch. 54, Statutes of 2014) amended Penal Code 11102.2 to delete the requirement to annually notify DOJ of the district's custodian of records. Pursuant to Penal Code 11102.2, districts are now only required to notify the DOJ when the custodian of records ceases to serve in that capacity.

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)

### Interagency Agreement

Note: The following **optional** section is for use by any district that has been designated to act on behalf of other school districts within the same county or in contiguous counties to share CORI as authorized by Education Code 44830.2 and 45125.01. Districts that have not entered into an agreement to share such information, or for whom another district or the County Superintendent of Schools has been designated to receive and share the information, should delete this section.

Pursuant to Education Code 45125.01, any district that participates in such an interagency agreement may use this arrangement to conduct criminal background checks for a noncertificated candidate for a paid or volunteer position in a student activity program pursuant to Education Code 49024; see BP/AR 1240 - Volunteer Assistance and BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches.

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

AR 4112.5(f)  
4212.5  
4312.5

## CRIMINAL RECORD CHECK (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 44010 Sex offense
- 44011 Controlled substance offense
- 44332-44332.6 Temporary certificate of clearance
- 44346.1 Applicants for credential, conviction of a violent or serious felony
- 44830.1 Certificated employees, conviction of a violent or serious felony
- 44830.2 Certificated employees; interagency agreement for sharing criminal record information
- 44836 Conviction of a sex or controlled substance offense
- 44932 Grounds for dismissal of permanent certificated employees
- 45122.1 Classified employees, conviction of a violent or serious felony
- 45125 Use of personal identification cards to ascertain conviction of crime
- 45125.01 Classified employees; interagency agreement for sharing criminal record information
- 45125.5 Automated records check
- 45126 Duty of Department of Justice to furnish information
- 49024 Activity supervisor clearance certificates

#### PENAL CODE

- 667.5 Violent felonies
- 1192.7 Serious felonies
- 1203.4 Dismissal of conviction
- 11075-11081 Criminal record dissemination
- 11102.2 Maintenance of criminal offender records; custodian of records
- 11105 Access to criminal history information
- 11105.2 Subsequent arrest notification
- 11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors
- 11140-11144 Furnishing of state criminal history information
- 13300-13305 Local summary criminal history information

#### CODE OF REGULATIONS, TITLE 11

- 701-708 Criminal offender record information
- 720-724 Incomplete criminal history information
- 994-994.15 Certification of individuals who take fingerprint impressions

#### COURT DECISIONS

- Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145

### *Management Resources:*

#### WEB SITES

- Office of the Attorney General, Department of Justice, Background Checks:*  
<http://www.oag.ca.gov/fingerprints>

**All Personnel**

E 4112.5(a)

4212.5

**CRIMINAL RECORD CHECK**

4312.5

Note: The following is based on the sample Employee Statement Form provided by the California Department of Justice. Such a form must be signed by an employee designated as custodian of records of criminal history information and any other individual granted access to this information by the custodian of records; see the accompanying administrative regulation.

**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

E 4112.5(b)  
4212.5  
4313.5

**CRIMINAL RECORD CHECK (continued)**

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.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION**

Note: The following **optional** policy and accompanying administrative regulation are subject to collective bargaining and may be deleted or revised by any district whose agreement covers certificated employee suspension and discipline. Pursuant to Government Code 3543.2, the district and the bargaining unit representing certificated employees must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days.

For information about dismissal of substitute or temporary employees, see BP 4121 - Temporary/Substitute Personnel.

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, and administrative regulation.

*(cf. 4000 - Concepts and Roles)*

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

*(cf. 4114 - Transfers)*

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

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

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

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

*(cf. 4119.1/4219.4319.1 - Civil and Legal Rights)*

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

**Suspension/Dismissal Procedures**

Note: Education Code 44932 and 44933 specify the causes for which a certificated employee may be suspended without pay or dismissed; see the accompanying administrative regulation.

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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)

Note: Pursuant to Education Code 44934, upon the formulation or receipt of a written statement of charges, the Governing Board may notify the employee of the Board's intent to suspend or dismiss him/her. Education Code 44934.1, as added by AB 215 (Ch. 55, Statutes of 2014), requires a similar notice for charges of egregious misconduct.

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of its intention to suspend or dismiss him/her at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

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

Note: Prior to serving the notice of suspension or dismissal, Education Code 44938 requires that, when the charge involves unsatisfactory performance or unprofessional conduct, the employee must be given time to correct the performance or conduct as provided in the following two paragraphs. According to Crowl v. Commission on Professional Competence, when the employee fully remediates the misconduct specified in the written notice, no disciplinary action may be taken. The Crowl decision did not address what could be done when the misconduct specified in the notice reoccurs. Because the lack of further misconduct may not necessarily be equal to full remediation, appropriate disciplinary action should be determined on a case-by-case basis in consultation with legal counsel and the collective bargaining agreement.

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 his/her 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)

*(cf. 4115 - Evaluation/Supervision)*

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

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

as to furnish the employee an opportunity to correct his/her 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)

Note: Education Code 44936, as amended by AB 215 (Ch. 55, Statutes of 2014), allows a suspension or dismissal notice to be given at any time of year, except when the charge is unsatisfactory performance in which case the notice must be given during the instructional year. As amended, Education Code 44936 also requires any written notice given during the instructional year to be served personally or by mail, whereas notices outside of the instructional year must be served personally upon the employee.

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)

Note: Pursuant to Education Code 44939, 44939.1, and 44940, the Board may immediately suspend an employee from his/her duties pending suspension or dismissal proceedings for specified causes.

Pursuant to Education Code 44939, as amended by AB 215 (Ch. 55, Statutes of 2014), an employee who is immediately suspended for a charge other than egregious misconduct may, within 30 days of receiving the suspension notice, serve the Board and file a motion with the Office of Administrative Hearings to seek reversal of the suspension. The review will be limited to whether the facts as alleged in the statement of charges would be a sufficient basis for immediate suspension. A hearing will be held no later than 30 days after the motion is filed, and the administrative law judge will issue a decision no later than 15 days after the hearing. During the review of the motion or while dismissal charges are pending, the Board retains the authority to determine the physical placement and assignment of the employee.

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 his/her duties. If the employee files a motion with the Office of Administrative Hearings for immediate

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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, 44940)

Note: If an employee has requested a hearing upon receiving notice of suspension or dismissal, the hearing will be conducted by the Commission on Professional Competence or an administrative law judge pursuant to Education Code 44944 or 44944.1; see the accompanying administrative regulation. The hearing before the Commission on Professional Competence must begin within six months of the employee's request for the hearing, unless extended due to extraordinary circumstances. The Commission on Professional Competence consists of an administrative law judge of the Office of Administrative Hearings, a member appointed by the Board, and a member appointed by the employee.

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)

### *Legal Reference:*

#### EDUCATION CODE

- 44008 *Effect of termination of probation*
- 44009 *Conviction of specified crimes*
- 44010 *Sex offense; definitions*
- 44011 *Controlled substance offense; definitions*
- 44242.5 *Reports and review of alleged misconduct*
- 44425 *Conviction of a sex or narcotic offense*
- 44660-44665 *Evaluation and assessment of performance of certificated employees*
- 44830.1 *Criminal record summary certificated employees*
- 44929.21 *Notice of reelection decision; districts with 250 ADA or more*
- 44929.23 *Reelection and dismissal of probationary employees; districts with ADA less than 250*
- 44930-44988 *Resignations, dismissal, and leave of absence*
- 45055 *Drawing of warrants for teachers*
- 48907 *Exercise of free speech, expression*
- 48950 *Speech and other communication*
- 51530 *Advocacy or teaching of communism*

GOVERNMENT CODE

- 1028 *Advocacy of communism*
- 3543.2 *Scope of representation*
- 11505-11506 *Hearing*

HEALTH AND SAFETY CODE

- 11054 *Schedule I; substances included*
- 11055 *Schedule II, substances included*

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

### *Legal Reference: (continued)*

#### HEALTH AND SAFETY CODE (continued)

*11056 Schedule III, substances included*

*11357-11361 Marijuana*

*11363 Peyote*

*11364 Opium*

*11370.1 Possession of controlled substances with a firearm*

#### PENAL CODE

*187 Murder*

*291 School employees arrest for sex offense*

*667.5 Prior prison terms, enhancement of prison terms*

*1192.7 Plea bargaining limitation*

*11165.2-11165.6 Child abuse or neglect; definitions*

#### CODE OF REGULATIONS, TITLE 5

*80303 Reports of change in employment status*

*80304 Notice of sexual misconduct*

#### COURT DECISIONS

*Vergara v. California (Los Angeles Super.Ct.) BC484642*

*Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334*

*Morrison v. State Board of Education (1969) 1 Cal.3d 214*

### *Management Resources:*

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

#### WEB SITES

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

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

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION**

Note: The following **optional** administrative regulation should be revised to reflect provisions applicable to the size of the district as well as any related provisions of collective bargaining agreements.

Pursuant to Government Code 3543.2, the district and certificated employee bargaining unit must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days. If the Governing Board has adopted a collective bargaining agreement which includes such procedures, then, pursuant to Education Code 44932, the authorization to suspend an employee for up to 15 days pursuant to the procedures specified in Education Code 44933, 44934, 44934.1, 44935, 44936, 44937, 44943, and 44944 would not apply. The suspension procedures specified in Education Code 44934 and 44939, as amended by AB 215 (Ch. 55, Statutes of 2014), are explicitly for use only by districts that do not have a collective bargaining agreement.

In Vergara v. State of California, a California superior court held that the state's current dismissal procedure is unconstitutional because it is so complex, time consuming, and expensive that it effectively prohibits an effective, efficient, and fair dismissal of a grossly ineffective teacher. However, this decision has been stayed until appeals can be settled.

Because Education Code provisions pertaining to employee suspension and dismissal are complex, districts are advised to consult with legal counsel before instituting such proceedings.

**Causes for Suspension or Dismissal**

Note: Education Code 44932 lists causes for which a certificated employee may be suspended without pay or dismissed. AB 215 (Ch. 55, Statutes of 2014) amended Education Code 44932 to add egregious misconduct, as defined, as a cause for dismissal and to delete membership in the Communist party.

The causes listed in Education Code 44932 have been found to be so broad as to be sometimes difficult to apply. However, the California Supreme Court (Morrison v. State Board of Education) has articulated a seven-part test to determine fitness to teach, including (1) likelihood of recurrence of the questioned conduct or performance, (2) extenuating or aggravating circumstances, (3) effect of notoriety and publicity, (4) impairment of teacher-student relationships, (5) disruption of the education process, (6) motive, and (7) proximity or remoteness in time of conduct or performance. The conduct or performance that gives rise to the need to suspend or dismiss need not occur on or involve district property.

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

## **DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

8. Persistent violation of or refusal to obey the school laws or 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 (advocacy of communism)
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

*(cf. 4115 - Evaluation/Supervision)*

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)

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising his/her free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

### **Suspension/Dismissal of Permanent Employees**

Note: Procedures for the suspension or dismissal of permanent employees are addressed in Education Code 44932-44947. Some of these procedures were amended by AB 215 (Ch. 55, Statutes of 2014), including the establishment of an alternative procedure for charges related solely to egregious misconduct.

See the accompanying Board policy for information about Board responsibilities related to reviewing the statement of charges, providing notice to the employee of the Board's intent to suspend or dismiss him/her, and, when applicable, appointing a member of the Commission on Professional Competence that will conduct a hearing on the matter.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

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. (Education Code 44934, 44934.1)
2. Upon receiving notice of the Board's intent to suspend or dismiss him/her, the employee 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 employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when an 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 supporting 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)

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

**Suspension/Dismissal of Probationary Employees**

Note: With proper notice, the district may choose not to rehire probationary employees for the following year without giving a statement of reasons; see AR 4117.6 - Decision Not to Rehire. However, during the school year, probationary employees may only be suspended without pay or dismissed for cause and in accordance with the applicable procedures specified in law.

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons provided that it is done in accordance with AR 4117.6 - Decision Not to Rehire and proper notice is provided by March 15. (Education Code 44929.21, 44929.23)

*(cf. 4116 - Probationary/Permanent Status)  
(cf. 4117.6 - Decision Not to Rehire)*

Note: Districts with average daily attendance (ADA) of 250 or more may dismiss probationary employees during the school year in accordance with the procedures contained in Education Code 44948.3, in which case the decision whether to dismiss an employee rests with the Board rather than the Commission on Professional Competence (Option 1 below).

Districts with less than 250 ADA should select the appropriate option below depending on how the district grants permanent status to certificated employees in accordance with BP/AR 4116 - Permanent/Probationary Status. Districts with less than 250 ADA that have not adopted a collective bargaining agreement may elect to use the procedures in Education Code 44934 and 44934.1 for dismissal of probationary employees (Option 2 below), as reflected in the section "Suspension/Dismissal of Permanent Employees" above. Alternatively, Education Code 44948.2 authorizes districts with less than 250 ADA to elect to dismiss probationary employees during the school year pursuant to Education Code 44948.3 (Option 1 below). When districts with less than 250 ADA decide to use the procedures in Education Code 44948.3, their employees will become permanent employees if they are not served with a notice of non-reelection before March 15 of their second year. Since Education Code 44948.3 applies only to dismissal of probationary employees in districts with 250 ADA or more or to districts of less than 250 ADA that elect to use Education Code 44948.3, it is not appropriate for use by districts that either grant permanent status after three consecutive years or that reelect employees from year to year without granting permanent status.

### **OPTION 1: (Districts with ADA of 250 or more, or districts with less than 250 ADA that have elected to use the dismissal procedures in Education Code 44948.3)**

During the school year, probationary employees in their 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: (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.

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

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Note: Pursuant to Education Code 44948.3, the probationary employee may request a hearing as provided below. His/her failure to request a hearing within 15 days from receipt of the dismissal notice constitutes a waiver of the right to a hearing.

- 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.

Note: Education Code 44948.3 authorizes the district to establish procedures for the appointment of an administrative law judge to conduct the hearing and submit his/her recommended decision to the Board. Item #3 may be revised to reflect any such procedures established by the district.

- 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)

**OPTION 2: (Districts with less than 250 ADA that do not grant permanent status after two years and do not elect to use the procedures in Education Code 44948.3)**

During the school year, probationary employees 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. (Education Code 44948)

Whenever a probationary employee is so charged, dismissal procedures shall be those set forth in Education Code 44934 and 44934.1 as described in the section "Suspension/Dismissal of Permanent Employees" above.

### Compulsory Leave of Absence

Note: Whenever a certificated employee is charged with a "mandatory leave of absence offense" as defined in Education Code 44940, the district is required to place him/her on a compulsory leave of absence. Penal Code 291 requires law enforcement, including the local police, sheriff, or California Highway Patrol, to telephone the Superintendent when a school employee has been arrested for a sex offense and provide written notice to the County Superintendent of Schools and the Commission on Teacher Credentialing (CTC).

AB 215 (Ch. 55, Statutes of 2014) amended Education Code 44940 to add murder or attempted murder to the list of mandatory leave of absence offenses (item #2 below) and to delete exceptions regarding controlled substances (item #3 below).

Pursuant to Education Code 44009 and 44425, the CTC will revoke the credential of an individual who has been convicted of a mandatory leave of absence offense.

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Upon being informed by law enforcement 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 (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

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

Note: Education Code 44940 permits the Board to require compulsory leaves for certain "optional leave of absence offenses" as defined below. AB 215 (Ch. 55, Statutes of 2014) amended Education Code 44940 to move violations or attempted violations of Penal Code 187 from the list of optional leave of absence offenses to the list of mandatory leave of absence offenses.

The following **optional** paragraph should be revised to reflect offenses which the Board has determined will require a compulsory leave of absence.

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 tetrahydrocannabinols. (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 he/she demands a hearing. (Education Code 44940, 44940.5)

Note: Pursuant to Education Code 44940.5, while on compulsory leave, the employee may receive his/her salary if he/she provides a suitable bond or other acceptable security as a guarantee that he/she will repay the leave-period salary if convicted of the charges or if he/she fails to return to district service. If the employee is acquitted or the charges are dismissed, the district must reimburse him/her for the cost of the bond upon return to service in the district. If an employee who does not furnish a bond or other security is acquitted or the charges are dismissed, the district must pay his/her salary for the time spent on leave upon return to service.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

Education Code 44940.5 specifies that, if the charges against an employee are dismissed as a result of the employee's successful completion of a drug diversion program and the employee returns to service, the employee may elect to receive payment for his/her accrued leave and differential pay for the length of the employee's leave of absence.

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 his/her 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)

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

**TEMPORARY/SUBSTITUTE PERSONNEL**

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

*(cf. 4112.2 - Certification)*

**Hiring**

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

*(cf. 4113 - Assignment)*

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

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

*(cf. 4117.14/4317.14 - Postretirement Employment)*

Note: Education Code 44956 and 44957 require that districts give employees who are laid off pursuant to Education Code 44955 priority for substitute service during the period of preferred right to reemployment. The period of preferred right to reemployment is 39 months for laid-off permanent employees and 24 months for probationary employees; see BP 4117.3 - Personnel Reduction.

Pursuant to Education Code 44956, if a laid-off permanent employee serves as a substitute in any position requiring certification for any 21 days or more within a period of 60 school days, he/she is entitled to compensation not less than the amount the employee would receive if he/she were being reappointed and retroactive to the first day of the substitute service. Education Code 44957 does not contain similar provisions for probationary employees; such employees are paid according to the salary schedule for substitute employees adopted by the Governing Board, regardless of the number of days worked as a substitute.

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

*(cf. 4117.3 - Personnel Reduction)*

**Classification**

Note: A certificated employee's classification as a substitute, temporary, probationary, or permanent employee governs the statutory job protections to which he/she is entitled and the procedures that apply if he/she is not reelected; see section below entitled "Release from Employment/Dismissal." Districts are encouraged to consult legal counsel when questions arise regarding such classification.

## TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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

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

Note: The following two paragraphs describe circumstances under which the Education Code expressly defines a position as temporary. In both Bakersfield Elementary Teachers Association v. Bakersfield City School District and California Teachers Association v. Vallejo City Unified School District, the courts determined that it was inappropriate to classify certificated employees as temporary on the basis of the provisional status of their credential (i.e., those serving under an intern credential, provisional internship permit, short-term staff permit, emergency teaching permit, or credential waiver). According to the courts, districts may classify as temporary employees only those persons who are specified to be temporary employees in the Education Code. All other certificated employees who cannot be properly classified as substitute or permanent employees must be classified as probationary employees.

One circumstance under which a teacher may be classified as a temporary employee is when the district needs an additional teacher for a period of one semester to one year because of teacher absence due to leaves or long-term illness, as authorized in Education Code 44920. As provided below, Education Code 44920 requires the Board to determine the number of temporary employees that may be hired under these circumstances. In McIntyre v. Sonoma Valley Unified School District, the court clarified that a district's ability to classify an employee as temporary pursuant to Education Code 44920 is not dependent upon a one-to-one match of temporary employees to employees on leave. Rather, all that is required is that the number of temporary teachers not exceed the total number of employees on leave at any one time.

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

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

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)

(cf. 6175 - *Migrant Education Program*)  
(cf. 6200 - *Adult Education*)

## TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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

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

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

**Note:** Item #5 below applies only to high school and unified districts.

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

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

**Note:** Education Code 44909 authorizes districts to employ certificated employees in programs and projects conducted under contract with public or private agencies or through categorically funded projects which are not required by federal or state statutes, and provides that such persons may be employed for periods less than a full school year. Pursuant to Education Code 44909, such persons may be terminated at the expiration of the contract or specially funded project without regard to termination procedures required for probationary or permanent employees. In Stockton Teachers Association v. Stockton Unified School District, the court of appeals clarified that "the expiration of the contract" refers to the contract between the district and the agency providing categorical funds, not a contract between the district and employee. Thus, the district may not hire a person for more or less than the term of the contract or project and treat such a person as a temporary employee. Districts should consult legal counsel as necessary regarding the classification or termination of employees hired pursuant to Education Code 44909. Also, it is recommended that districts use a separate employment agreement tailored to these employees.

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

### Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

## TEMPORARY/SUBSTITUTE PERSONNEL (continued)

Note: Pursuant to Government Code 3540.1, exclusive representatives of employees for purposes of negotiations may include representation of all public school employees other than management and confidential employees, as defined. Thus, substitute and temporary personnel may have the right to be represented. In cases where substitute and temporary employees are not represented, the Board may determine whether to include such employees in the district's health and welfare plan and other benefits. Although Options 1 and 2 below address temporary employees only, a district may modify either option as necessary to reflect its treatment of substitute employees. The district should consult legal counsel if it has any questions about the provision of benefits to substitute and temporary employees.

**OPTION 1:** Temporary employees shall participate in the health and welfare plans or other fringe benefits of the district.

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

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

**OPTION 2:** Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district. *many*

### Paid Sick Leave

Note: Effective July 1, 2015, Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. In implementing Labor Code 246, the district must either (1) allow temporary and substitute employees to carry over accrued paid sick leave to the following year up to a maximum of 48 hours or six work days, in which case the district must track the amount of sick leave earned by each employee, or (2) grant 24 hours of paid sick leave to each such employee at the beginning of each year, in which case no sick leave carries over to the following year. Districts should select the option below which corresponds to their approach under Labor Code 246.

Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years. The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, the following optional section has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this section accordingly. For sick leave for full-time and part-time certificated employees and additional requirements of Labor Code 245-249, see AR 4161.1/4361.1 - Personal Illness/Injury Leave. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

**OPTION 1:** Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours

**TEMPORARY/SUBSTITUTE PERSONNEL (continued)**

worked. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

**OPTION 2:** Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Note: The following paragraph applies to both options and reflects the intent of the legislature in enacting the Healthy Workplaces, Healthy Families Act, including to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which temporary or substitute employees may use sick leave, pursuant to district policy or practice.

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

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

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

*(cf. 4261.1 - Personal Illness/Injury Leave)*

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

#### **Release from Employment/Dismissal**

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

## TEMPORARY/SUBSTITUTE PERSONNEL (continued)

Note: Pursuant to Education Code 44954, if a district decides not to reelect for the following year a temporary employee who has served at least 75 percent of the days in the school year, the district must so notify that employee by the end of the school year. In Neily v. Manhattan Beach Unified School District, the court held that Education Code 37200, which defines a school year as ending June 30, is applicable for determining the deadline for this notification, not the last day that students and teachers are in their classrooms.

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

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

## Reemployment as a Probationary Employee

Note: Education Code 44917, 44918, and 44920 provide that a substitute or temporary employee who performs the duties of a certificated employee for a complete school year, or for at least 75 percent of the days in the school year, shall be given credit for a complete year as a probationary employee if he/she is then employed as a probationary employee the following school year, as provided below. However, in McIntyre v. Sonoma Valley Unified School District, the court clarified that a district is not required to grant probationary status to an employee based solely on the fact that he/she served as a temporary employee for more than one year if the employee is released and reemployed as a temporary employee for the following year to fill the position of a regularly employed person absent from service.

Reemployment provisions contained in Education Code 44918 do not apply to districts with average daily attendance of over 400,000; such districts should modify the following section accordingly.

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

(*cf. 4116 - Probationary/Permanent Status*)

## TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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

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

**Note:** Districts that do not maintain high schools should delete the following paragraph.

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

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

### Legal Reference:

#### EDUCATION CODE

22455.5 *Provision of retirement plan information to potential members*

22515 *Irrevocable election to join retirement plan*

37200 *School calendar*

44252.5 *State basic skills assessment required for certificated personnel*

44300 *Emergency teaching or specialist permits*

44830 *Employment of certificated persons; requirements of proficiency in basic skills*

44839.5 *Employment of retinants*

44845 *Date of employment*

44846 *Criteria for reemployment preferences*

44909 *Employees providing services through categorically funded programs*

44914 *Substitute and probationary employment computation for classification as permanent employee*

44915 *Classification of probationary employees*

44916 *Time of classification; statement of employment status*

44917 *Classification of substitute employees*

44918 *Substitute or temporary employee deemed probationary employee; reemployment rights*

## TEMPORARY/SUBSTITUTE PERSONNEL (continued)

### *Legal Reference: (continued)*

#### EDUCATION CODE (continued)

- 44919 *Classification of temporary employees*
- 44920 *Employment of certain temporary employees; classifications*
- 44921 *Employment of temporary employees; reemployment rights (unified and high school districts)*
- 44953 *Dismissal of substitute employees*
- 44954 *Release of temporary employees*
- 44955 *Layoff of permanent and probationary employees*
- 44956 *Rights of laid-off permanent employees to substitute positions*
- 44957 *Rights of laid-off probationary employees to substitute positions*
- 44977 *Salary schedule for substitute employees*
- 45030 *Substitutes*
- 45041 *Computation of salary*
- 45042 *Alternative method of computation for less than one school year*
- 45043 *Compensation for employment beginning in the second semester*
- 56060-56063 *Substitute teachers in special education*

#### GOVERNMENT CODE

- 3540.1 *Educational Employment Relations Act, definitions*

#### LABOR CODE

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

#### CODE OF REGULATIONS, TITLE 5

- 5502 *Filing of notice of physical examination for employment of retired person*
- 5503 *Physical examination for employment of retired persons*
- 5590 *Temporary athletic team coach*
- 80025-80025.5 *Emergency substitute teaching permits*

#### COURT DECISIONS

- McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
- Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
- Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187
- California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135
- Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277
- Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

### *Management Resources:*

#### WEB SITES

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

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

**PERSONAL ILLNESS/INJURY LEAVE**

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

Effective July 1, 2015, Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years. The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

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

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

*(cf. 4161/4261/4361 - Leaves)*

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

Certificated employees may use sick leave for absences due to:

1. Temporary inability to perform assigned duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment (Education Code 44964)

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

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

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

## PERSONAL ILLNESS/INJURY LEAVE (continued)

### 3. Personal necessity (Education Code 44981)

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

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

### 4. Medical and dental appointments, in increments of not less than ~~one hour~~ 1/4 hour

### 5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

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

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

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

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may also be used for the purposes specified in items #7 and #8 below. Labor Code 245.5, as added by AB 1522, defines "family member" for the purpose of item #7 to include a registered domestic partner, grandparent, and sibling. Item #8 applies only to employees who are victims of domestic violence, sexual assault, or stalking. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

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

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

## PERSONAL ILLNESS/INJURY LEAVE (continued)

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

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

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

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

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

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

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

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

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

### Notification of Absence

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

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

## PERSONAL ILLNESS/INJURY LEAVE (continued)

(cf. 4121 - *Temporary/Substitute Personnel*)

### Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

#### OPTION 1:

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

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

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

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

#### OPTION 2:

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

## PERSONAL ILLNESS/INJURY LEAVE (continued)

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

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

*(cf. 4116 - Probationary/Permanent Status)*

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

### Verification Requirements

**Note:** Education Code 44978 **mandates** the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

The following section should be modified to reflect district practice and any procedures which have been specified in negotiated agreements.

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

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

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to

## PERSONAL ILLNESS/INJURY LEAVE (continued)

work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

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

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

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

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

*(cf. 4032 - Reasonable Accommodation)  
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)*

## Healthy Workplaces, Healthy Families Act Requirements

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

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

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

**PERSONAL ILLNESS/INJURY LEAVE (continued)**

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

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

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

*Legal Reference: (see next page)*

## PERSONAL ILLNESS/INJURY LEAVE (continued)

### *Legal Reference:*

#### EDUCATION CODE

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

#### LABOR CODE

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

#### 245-249 Healthy Workplaces, Healthy Families Act of 2014

#### CODE OF REGULATIONS, TITLE 5

- 5601 *Transfer of accumulated sick leave*

#### UNITED STATES CODE, TITLE 42

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

#### CODE OF FEDERAL REGULATIONS, TITLE 29

- 1635.1-1635.12 *Genetic Information Nondiscrimination Act of 2008*

#### COURT DECISIONS

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

**All Personnel**

AR 4161.2(a)  
4261.2  
4361.2

**PERSONAL LEAVES**

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

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

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

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

*(cf. 4121 - Temporary/Substitute Personnel)*

**Bereavement**

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

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

*(cf. 4161/4261/4361 - Leaves)*

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

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, *or* sister, *aunt, uncle, niece or nephew.*
3. Any relative living in the employee's immediate household

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

## PERSONAL LEAVES (continued)

### Personal Necessity

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

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

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

*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)  
(cf. 4261.1 - Personal Illness/Injury Leave)*

Acceptable reasons for the use of personal necessity leave include:

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

Note: Education Code 44981 provides that a certificated employee may use personal necessity leave for the serious illness of a member of his/her immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult legal counsel regarding any interaction of Education Code provisions with Labor Code 233, which states that any employer who provides sick leave for employees must permit the employees to use one-half of their annual sick leave allotment to attend to the illness of a child, parent, spouse, registered domestic partner, or registered domestic partner's child. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, or spouse/registered domestic partner; or the employee's own serious health condition.

3. A serious illness of a member of the certificated employee's immediate family (Education Code 44981)

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

## PERSONAL LEAVES (continued)

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

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

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

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

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

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

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

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

However, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

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

## PERSONAL LEAVES (continued)

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

### Legal Duties

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

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

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

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

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

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

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

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

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

Employees shall be granted leave to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought

## **PERSONAL LEAVES (continued)**

about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

### **Leaves for Crime Victims**

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

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

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

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

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

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

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

## PERSONAL LEAVES (continued)

### Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

Note: Pursuant to Labor Code 230 and 230.1, as amended by SB 400 (Ch. 759, Statutes of 2013), the prohibition of adverse employment action against employees who are victims of domestic violence and sexual assault for taking leaves described in the following section is also applicable to victims of stalking. As amended, Labor Code 230 and 230.1 allow employees to use their available vacation, personal leave, or compensatory time off for this purpose, unless otherwise provided by applicable collective bargaining agreement. However, a collective bargaining agreement cannot diminish the entitlement of an employee.

Labor Code 246.5 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), requires the district to allow the use of sick leave by any employee who is a victim of domestic violence, sexual assault, or stalking for the purpose of seeking or obtaining any relief or medical attention to ensure the employee's or his/her child's health, safety, and welfare, as specified below.

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

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

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

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

## PERSONAL LEAVES (continued)

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

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court

Note: Pursuant to Labor Code 230, as amended by SB 400 (Ch. 759, Statutes of 2013), the list of professionals authorized to issue documentation to certify an employee's need for leaves within this section has been modified as specified in item #3 below.

3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

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

## Personal Leave for a Child's School Activities

Note: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. **A district with fewer than 25 employees at the same location may use or delete this section at its discretion.**

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

Any employee who is a parent/guardian or grandparent having custody of one or more children enrolled in grades K-12 or who attend a licensed day care facility may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year. The employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

## **PERSONAL LEAVES (continued)**

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

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

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

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

### **Service on Education Boards and Committees**

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

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

### **Employee Organization Activities**

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

Education Code 44987 and 45210 provide that certificated and classified employees may take time off without loss of compensation to serve as elected officers of their local, statewide, or national employee organization. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

## PERSONAL LEAVES (continued)

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

*(cf. 4140/4240/4340 - Bargaining Units)  
(cf. 4143/4243 - Negotiations)*

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

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

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

### Religious Leave

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

~~The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.~~

## PERSONAL LEAVES (continued)

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

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

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

### Spouse on Leave from Military Deployment

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

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

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

### Leave for Emergency Duty

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

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)

## PERSONAL LEAVES (continued)

Note: Pursuant to Labor Code 230.4, as amended by AB 11 (Ch. 120, Statutes of 2013), the requirement for a district with 50 or more employees to grant an employee who is a volunteer firefighter leaves of absence for up to 14 days per calendar year for training purposes has been extended to employees who are reserve peace officers and emergency rescue personnel as specified in the following paragraph. **A district with fewer than 50 employees may use or delete this paragraph at its discretion.**

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

### Civil Air Patrol Leave

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

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

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

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

AR 4161.2(l)  
4261.2  
4361.2

## PERSONAL LEAVES (continued)

### *Legal Reference:*

#### EDUCATION CODE

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

#### EVIDENCE CODE

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

#### FAMILY CODE

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

#### GOVERNMENT CODE

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

#### LABOR CODE

- 230-230.2 *Leave for victims of domestic violence, sexual assault, or specified felonies*
- 230.3 *Leave for emergency personnel*
- 230.4 *Leave for volunteer firefighters*
- 230.8 *Leave to visit child's school*
- 233 *Illness of child, parent, spouse, domestic partner or domestic partner's child*
- 234 *Absence control policy*
- 246.5 *Paid sick days, purposes for use*
- 1500-1507 *Civil Air Patrol leave*

#### MILITARY AND VETERANS CODE

- 395.10 *Leave when spouse on leave from military deployment*

#### PENAL CODE

- 667.5 *Violent felony, defined*
- 1192.7 *Serious felony, defined*

#### CALIFORNIA CONSTITUTION

- Article 1, Section 8 Religious discrimination*

#### UNITED STATES CODE, TITLE 29

- 2601-2654 *Family and Medical Leave Act*

#### UNITED STATES CODE, TITLE 42

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

#### COURT DECISIONS

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

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

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

AR 4161.2(m)  
4261.2  
4361.2

## **PERSONAL LEAVES (continued)**

*Management Resources:*

WEB SITES

*California Federation of Teachers: <http://www.cft.org>*  
*California School Employees Association: <http://www.csea.com>*  
*California Teachers Association: <http://www.cta.org>*  
*Public Employment Relations Board: <http://www.perb.ca.gov>*

**PERSONAL ILLNESS/INJURY LEAVE**

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

Effective July 1, 2015, Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years. The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

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

Classified employees employed five days per week are entitled to 12 days leave of absence, with full pay, for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work, except when the sick leave will be less than the district grants short-term or substitute employees pursuant to Labor Code 246. (Education Code 45191; Labor Code 245-249)

*(cf. 4161/4261/4361 - Leaves)*

Classified employees may use sick leave for absences due to:

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

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

3. Personal necessity as specified in Education Code 45207

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

## PERSONAL ILLNESS/INJURY LEAVE (continued)

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

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

(cf. 4261.11 - *Industrial Accident/Illness Leave*)

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

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

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may also be used for the purposes specified in items #7 and #8 below. Labor Code 245.5, as added by AB 1522, defines "family member" for the purpose of item #7 to include a registered domestic partner, grandparent, and sibling. Item #8 applies only to employees who are victims of domestic violence, sexual assault, or stalking. For more details of AB 1522 requirements, see sections titled "Healthy Workplaces, Healthy Families Act Requirements" and "Short-Term and Substitute Employees" below. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

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

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee

## **PERSONAL ILLNESS/INJURY LEAVE (continued)**

shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

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

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

At the beginning of each school year, each classified employee shall be notified of the amount of sick leave which he/she has accumulated.

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

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

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

**Note:** Pursuant to Education Code 45202, a classified employee is entitled to have accumulated sick leave transferred with him/her in the circumstances specified in the following **optional** paragraph.

The Superintendent or designee shall notify any classified employee who leaves the district after at least one school year of employment that if the employee accepts employment in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 45202)

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

### **Notification of Absence**

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

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so

## PERSONAL ILLNESS/INJURY LEAVE (continued)

notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

### Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

#### OPTION 1:

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

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

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

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

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

#### OPTION 2:

Note: Education Code 45196 authorizes but does not require a district to annually credit regular classified employees with at least 100 working days of paid sick leave, and to compensate any such employee at 50 percent or more of the employee's regular salary for the remainder of the 100 working days after the employee has exhausted all leaves for which he/she would be entitled to a full salary. Any district that chooses this option is mandated to adopt a rule to that effect. Such districts should note that this option is

## PERSONAL ILLNESS/INJURY LEAVE (continued)

exclusive of other paid leave, holidays, or vacation. In California School Employees Association v. Colton Joint Unified School District, the court ruled that the district's practice of coordinating or combining vacation with the 100 days differential leave contradicts the express provision of Education Code 45196.

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

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

### Extension of Leave

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

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - *Probationary/Permanent Status*)

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

### Verification Requirements

Note: Education Code 45191 mandates the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations

## PERSONAL ILLNESS/INJURY LEAVE (continued)

shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in negotiated agreements.

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

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

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

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

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

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

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

*(cf. 4032 - Reasonable Accommodation)*

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

**PERSONAL ILLNESS/INJURY LEAVE (continued)****Healthy Workplaces, Healthy Families Act Requirements**

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

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

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

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

## PERSONAL ILLNESS/INJURY LEAVE (continued)

### Short-Term and Substitute Employees

Note: In addition to the requirements specified above, Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), requires a district to either (1) allow short-term and substitute employees to carry over accrued paid sick leave to the following year up to a maximum of 48 hours or 6 work days, in which case the district must track the amount of sick leave earned by each employee, or (2) grant 24 hours of paid sick leave to each such employee at the beginning of each year, in which case no sick leave carries over to the following year. **Districts should select the option below which corresponds to their approach under Labor Code 246.**

**OPTION 1:** Any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

**OPTION 2:** Any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Note: The following paragraph applies to both options and reflects the intent of the legislature in enacting the Healthy Workplaces, Healthy Families Act, including to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking.

A short-term or substitute employee may use accrued sick leave for absences due any condition specified in item #7 or #8 above. (Labor Code 246.5)

*Legal Reference: (see next page)*

## PERSONAL ILLNESS/INJURY LEAVE (continued)

### *Legal Reference:*

#### EDUCATION CODE

45103 *Substitute employees*

45190 *Leaves of absence and vacations*

45191 *Leaves of absence for illness and injury*

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

45195 *Additional leave for nonindustrial accident or illness; reemployment preference*

45196 *Salary; deductions during sick leave*

45202 *Transfer of accumulated sick leave and other benefits*

#### LABOR CODE

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

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

233 *Illness of child, parent, spouse or domestic partner*

245-249 *Healthy Workplaces, Healthy Families Act of 2014*

#### COURT DECISIONS

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

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

#### ATTORNEY GENERAL OPINIONS

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

**STUDENT RECORDS**

Note: Student records are governed by both federal and state law (Family Educational Rights and Privacy Act (FERPA) pursuant to 20 USC 1232g, 34 CFR 99.1-99.8, Education Code 49069, and 5 CCR 430-433).

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

Note: Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which enumerate and describe the student records collected and maintained by the district, ensure security of the records, and guarantee access to authorized persons within five days of the request. Education Code 49069 **mandates** procedures related to parental review of student records. See the accompanying administrative regulation for additional language implementing these mandates.

The privacy of student online information is addressed in Business and Professions Code 22580-22582, as added by SB 568 (Ch. 336, Statutes of 2013), which prohibit an operator of a web site, online service or application, or mobile application from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. In addition, effective January 1, 2016, Business and Professions Code 22584-22585, as added by SB 1177 (Ch. 839, Statutes of 2014), prohibit the operator of a web site, online service or application, or mobile application that provides services to K-12 students from selling or disclosing specified student information or knowingly using that student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a K-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee (e.g., name, contact information, educational record, discipline records, test results, health records, socioeconomic information). Pursuant to Business and Professions Code 22580 and 22584, the operator must delete a student's information upon the request of the minor, school, or district.

The Superintendent or designee shall establish administrative regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.

*(cf. 3580 - District Records)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 5125.3 - Challenging Student Records)*

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

## STUDENT RECORDS (continued)

### Student Records from Social Media

Note: The following section is optional. Pursuant to Education Code 49073.6, as added by AB 1442 (Ch. 799, Statutes of 2014), any district considering a program to gather information from students' social media activity, as defined, must first notify students and parents/guardians and provide an opportunity for public comment. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980. If such a program is then adopted, the district must comply with program requirements reflected in the section "Student Records from Social Media" in the accompanying administrative regulation.

The district should consult legal counsel before gathering any other online information that does not meet the definition of social media in Education Code 49073.6.

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

*(cf. 0450 - Comprehensive Safety Plan)  
(cf. 5131.2 - Bullying)  
(cf. 5145.6 - Parental Notifications)  
(cf. 9322 - Agenda/Meeting Materials)  
(cf. 9323 - Meeting Conduct)*

### Contract for Digital Storage, Management, and Retrieval of Student Records

Note: Education Code 49073.1, as added by AB 1584 (Ch. 800, Statutes of 2014), authorizes districts to enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or for software designed for this purpose. A district that chooses to enter into such a contract is mandated to adopt policy allowing such contracts and must ensure that the contract includes all the provisions specified in Education Code 49073.1. Also see BP 3312 - Contracts.

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

*(cf. 3312 - Contracts)*

*Legal Reference: (see next page)*

## STUDENT RECORDS (continued)

### *Legal Reference:*

#### EDUCATION CODE

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

#### BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

#### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

#### FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

#### GOVERNMENT CODE

6252-6260 Inspection of public records

#### HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

#### PENAL CODE

245 Assault with deadly weapon

#### WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

#### CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

#### UNITED STATES CODE, TITLE 26

152 Definition of dependent child

#### UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

#### CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

## STUDENT RECORDS (continued)

*Management Resources:*

FEDERAL REGISTER

*Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855*

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

*Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008*

*Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007*

WEB SITES

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

*National School Boards Association: <http://www.nsba.org>*

*U.S. Department of Education, Family Policy Compliance, <http://www.ed.gov/policy/gen/guid/fpcos>*

**STUDENT RECORDS****Definitions**

*Student* means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

*Attendance* includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Note: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA). Also see BP/AR 5141.6 - School Health Services.

*Student records* are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

*(cf. 5125.1 - Release of Directory Information)*

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

Note: USDOE guidance (*Balancing Student Privacy and School Safety*) clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

*(cf. 3515 - Campus Security)*

*(cf. 3515.3 - District Police/Security Department)*

**STUDENT RECORDS** (continued)

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

*Mandatory permanent student records* are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

*Mandatory interim student records* are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

*Permitted student records* are those records having clear importance only to the current educational process of the student. (5 CCR 430)

*Disclosure* means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

*Access* means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

*Personally identifiable information* includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not

## STUDENT RECORDS (continued)

have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

*Adult student* is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

*Parent/guardian* means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Note: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" and "school officials and employees" in their annual notification; see section "Notification of Parents/Guardians" below.

*Legitimate educational interest* is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

*School officials and employees* are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Note: Pursuant to Education Code 49076, the district may allow any "contractor or consultant" with whom it has a formal written agreement to access information in student records without parent/guardian consent, when the contractor or consultant has a "legitimate educational interest" in that information. However, contrary to 34 CFR 99.31, Education Code 49076 prohibits release of student records to volunteers.

*Contractor or consultant* is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

*Custodian of records* is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

*County placing agency* means the county social service department or county probation department. (Education Code 49061)

### Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

## STUDENT RECORDS (continued)

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

Note: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with disabilities, including the right to access student records, are transferred to the student when he/she reaches age 18 years except when the student has been declared incompetent under state law.

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

*(cf. 6159 - Individualized Education Program)*

## Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

Note: Education Code 49076 and 34 CFR 99.31 require that access to relevant records be given to parents/guardians of a dependent child, defined by 26 USC 152 as one who lives with his/her parent/guardian for more than half the taxable year, has not provided more than half of his/her own support during that year, and has not filed a joint tax return with a spouse.

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

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

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county,

## STUDENT RECORDS (continued)

or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Note: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parental notification that the district may forward education records under these circumstances, it is not obligated to individually notify parents/guardians or adult students. The following **optional** paragraph may be deleted by districts that include such a statement in their annual parental notification. See section below entitled "Notification of Parents/Guardians."

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Note: Item #6 below is for use by districts that maintain high schools. As amended by AB 2160 (Ch. 679, Statutes of 2014), Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. The required notification may be included in the annual parental notification issued pursuant to Education Code 48980.

6. The Student Aid Commission, for the purpose of providing the grade point average (GPA) of all district students in grade 12 to the Cal Grant postsecondary financial aid program, ~~except when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA~~ (Education Code 69432.9)

No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

**STUDENT RECORDS (continued)**

7. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

Note: Pursuant to Education Code 49076, county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Education Code 49076 also authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

**STUDENT RECORDS (continued)**

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. Any foster family agency with jurisdiction over currently enrolled or former students for purposes of accessing those students' records of grades and transcripts and any individualized education program developed and maintained by the district (Education Code 49069.3)

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

Note: AB 1068 (Ch. 713, Statutes of 2013) amended Education Code 49076 to add authorization to disclose records pursuant to items #15-17 below.

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

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

16. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

## **STUDENT RECORDS (continued)**

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

*(cf. 5021 - Noncustodial Parents)*

### **Discretionary Access**

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student

**STUDENT RECORDS (continued)**

or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

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

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
  - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
  - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

Note: Education Code 49076 includes "contractors" and "consultants," as defined in the section "Definitions" above, among the categories of individuals to whom a student's personally identifiable

**STUDENT RECORDS** (continued)

information may be disclosed under certain circumstances. Unlike 34 CFR 99.34, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

*(cf. 3600 - Consultants)*

Note: Items #7 and 8 below are for use by districts that maintain high schools.

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36)
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

### **De-identification of Records**

Note: 20 USC 1232(g) and Education Code 49076 authorize the district to release student records for specified purposes (e.g., to federal and state officials conducting program audits or to organizations conducting studies) without parent/guardian consent after the removal of all "personally identifiable information" as defined in the section entitled "Definitions" above and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or research organizations when such actions would be "in the best educational interests of students."

## STUDENT RECORDS (continued)

34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

### Process for Providing Access to Records

Note: Education Code 49069 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

Note: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district which does not use physical or technological access controls (e.g., a locked file cabinet or computer security limiting access) must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

The Analysis to Comments and Changes (73 Fed. Reg. 237, page 74817) suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

In addition, as a condition of participation in an interagency data information system (e.g., California Longitudinal Pupil Achievement Data System), Education Code 49076 requires that the district develop

## STUDENT RECORDS (continued)

security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When prior written consent from a parent/guardian is required by law, the parent/guardian shall provide a written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Note: Education Code 49069 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Note: Education Code 49069 **mandates** procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

### Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

## STUDENT RECORDS (continued)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

Note: Although Education Code 49064 does not require the district to record access by individuals specified in items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see section above entitled "Process for Providing Access to Records." The following paragraph is optional.

The log may include record of access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state or federal officials. (Education Code 49064; 5 CCR 432)

### Duplication of Student Records

Note: Education Code 49069 mandates that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(*cf. 3260 - Fees and Charges*)

### Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

## **STUDENT RECORDS (continued)**

*(cf. 5125.3 - Challenging Student Records)*

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

*(cf. 5145.3 - Nondiscrimination/Harassment)*

### **Retention and Destruction of Student Records**

Note: 5 CCR 431 mandates that the district establish written policies and procedures regarding the signing and dating of anecdotal information, as specified below.

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

*(cf. 5111 - Admission)*

3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

*(cf. 5111.1 - District Residency)*

*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*

**STUDENT RECORDS** (continued)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

*(cf. 5141.31 - Immunizations)*

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry

*(cf. 5141.32 - Health Screening for School Entry)*

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

5. Language training records

*(cf. 6174 - Education for English Language Learners)*

6. Progress slips/notices required by Education Code 49066 and 49067

**STUDENT RECORDS** (continued)

7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years

*(cf. 6162.51 - State Academic Achievement Tests)*

*(cf. 6162.52 - High School Exit Examination)*

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

*(cf. 6158 - Independent Study)*

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

*(cf. 5144 - Discipline)*

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

**Transfer of Student Records**

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

## STUDENT RECORDS (continued)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

*(cf. 4158/4258/4358 - Employee Security)  
(cf. 5119 - Students Expelled From Other Districts)*

Note: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this would not affect a situation where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

**STUDENT RECORDS (continued)****Notification of Parents/Guardians**

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices to that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

*(cf. 5145.6 - Parental Notifications)*

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

## STUDENT RECORDS (continued)

*(cf. 5020 - Parent Rights and Responsibilities)*

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

Note: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in **optional** item #13 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution (see item #5 in the list of persons/agencies with legitimate educational interests in the section entitled "Persons Granted Access" above).

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

### Student Records from Social Media

Note: The following **optional** section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, as added by AB 1442 (Ch. 799, Statutes of 2014), to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, must comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from his/her social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or

**STUDENT RECORDS (continued)**

corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
  - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian
  - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 12.0**

**ACTION ITEM: 2015-16 District Negotiating Team**

**BACKGROUND**

The District and bargaining units will initiate at-table discussions for the 2015-16 school year. The District is requesting that the Board appoint the following roster as its negotiating representatives:

Chief Negotiator:	J. Murchison
Financial Support:	W. Scarlett
Negotiator:	S. Lyons
Scribe:	T. Orio
Board Observer:	G. Ritz

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

The will of the Board.

**NOTES**

<b><i>ACTION</i></b>	<i>Moved</i>	<i>Seconded</i>
<input type="checkbox"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM 13.0**  
**ACTION ITEM: Bus Purchase**

**BACKGROUND**

Bus #3 experienced major mechanical problems which forced it to be pulled from service. The district is currently renting a bus from a neighboring school district until a replacement bus can be secured. Although the Superintendent or designee may purchase supplies, materials, apparatus, equipment and services up to the amounts specified in Public Contract Code 20111 (*BP3300*), bid threshold being \$86,000.000 in the 2015 calendar year, the Superintendent is asking for official approval from the Board to make a bus purchase and to transfer District funds as needed.

**ATTACHMENTS**

➤ **None**

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

The Board will approve the purchase of a replacement bus and authorize the transfer of funds.

**NOTES**

<b><i>ACTION</i></b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

**AGENDA ITEM 14.0**  
**Administrative Reports**

**BACKGROUND**

J. Murchison will report on activities relevant to District and Sutter's Mill School business.

S. Lyons will report on activities relevant to Gold Trail School business.

W. Scarlett will be available to answer question relevant to financial business.

Board members will report on activities relevant to District business.

**ATTACHMENTS**

➤ **Current District Enrollment**

**BUDGETED**

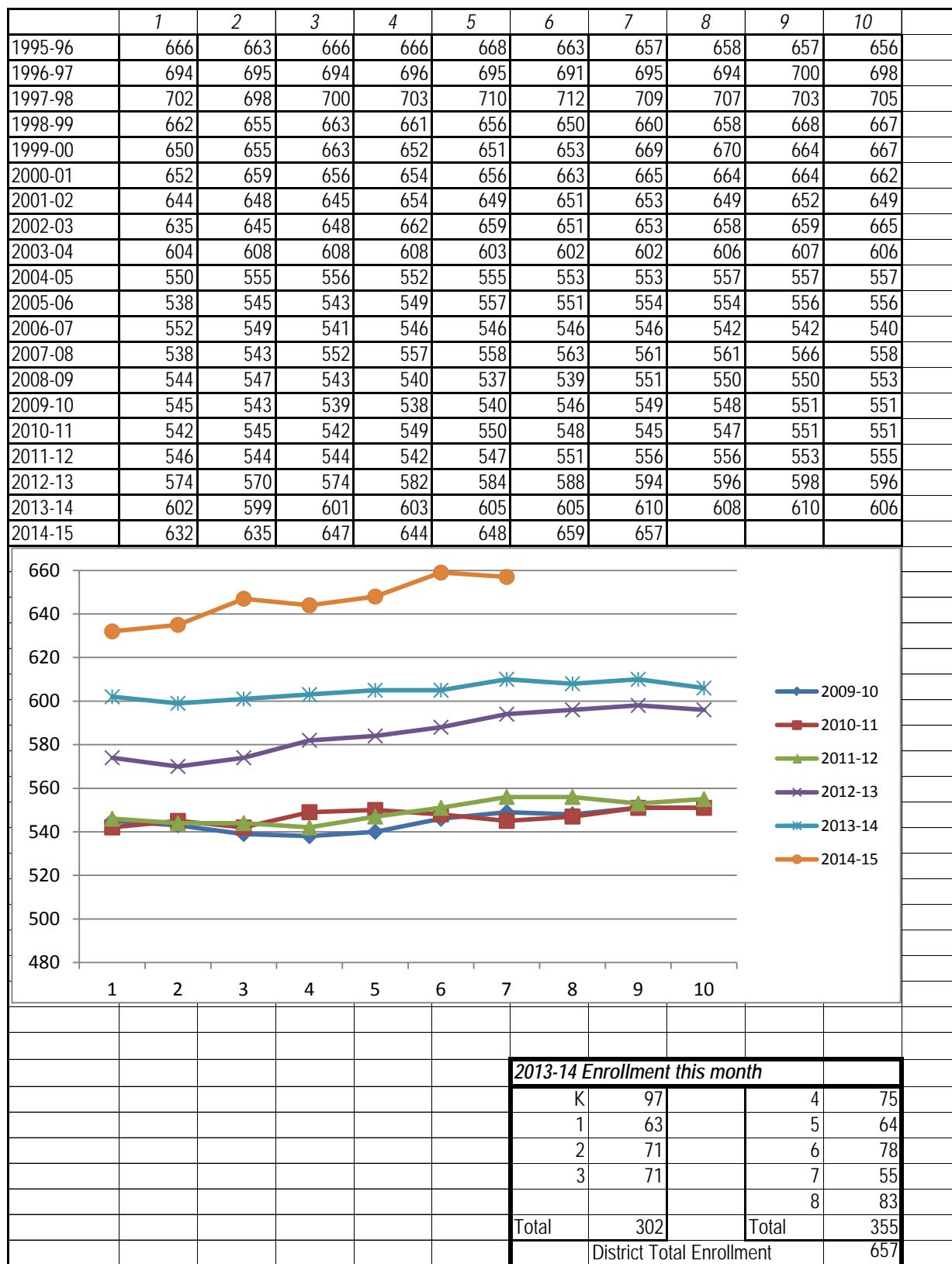
NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

**Enrollment Report**  
Historical, Current Projection



*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM:**  
**Closed Session**

**Personnel**

.1    **Conference with Labor Negotiators (Government Code Section 54957.6)**  
The Board will give direction regarding employee bargaining issues with the Gold Trail Federation of Educators and discussion with other non-represented employee groups.

**NOTES**

*The Brown Act and Education Code delineate the circumstances under which a legislative body of a local agency may meet in closed session and limit legislative bodies to the types of closed sessions identified (Government Code 54962.) The Brown Act and Education Code authorize closed sessions for the following:*

1. *Real estate negotiations.*
2. *Pending litigation.*
3. *Liability claims.*
4. *Public security.*
5. *Personnel exception.*
6. *Labor negotiations.*
7. *Particular student matters.*
8. *Student assessment instruments used as part of the statewide testing system.*

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Supplemental Information  
Regular Meeting of the Board: March 12, 2015*

**AGENDA ITEM:  
Reconvene Public Session**

*If Vote Taken in Closed Session*

<b>ACTION</b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b>Vote</b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

**AGENDA ITEM:  
Future Meetings**

The next regular meeting of the Board of Trustees is scheduled for:

The next regular meeting of the Board of Trustees is scheduled for:

**Date: April 9, 2015 Time: 6:00 p.m. Location: Gold Trail School**

Agenda Items for that meeting may include but not limited to:

Board Policies, Administrative Regulations and Board Bylaw Updates

District Fees Adjustment, If Applicable (Annual)

Monthly Local Control Accountability Plan (LCAP) Update

Williams Act Uniform Complaint Procedures Quarterly Report

*Requests may be made at this time for items to be placed on a future agenda.*

**AGENDA ITEM:  
Adjournment**

<b>ACTION</b>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<b>Vote</b>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>