

**HAPPY VALLEY SCHOOL DISTRICT  
BOARD OF TRUSTEES  
October 11, 2023  
3:30 pm, Multi-Purpose Room  
Agenda**

**A. Approval of Agenda**

**B. Approval of Minutes-** Regular Board Meeting, September 13, 2023

**C. Community Input**

Members of the audience are welcome to address the Board of Trustees at this time during the meeting regarding items not listed on this agenda. The Trustees may ask questions for clarity but cannot take action on those matters, if desired, until such matters are appropriately placed on a future agenda, according to law. Three minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter (Board bylaws 9323).

**D. Board Report**

**E. Superintendent's Report**

**F. Staff Report**

**G. Student Report**

**H. Public Hearing**

The Happy Valley Elementary School District (HVESD) gives notice regarding the intent to begin negotiations with the Happy Valley Education Association (HVEA) for a collective bargaining agreement (2024- 2026).

**I. Information Items**

**1. Greg Isom**

The Board will receive information from Greg Isom of Isom Advisors regarding parcel tax and a possible bond.

**2. Modernization Update**

The Board will receive an update regarding modernization.

**2. 2023-2024 LCAP and Budget Approval**

The Board will receive information regarding the Santa Cruz County Office of Education's approval of Happy Valley's 2023-2024 LCAP and Budget.

**3. ELOP**

The Board will receive information regarding an ELOP Activities Report.

**J. Action Items**

**1. Board Policy**

The Board will receive information regarding board policy updates and will consider approval of these.

**2. Quarterly Status Report of Uniform Complaint**

The Board will consider approval of the Quarterly Uniform Complaint report under the Williams Legislation- First Quarterly Report 2023-2024 School Year.

**3. Student Internet Safety Agreement**

The Board will consider for approval the confirmation of the CIPA (Children's Internet Protection Act) compliance: Using Lightspeed Relay Filtering through the Santa Cruz County Office of Education, Student Internet Safety Agreement, and Common-Sense Media for Internet Usage.

**4. Accept the Initial Proposal for the Happy Valley Education Association (HVEA) Sunshine Negotiations representing Certificated Bargaining Unit Members to Happy Valley Elementary School District (HVESD) for the 2024-2026 Initial Contract.**

Happy Valley Education Association (HVEA) initial contract proposal to Happy Valley Elementary School District (HVESD) for 2024-2026.

The Board will consider acceptance of the initial proposal for collective bargaining.

Article 9- Association Rights, Article 12-Work Day/Work Year, Article 14- Leaves, Article 15- Health and Welfare Benefits, and 16- Salaries

**5. The Board will approve the Initial Proposal for the Happy Valley Elementary School District (HVESD) Sunshine Negotiation Process with the Happy Valley Education Association (HVEA) representing Certificated Bargaining Unit Members for the 2024-2026 Initial Contract.**

Happy Valley Elementary School District (HVESD) initial contract proposal to Happy Valley Education Association (HVEA) for 2024-2026.

The Board will consider approval of the initial proposal for collective bargaining.

Article 7- Professional Rights, Article 12- Work Day/Work Year, Article 15- Health and Welfare Benefits, and Article 16- Salaries. The District also has an interest in reviewing the full contract for non-substantive changes such as typographical errors.

**K. Consent Items**

1. The Board will consider approval of vendor warrants paid since the last meeting.

**L. Communications and Announcements**

1. Oct. 18- Parent Club Meeting 6:30 pm, Via Zoom
2. Oct. 23- Coffee with Superintendent/Principal, 2:30 pm, Gazebo
3. Oct. 25- Make-Up Picture Day, 8:30 am, Stage
4. Oct. 27- Career Day, 8:30 am – 11:00 am
5. Oct. 27- PeaceBuilder Assembly, 11:15 am, Stage
6. Oct. 31- Halloween Parade, 10:25 am
8. Nov. 1- No School, Staff Development

**M. Adjournment**

Happy Valley School District  
Regular Board Meeting  
September 13, 2023  
MINUTES

The meeting was called to order by the Board President at 3:34pm

BOARD MEMBERS PRESENT: Freeman, Willet, Hodges, Trotter

BOARD MEMBERS ABSENT: Frandle

STAFF MEMBERS PRESENT: Stewart, Lynd, Frier

STUDENTS PRESENT: Charlie

A. APPROVAL OF THE AGENDA

MSC FREEMAN/WILLET to approve the Board Meeting agenda as written. Unanimous.

B. ACTION ITEMS

1. RESOLUTION #23-24-01 PROVISIONAL APPOINTMENT TO FILL VACANCY

Carly Trotter sworn in as the provisional appointee.

MSC FREEMAN/WILLET to approve Resolution #23-24-01 Provisional Appointment to Fill Vacancy. Unanimous.

C. APPROVAL OF THE MINUTES

MSC WILLET/HODGES to approve the minutes from the Special Board Meeting September 7, 2023. Unanimous.

D. APPROVAL OF THE MINUTES

MSC FREEMAN/HODGES to approve the minutes from the Regular Board Meeting August 16, 2023. Unanimous.

E. COMMUNITY INPUT

None.

F. BOARD REPORT

1. Katie Freeman informed the Board of a CSBA update regarding the relationships and working environment of other school Boards.

G. SUPERINTENDENT'S REPORT

Michelle Stewart informed the Board of the following:

1. Pleased to welcome a full Board with the addition of Carly Trotter.
2. School is in full swing. Great turnout to Back to School Night, the kids have been learning a lot. We have had one assembly and many Friday Flag Ceremonies, it has been great to watch all of the students participate.
3. Staggering the lunch recesses and adding the additional aide has ensured a safer playground.
4. Facilities continue to be a challenge. We have had the fire alarms tested, our

neighbor helped with a large yellow jacket nest, runoff from storm drains and mountains will need to be addressed, plumbers came to repair several toilets and a urinal, and Cliff continues to work on the sprinklers with an outside company.

5. Tomorrow is the first Coffee with the Superintendent/Principal. There is a sign up if Board members want to attend.

#### H. STAFF REPORT

Caroline Frier informed the Board of the following:

1. Fantastic start to the school year.
2. Classes are starting to take field trips.
3. 4th-6th grade teachers are co-teaching science and PE.
4. There are a lot of new aides and support in the classrooms.
5. Drive for Schools is starting. All proceeds go directly to the classroom.

#### I. PUBLIC HEARING

MSC FREEMAN/HODGES to close the meeting for a Public Hearing at 3:43pm for the following. Unanimous.

##### 1. SUFFICIENT TEXTBOOKS/INSTRUCTIONAL MATERIALS

Allowing comment on whether the district has supplied each student with sufficient textbooks and instructional materials to ensure a quality educational program.

##### 2. ADOPTING THE GANN LIMITS

Allowing comment on whether the district establishes maximum appropriation limitations, commonly called the Gann Limit.

MSC HODGES/FREEMAN to reopen the meeting at 3:45pm there being no public comment. Unanimous.

#### J. INFORMATION ITEMS

##### 1. PARCEL TAX EXPENDITURES

The Board received information regarding 2022-2023 Parcel Tax Expenditures.

##### 2. 6TH GRADE BOARD MEMBERS

The Board was introduced to the new 6th Grade Board Members, Charlie and Paige. Paige will be at the next meeting.

##### 3. ENROLLMENT UPDATE

The Board received an update regarding Happy Valley enrollment. No changes since the last meeting. Updates will begin in February 2024.

##### 4. MODERNIZATION UPDATE

The Board received an update regarding modernization and the three phases.

#### K. ACTION ITEMS

##### 1. RESOLUTION 23-24-02, SUFFICIENT TEXTBOOK/INSTRUCTIONAL MATERIALS

MSC FREEMAN/HODGES to approve the Resolution 23-24-02, certifying that each student in grades K-6 has sufficient textbooks and instructional materials to ensure a quality educational program. Unanimous.

##### 2. RESOLUTION 23-24-03, ADOPTION OF THE GANN

MSC TROTTER/FREEMAN to approve resolution 23-24-03, which establishes maximum appropriation limitations, commonly called Gann Limits, for public agencies including school districts. Unanimous.

3. CERTIFICATION OF PROVISION OF STANDARDS-ALIGNED WITH INSTRUCTIONAL MATERIALS

MSC WILLET/HODGES to certify that each student in the district has been provided with a standards-aligned textbook or basic instructional material in History/ Social Studies, Mathematics, Reading/Language Arts, and Science. Unanimous.

4. APPROVAL OF 2023-2024 CARS FOR FUNDING FEDERAL PROGRAMS

MSC FREEMAN/HODGES to approve the Consolidated Application for Funding Federal Programs for 2023-2024. Unanimous.

5. BOARD POLICY

MSC WILLET/HODGES to approve the Board policy updates and policies to be removed. Unanimous.

6. PARCEL TAX

MSC HODGES/FREEMAN to approve moving forward with renewing the school parcel tax. Unanimous.

7. AGREEMENT FOR LEGAL SERVICES

MSC WILLET/FREEMAN to approve an agreement between Happy Valley Elementary School District and Lozano Smith, LLP. Unanimous.

8. UPDATED LOCAL CONTROL AND ACCOUNTABILITY PLAN AND BUDGET OVERVIEW FOR PARENTS

MSC FREEMAN/HODGES to approve the updated Local Control and Accountability Plan (LCAP) and Budget Overview for Parents (BOP). The district adjusted local revenues to stay in compliance with auditors. Unanimous.

9. STRATEGIC PLAN

MSC FREEMAN/TROTTER to approve the Happy Valley Strategic Plan which includes the addition of more Board presence at all events and increase communication with the Parent Club. Unanimous.

10. UNAUDITED ACTUALS

MSC FREEMAN/HODGES to approve the Unaudited Actuals for 2022-2023. Unanimous.

11. PROPOSAL FOR INITIAL PROJECT MANAGEMENT SERVICES

MSC FREEMAN/WILLET to approve the Proposal for Initial Project Management Services with Cumming Construction Management Inc. Unanimous.

12. PROPOSAL FOR NEW PORTABLE RESTROOM BUILDING

MSC TROTTER/FREEMAN to approve the proposal from Enviroplex for a new portable restroom building. This is part of the modernization/financial hardship project. Unanimous.

L. CONSENT AGENDA

MSC HODGES/FREEMAN to approve the vendor warrants paid since the last meeting. Unanimous.

**M. COMMUNICATION AND ANNOUNCEMENTS**

1. September 14, 2023 - Coffee with the Principal/Superintendent, 8:30am, MPR
2. September 20, 2023 - Parent Club Meeting, 6:30pm, Via Zoom
3. September 22, 2023 - PeaceBuilder Assembly, 11:15am, Stage
4. September 22, 2023 - Spirit Day, Twin Day,
5. September 25-29, 2023 - OSS, 6th Grade
6. October 3, 2023 - Hearing and Vision Testing, 8:30am, MPR
7. October 11, 2023 - Board Meeting, 3:30pm, MPR
8. October 18, 2023 - Parent Club Meeting, 6:30pm, Via Zoom

**N. CLOSED SESSION**

The Board adjourned into closed session at 4:49pm to discuss Superintendent Goals and Negotiations.

**O. REPORT OUT OF CLOSED SESSION**

The Board reported out of closed session, at 5:15pm, nothing to report.

**P. ADJOURNMENT**

MSC FREEMAN/HODGES to adjourn the meeting, there being no further business, 5:17pm. Unanimous.

pl

Posted: September 29, 2023  
District Office, Branciforte Fire Dept.  
And Happy Valley Conference Center

# **Public Hearing**

## **October 11, 2023, 3:30 pm**

### **In the Multi-Purpose Room**

**The Happy Valley Elementary School District**

**gives notice regarding the intent of Happy Valley Education Association (HVEA) to begin negotiations for collective bargaining agreement at the October 11, 2023, Board Meeting which begins at 3:30pm.**



**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBAN • SUPERINTENDENT OF SCHOOLS

**BOARD OF EDUCATION**

Mr. Ed Acosta  
Ms. Alyssa Alto  
Ms. Sandra Nichols  
Ms. Sue Roth  
Mr. Abel Sanchez  
Mr. Bruce Van Allen

400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • [www.santacruzcoe.org](http://www.santacruzcoe.org)

September 15, 2023

Cliff Hodges  
President, Governing Board  
Happy Valley Elementary School District  
280 Branciforte Ridge  
Santa Cruz, CA 95065

Re: 2023-24 LCAP and Budget Approval and Comments

Dear Mr. Hodges:

In accordance with Education Code Sections 52070 and 42127, the Santa Cruz County Office of Education (SCCOE) has reviewed the Local Control Accountability Plan (LCAP) and Adopted Budget of the Happy Valley Elementary School District for fiscal year 2023-24.

Education Code requires the County Superintendent of Schools to approve the LCAP or annual update for each school district after determining all of the following:

- The plan adheres to the template adopted by the State Board of Education;
- The budget includes sufficient expenditures to implement the actions and strategies included in the plan, based on the projected costs included in the plan; and
- The LCAP adheres to the expenditure requirements for funds apportioned on the basis of the number and concentration of unduplicated students pursuant to Sections 42238.02 and 42238.03.
- The LCAP includes the required calculations to determine whether there is a carryover requirement pursuant to Education Code Sections 42238.07 and 52064 and, if applicable, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement {Education Code Section 52070(d)(4)}.

Education Code requires the County Superintendent to approve, conditionally approve, or disapprove the final adopted budget for each school district after doing the following:

- Examine the adopted budget to determine whether it complies with the standards and criteria established pursuant to Section 33127 and identify any technical corrections needed to bring the budget into compliance with those standards and criteria;
- Determine whether the adopted budget will allow the district to meet its financial obligations during the current fiscal year and is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments;



- Determine whether the adopted budget includes the expenditures necessary to implement the LCAP or annual update to the LCAP.

The district's 2023-24 Adopted Budget has been analyzed in the context of the guidance provided by the California County Superintendents Educational Services Association (CCSESA) and the California Department of Education (CDE).

The review included an assessment and analysis of the following major components of the district's report:

- Local Control Accountability Plan
- Average Daily Attendance (ADA) & Enrollment
- Unrestricted Ending Fund Balance and State Minimum Reserve
- Balances in Excess of Minimum Reserves
- Unrestricted Deficit Spending Trends
- Current and Multiyear Projections (MYP)
- Staffing Projections/Salary Settlements
- Ending Cash and Monthly Cash Flow

Education Code 42127(h) specifies that "Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenues and expenditures that it has made to reflect the funding made available by the Budget Act." Please note that this section does not actually require districts to prepare a 45 Day revision, but only to make revisions publicly available if prepared. Best practice would dictate that districts show any material changes due to the Budget Act and indicate the impact to the ending fund balance. Please note, there is no requirement to update SACS or your multi-year projections. Since the State's Adopted Budget was signed on June 27, 2023, any 45 Day budget adjustments would have been made available for public review by August 11, 2023.

Assembly Bill (AB) 2756 requires school districts to submit copies of any study or reports that indicate signs or symptoms of fiscal distress to the County Office of Education. Should the district be issued any such reports or studies during the fiscal year, please submit them to the attention of Liann Reyes, Deputy Superintendent, Business Services as soon as they are available.

The analysis and comments regarding the LCAP and Adopted Budget are contained on the following pages.

---

## LOCAL CONTROL AND ACCOUNTABILITY PLAN

---

The 2023-24 LCAP provides an analysis of the impact of prior year actions and expenditures and a strategic plan to support students and staff in the coming year. Happy Valley is to be commended for its ongoing high performance on California Assessment of Student Performance and Progress (CAASPP) as well as efforts to try to maintain student attendance despite the pandemic. The inclusion of arts, music, library and gardening for all provides a well-rounded instructional program. Careful consideration of priority student groups despite small numbers of students in these groups is also evident. Continuing to ensure that the educational partners' feedback is connected to adjustments in actions, services or expenditures will be important.

The district's board-approved LCAP will be posted on the Santa Cruz County Office of Education website after September 15, 2023.

## ENROLLMENT, AVERAGE DAILY ATTENDANCE AND UNDUPLICATED PUPIL COUNT PROJECTIONS

The district is projecting an increase in enrollment of four students in the budget year to a total of 123. The district is projecting to remain flat for 2024-25 and 2025-26. For Basic Aid districts, the SCCOE will typically note how much of an enrollment increase the district would need to experience before it grows out of Basic Aid status. Based on data from the recently approved State budget, it is estimated that an increase of roughly six students over current 2023-24 projections would begin to push the district out of Basic Aid status in 2023-24. There are multiple variables in this calculation, including but not limited to, changes in property tax, ADA funding levels in each of the grade spans as well as ADA growth or decline.

For the Local Control Funding Formula (LCFF) calculation, the district is projecting a funded ADA of 114 for the budget year, 115 for 2024-25 and 116 for 2025-26. Based on current law, funded ADA may be calculated using one of the following criteria: current year, prior year, or a three prior year rolling average. The district's funded ADA for the budget year was calculated using the current year method. The district's ADA to enrollment ratio was 96.79% in 2019-20 and 97.31% the prior year. The district suffered the effects of the pandemic as evident with the 2022-23 ratio coming in at 91.50%. The district is being conservative by keeping the 2023-24 ratio at 93.01%, the 2024-25 at 93.70% and the 2025-26 fiscal year at 95.04%.

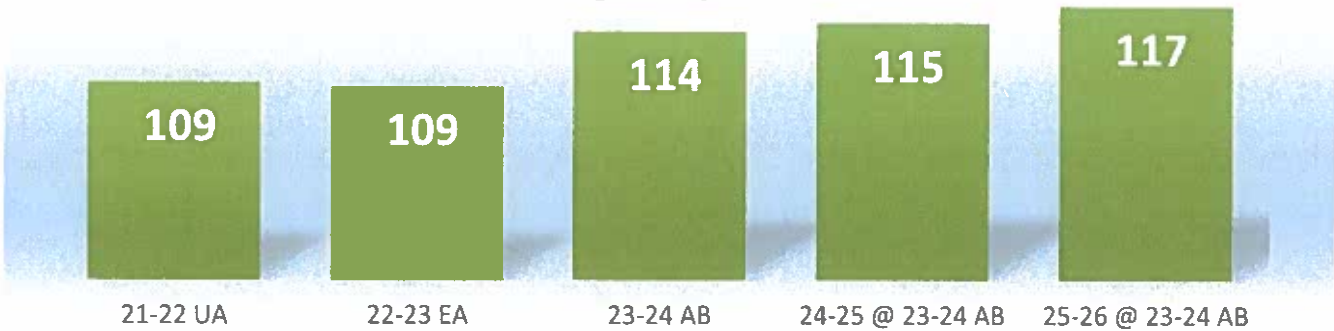
The district is Basic Aid and therefore the revenue is primarily derived from property taxes. However, it is still imperative to monitor the correlation between enrollment and ADA closely. Unduplicated Pupil counts remain relatively flat when compared to prior years. The following chart displays the district's enrollment, P-2 ADA, funded ADA and the unduplicated pupil percentage.

**Happy Valley Elementary 2023-24 Adopted Budget  
 Enrollment vs ADA with Unduplicated Pupil Count**



The chart below shows the district's funded ADA. It is important to monitor ADA closely as much of the County as well as the State continues to be in declining enrollment. This trend has been softened slightly by the addition of the Universal Transitional Kindergarten program.

Happy Valley Elementary 2023-24 Adopted Budget  
Basic Aid Average Daily Attendance Trend



UNRESTRICTED ENDING FUND BALANCE AND STATE MINIMUM RESERVE

As certified by the Governing Board, the district is projecting an unrestricted ending balance in the General Fund of \$796,838 in the current year, \$515,450 in 2024-25, and \$265,564 in 2025-26. The District's State Required Minimum Reserve percentage is 5.0% or \$105,154 for 2023-24. This district also maintains a balance in Fund 17, Special Reserve for Other Than Capital Outlay.

BALANCES IN EXCESS OF MINIMUM RESERVES

Education Code Section 42127(a)(2)(B) requires a statement of the reasons that substantiates the need for assigned and unassigned ending fund balances in excess of the minimum reserve standard for economic uncertainties for each fiscal year identified in the budget. Further, Education Code Section 42127 (d)(1) requires a county superintendent to either conditionally approve or disapprove a school district budget if the district does not provide the statement of reasons for public review and discussion at its public budget hearing. The district has complied with the above noted Education Code sections.

Education Code Section 42127.01 states that for the 2022-23 Adopted Budget, the district's ending fund balance will be capped at 10% using the assigned and unassigned ending balance within the General Fund 01 and Special Reserve Fund 17. Basic Aid districts and small school districts with fewer than 2,501 ADA are exempt from the requirement. As the district's ADA is fewer than 2,501 and is Basic Aid, it is exempt from this provision of the law.

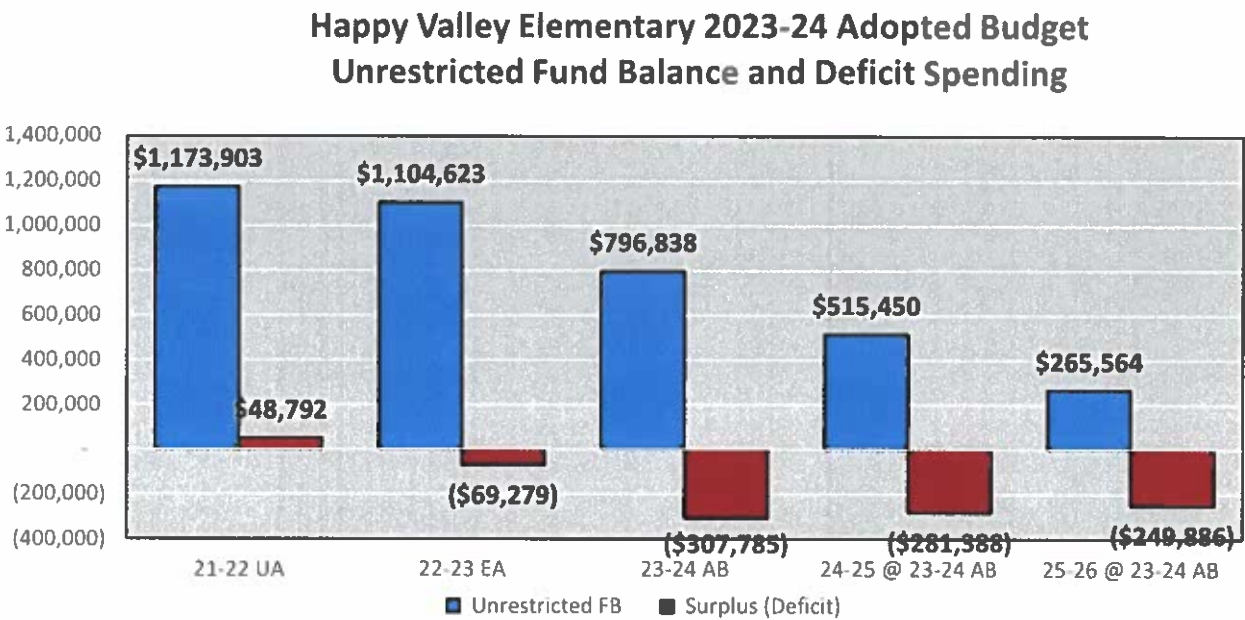
UNRESTRICTED DEFICIT SPENDING

The district is projecting to deficit spend by \$307,785 in the unrestricted resources in the budget year, by \$281,388 in 2024-25 and by \$249,886 in 2025-26. The district is projecting to spend down its fund balance by 76% between the 2023-

24 beginning balance and the 2024-25 ending balance. As the district is basic aid, it is necessary to maintain a higher ending fund balance than non-basic aid districts in order to manage unforeseen expenditures. Examples of such expenditures include increasing retirement costs, the Universal Meals program, special education expenses, negotiations and facility issues.

The State's established standard for deficit spending is one-third (1/3) of the district's available unrestricted reserve percentage. While the district's projected deficit spending is within the established state standard for the 2023-24 budget year, the district is cautioned against on-going deficit spending, other than one-time, planned expenditures.

The following chart displays the unrestricted general fund balance and projected deficit spending.



**CURRENT AND MULTI-YEAR PROJECTIONS**

The district's projection of revenues in the current and two subsequent fiscal years was reviewed and found reasonable. Expenditure projections for the current and two subsequent years also appear to be reasonable.

The district is in the sixth and final year of its parcel tax. The district included \$51,975 for the budget year. At this time, the district intends to seek a new parcel tax, however all revenue and associated expenditures were absorbed by the general fund or removed from 2024-25 as the current parcel tax expires.

Contributions are projected to increase from \$32,438 to \$140,925 in the budget year which is a 334.44% increase when compared to estimated actuals. The contributions are entirely to Special Education (100%). Contributions are projected to remain relatively flat in 2024-25 and 2025-26.

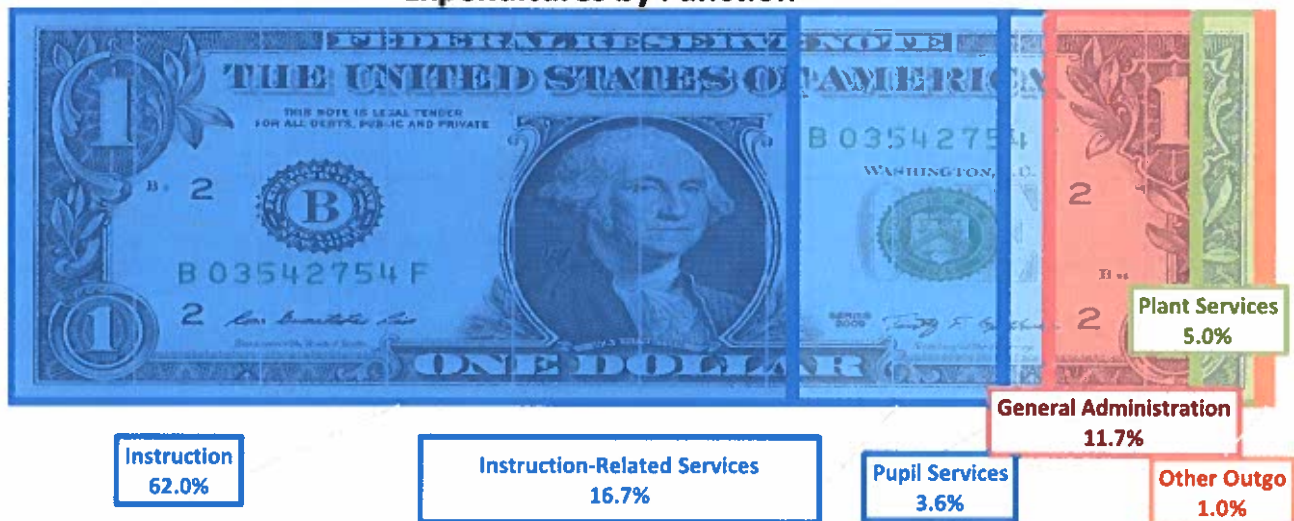
The following graphics provide a breakdown of expenditures by object code and then by function for the budget year.



Happy Valley Elementary 2023-24 Adopted Budget  
Expenditures by Object



Happy Valley Elementary 2023-24 Adopted Budget  
Expenditures by Function



STAFFING PROJECTIONS AND SALARY SETTLEMENTS

Negotiations are settled with the district's certificated bargaining unit for the budget year and those costs are included in the budget and MYP. The district also budgeted a \$100 annual increase in the health and welfare benefits cap.

Most of a school district's budget is spent on salaries and benefits. If these costs are growing at a rate faster than total expenditures, they will consume a disproportionately greater share of the district's resources, putting significant pressures on the rest of the budget. The percentage of unrestricted salaries and benefits to the total unrestricted general fund expenditures for the budget year and multiyear projections are 80.7%, 82.4% and 81.8%.

The state's established standard for unrestricted salary and benefits ratio is based on plus or minus 5% of the average of the district's three prior years of unrestricted salaries to total unrestricted expenditures. The district's historical average ratio of unrestricted salaries and benefits to total unrestricted expenditures is 82.4%. As the budget and multi-year projections exceed the ratio plus 5% variance, the district is within the state's established standard.

---

#### ENDING CASH POSITION AND MONTHLY CASH FLOW

---

Our review of the cash flow provided indicates that the district will have a positive cash balance at the end of each month and at the end of the fiscal year.

---

#### APPROVAL STATUS

---

Based on this analysis, the district's LCAP and Budget for the 2023-24 fiscal year have been approved by the Santa Cruz County Superintendent of Schools.

If you have any questions about the LCAP, please contact Angela Meeker, Associate Superintendent of Educational Services at (831) 466-5890 or Marcia Russell, Senior Director, District Support and Leadership at (831) 466-5806.

If you have any questions about the adopted budget, please contact Liann Reyes, Deputy Superintendent, Business, at (831) 466-5601 or Rebecca Olker, Executive Director, Fiscal Services at (831) 466-5630.

The district's budget will be re-evaluated at the First Interim reporting cycle to determine its certification.

Sincerely,



Dr. Faris Sabbah  
County Superintendent of Schools

FS/rmh

- c: Michelle Stewart, Superintendent, Happy Valley Elementary School District  
Liann Reyes, SCCOE Deputy Superintendent, Business  
Rebecca Olker, SCCOE Executive Director, Fiscal Services  
Angela Meeker, SCCOE Associate Superintendent, Educational Services  
Marcia Russell, SCCOE Senior Director, District Support and Leadership

2023-24 Budget and LCAP Approval and Comments  
 Happy Valley Elementary School District  
 Page | 8

SANTA CRUZ COUNTY SCHOOLS

HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT

FINANCIAL ANALYSIS OF CURRENT GENERAL FUND UNRESTRICTED AND RESTRICTED MONIES

GENERAL FUND	2021-22			2022-23			2023-24			Projected @ 23-24 AB			Projected @ 23-24 AB		
	Unaudited Actuals		Total	Estimated Actuals		Total	Adopted Budget		Total	Projected @ 23-24 AB		Total	Projected @ 23-24 AB		Total
	Unrestricted	Restricted		Unrestricted	Restricted		Unrestricted	Restricted		Unrestricted	Restricted		Unrestricted	Restricted	
<b>Revenues</b>															
8010-8099 Local General Funding Formula	\$ 1,214,163	\$ -	\$ 1,214,163	\$ 1,264,407	\$ -	\$ 1,264,407	\$ 1,317,453	\$ -	\$ 1,317,453	\$ 1,364,574	\$ -	\$ 1,364,574	\$ 1,418,727	\$ -	\$ 1,418,727
8100-8199 Federal	533	110,662	111,195	1,000	171,221	172,221	52,565	52,565	52,565	52,565	52,565	52,565	52,565	52,565	52,565
8200-8299 Other State	26,202	173,430	199,632	27,797	248,009	275,806	24,114	189,908	214,023	24,114	189,908	214,023	25,001	145,329	170,330
8400-8499 Other Local	27,573	158,994	186,567	86,499	128,737	215,236	77,825	59,940	137,765	25,850	59,940	85,793	25,850	14,477	14,477
8910-8919 Interfund Transfers In	22,243	-	22,243	38,791	-	38,791	66,703	-	66,703	71,409	-	71,409	72,586	-	72,586
8930-8939 Other Sources	(11,731)	11,731	-	(12,438)	32,438	-	(140,925)	140,925	-	(141,715)	141,715	-	(142,082)	142,082	-
8980-8989 Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenues, Transfers, and Other Sources</b>	<b>\$ 1,278,082</b>	<b>\$ 454,746</b>	<b>\$ 1,732,828</b>	<b>\$ 1,391,946</b>	<b>\$ 380,405</b>	<b>\$ 1,772,351</b>	<b>\$ 1,345,171</b>	<b>\$ 443,228</b>	<b>\$ 1,788,409</b>	<b>\$ 1,346,653</b>	<b>\$ 326,683</b>	<b>\$ 1,673,336</b>	<b>\$ 1,400,102</b>	<b>\$ 328,383</b>	<b>\$ 1,728,685</b>
<b>Expenditures</b>															
1000-1999 Generalized Salary	\$ 575,634	\$ 157,586	\$ 733,220	\$ 654,109	\$ 157,365	\$ 811,474	\$ 740,837	\$ 121,808	\$ 862,644	\$ 741,741	\$ 81,374	\$ 823,115	\$ 747,542	\$ 81,374	\$ 828,916
2000-2999 Generalized Salary	147,303	58,953	206,257	175,636	52,341	227,976	226,595	24,911	251,506	230,070	18,063	248,533	231,938	18,063	250,002
3000-3999 Employee Benefit	264,405	128,749	393,154	321,250	112,947	434,197	350,594	94,417	445,011	351,883	89,167	440,970	353,916	89,056	441,522
4000-4999 Books & Supplies	21,435	19,781	41,217	34,688	54,129	88,817	39,130	68,626	107,755	27,468	11,936	39,404	28,567	12,333	41,100
5000-5999 Services & Other Contracting Expenditures	194,933	67,781	262,714	262,256	129,792	392,048	283,693	132,070	415,763	264,121	112,623	376,743	275,789	114,641	390,430
6000-6999 Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7000-7999 Other Video	138	-	138	222	312	534	138	-	138	138	-	138	138	-	138
7300-7399 Direct & Indirect Support	(7,663)	7,663	-	(8,394)	8,394	-	(7,830)	7,830	-	(8,100)	8,100	-	(7,901)	7,901	-
7610-7639 Interfund Transfers Out	31,979	-	31,979	20,000	-	20,000	20,000	-	20,000	20,000	-	20,000	20,000	-	20,000
7630-7699 Other Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Adjustments (Form 100)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenditures, Transfers, and Other Uses</b>	<b>\$ 1,230,190</b>	<b>\$ 440,519</b>	<b>\$ 1,670,709</b>	<b>\$ 1,464,126</b>	<b>\$ 515,908</b>	<b>\$ 1,977,034</b>	<b>\$ 1,652,956</b>	<b>\$ 450,122</b>	<b>\$ 2,103,078</b>	<b>\$ 1,678,041</b>	<b>\$ 321,263</b>	<b>\$ 1,999,304</b>	<b>\$ 1,678,989</b>	<b>\$ 323,119</b>	<b>\$ 1,973,108</b>
<b>Excess (Deficiency)</b>	<b>\$ 48,792</b>	<b>\$ 14,217</b>	<b>\$ 63,009</b>	<b>\$ 63,009</b>	<b>\$ 64,496</b>	<b>\$ (4,783)</b>	<b>\$ (307,785)</b>	<b>\$ (6,894)</b>	<b>\$ (314,669)</b>	<b>\$ (281,388)</b>	<b>\$ 5,410</b>	<b>\$ (275,988)</b>	<b>\$ (249,886)</b>	<b>\$ 1,464</b>	<b>\$ (246,422)</b>
Beginning Balance	\$ 1,123,111	\$ 163,745	\$ 1,286,853	\$ 1,173,903	\$ 177,962	\$ 1,351,865	\$ 1,104,623	\$ 242,458	\$ 1,347,081	\$ 796,838	\$ 235,575	\$ 1,032,412	\$ 515,450	\$ 240,995	\$ 736,444
Alloc. Adjustments / Reallocations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	\$ 1,173,903	\$ 177,962	\$ 1,351,865	\$ 1,104,623	\$ 242,458	\$ 1,347,081	\$ 796,838	\$ 235,575	\$ 1,032,412	\$ 515,450	\$ 240,995	\$ 1,032,412	\$ 265,564	\$ 244,438	\$ 510,022
<b>Reserves</b>															
Minimum Reserve Level per Orders & Standards	5%	5%		5%	5%		5%	5%		5%	5%		5%	5%	
Recommended RBL (Computed in CLOS)	\$ 83,535	\$ 90,852	\$ 174,387	\$ 90,852	\$ 90,852	\$ 181,704	\$ 105,154	\$ 105,154	\$ 205,906	\$ 97,465	\$ 97,465	\$ 194,919	\$ 98,753	\$ 98,753	\$ 193,512
Reserves per CLOS (REU \$ 999)	130	130	260	130	130	260	130	130	260	130	130	260	130	130	260
Non-renewable (Rev. Cosh. Request, Stores)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restricted	-	177,962	177,962	-	242,458	242,458	-	235,575	235,575	-	240,995	240,995	-	244,438	244,438
Committed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Assigned	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unassigned	1,173,753	-	1,173,753	1,104,623	-	1,104,623	796,838	-	796,838	515,450	-	515,450	265,564	-	265,564
Excess (Deficiency) above state recommended RBL	1,173,753	-	1,173,753	1,104,623	-	1,104,623	796,838	-	796,838	515,450	-	515,450	265,564	-	265,564
Contributions to Restricted Programs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Special Reserve Fund 17 (REU Only)	\$ 83,535	\$ 90,852	\$ 174,387	\$ 90,852	\$ 90,852	\$ 181,704	\$ 105,154	\$ 105,154	\$ 205,906	\$ 97,465	\$ 97,465	\$ 194,919	\$ 98,753	\$ 98,753	\$ 193,512



SANTA CRUZ COUNTY SCHOOLS  
HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT

FINANCIAL ANALYSIS OF GENERAL FUND

GENERAL FUND	2021-22	2022-23	2023-24	22-23 EA vs 23-24 AB	2024-25 Projected @ 23-24 AB	23-24 AB vs 24-25 PB	2025-26 Projected @ 23-24 AB	24-25 PB vs 25-26 PB
	Unaudited Actuals	Estimated Actuals	Adopted Budget					
<b>Revenues</b>								
8010-8099 Local Control Funding Formula	1,214,163	1,269,407	1,317,453	3.78%	1,366,574	3.73%	1,418,727	3.82%
8100-8299 Federal	111,195	173,021	52,565	-69.62%	52,565	0.00%	52,565	0.00%
8300-8599 Other State	199,652	275,806	214,023	-22.40%	168,311	-21.36%	170,330	1.20%
8600-8799 Other Local	186,467	215,226	137,665	-36.04%	14,477	-89.48%	14,477	0.00%
8910-8929 Interfund Transfers In	22,243	38,791	66,703	71.96%	71,409	7.06%	72,586	1.65%
8930-8979 Other Sources	-	-	-	-	-	-	-	-
8980-8998 Contributions	-	-	-	-	-	-	-	-
<b>Total Revenue, Transfers, and Other Sources</b>	<b>1,733,719</b>	<b>1,972,251</b>	<b>1,788,409</b>	<b>-9.32%</b>	<b>1,673,336</b>	<b>-6.43%</b>	<b>1,728,685</b>	<b>3.31%</b>
<b>Expenditures</b>								
1000-1999 Certificated Salary	733,220	811,874	862,644	6.25%	823,115	-4.58%	828,916	0.70%
2000-2999 Classified Salary	206,257	227,996	251,536	10.32%	248,933	-1.03%	250,002	0.43%
3000-3999 Employee Benefit	393,235	436,197	445,042	2.03%	440,970	-0.91%	444,522	0.81%
4000-4999 Books & Supplies	41,217	88,597	107,755	21.62%	39,404	-63.43%	41,100	4.30%
5000-5899 Services & Other Operating Expenditures	262,714	392,048	415,963	6.10%	376,743	-9.43%	390,430	3.63%
6000-6599 Capital Outlay	-	-	-	-	-	-	-	-
7100-7299 Other Outgo	138	322	138	-57.14%	138	0.00%	138	0.00%
7300-7399 Direct & Indirect Support	(0)	0	-	-100.00%	-	-	-	-
7610-7629 Interfund Transfers Out	33,929	20,000	20,000	0.00%	20,000	0.00%	20,000	0.00%
7630-7699 Other Uses	-	-	-	-	-	-	-	-
Other Adjustments (From MYP)	-	-	-	-	-	-	-	-
<b>Total Expenditures, Transfers, and Other Uses</b>	<b>1,670,709</b>	<b>1,977,034</b>	<b>2,103,078</b>	<b>6.38%</b>	<b>1,949,304</b>	<b>-7.31%</b>	<b>1,975,108</b>	<b>1.32%</b>
<b>Excess (Deficiency)</b>	<b>63,009</b>	<b>(4,783)</b>	<b>(314,669)</b>	<b>6478.80%</b>	<b>(275,968)</b>	<b>-12.30%</b>	<b>(246,422)</b>	<b>-10.71%</b>
<b>Beginning Balance</b>	<b>1,288,855</b>	<b>1,351,865</b>	<b>1,347,081</b>	<b>-0.35%</b>	<b>1,032,412</b>	<b>-23.36%</b>	<b>756,444</b>	<b>-26.73%</b>
<b>Ending Balance</b>	<b>1,351,865</b>	<b>1,347,081</b>	<b>1,032,412</b>	<b>-23.36%</b>	<b>756,444</b>	<b>-26.73%</b>	<b>510,022</b>	<b>-32.58%</b>
<b>Reserves</b>								
Minimum Reserve Level per Criteria & Standards	9%	5%	5%	0.00%	5%	0.00%	5%	
<b>Recommended REU (Computed in C&amp;S)</b>	<b>\$ 83,535</b>	<b>\$ 98,852</b>	<b>\$ 105,154</b>	<b>6.38%</b>	<b>\$ 97,465</b>	<b>-7.31%</b>	<b>\$ 98,755</b>	<b>1.32%</b>
<b>Reserves per District (REU 9789)</b>								
Nonspendable (Rev. Cash, Prepaid, Stores)	150	242,458	235,575	-2.84%	240,995	2.30%	244,458	1.44%
Restricted	177,962	-	-	-	-	-	-	-
Committed	-	-	-	-	-	-	-	-
Assigned	-	-	-	-	-	-	-	-
Unassigned	1,173,753	1,104,623	796,838	-27.86%	515,450	-35.31%	265,564	-48.48%
<b>Excess (Deficiency) above state recommended REU</b>	<b>1,173,753</b>	<b>1,103,623</b>	<b>796,838</b>	<b>-27.80%</b>	<b>831,824</b>	<b>4.39%</b>	<b>604,648</b>	<b>-27.31%</b>
<b>Contributions to Restricted Programs</b>	<b>11,731</b>	<b>32,438</b>	<b>140,925</b>	<b>334.44%</b>	<b>141,715</b>	<b>0.56%</b>	<b>142,062</b>	<b>0.24%</b>
<b>Special Reserve Fund 17</b>	<b>83,535</b>	<b>97,852</b>	<b>105,154</b>	<b>7.46%</b>	<b>413,840</b>	<b>293.56%</b>	<b>437,840</b>	<b>5.80%</b>



**HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT**  
**All Funds Summary**  
**2022-23**  
**Estimated Actuals**

	01	13	17	25	35	57	Total All Funds
	General	Cafeteria	Special Reserve	Capital Facilities	County Sch Facilities	Foundation	
<b>Revenue</b>							
8000-8099 Local Control Funding Formula	1,269,407	-	-	-	-	-	1,269,407
8100-8299 Federal Revenue	173,021	-	-	-	-	-	173,021
8300-8599 State Revenue	275,806	-	-	-	-	-	275,806
8600-8699 Local Revenue	215,226	-	6,000	5,280	225	46,446	273,177
<b>Total Revenue</b>	<b>1,933,460</b>	<b>-</b>	<b>6,000</b>	<b>5,280</b>	<b>225</b>	<b>46,446</b>	<b>1,991,411</b>
<b>Expenditures</b>							
1000 Certificated Salaries	811,874	-	-	-	-	-	811,874
2000 Classified Salaries	227,996	-	-	-	-	-	227,996
3000 Employee Benefits	436,197	-	-	-	-	-	436,197
4000 Books & Supplies	88,597	-	-	-	-	-	88,597
5000 Services & Other Oper.	392,048	-	-	18,000	175	-	410,223
6000 Equipment	-	-	-	-	-	-	-
7100-7299 Other Outgo (7400)	322	-	-	-	-	-	322
7300 Indirect Costs	0	-	-	-	-	-	0
<b>Total Expenditures</b>	<b>1,957,034</b>	<b>-</b>	<b>-</b>	<b>18,000</b>	<b>175</b>	<b>-</b>	<b>1,975,209</b>
<b>Surplus (Deficit)</b>	<b>(23,574)</b>	<b>-</b>	<b>6,000</b>	<b>(12,720)</b>	<b>50</b>	<b>46,446</b>	<b>16,202</b>
<b>Other Sources/Uses</b>							
8900 Transfers In	38,791	-	20,000	-	-	-	58,791
8930-8979 Other Sources	-	-	-	-	-	-	-
7610-7629 Transfers Out	20,000	-	-	-	-	38,791	58,791
7630-7699 Other Uses	-	-	-	-	-	-	-
<b>Total Other Sources/Uses</b>	<b>18,791</b>	<b>-</b>	<b>20,000</b>	<b>-</b>	<b>-</b>	<b>(38,791)</b>	<b>-</b>
<b>Total Incr (Decr) in Fund Balance</b>	<b>(4,783)</b>	<b>-</b>	<b>26,000</b>	<b>(12,720)</b>	<b>50</b>	<b>7,655</b>	<b>16,202</b>
<b>Beginning Fund Balance</b>	<b>1,351,865</b>	<b>-</b>	<b>339,840</b>	<b>20,634</b>	<b>13,217</b>	<b>1,049,942</b>	<b>2,775,498</b>
<b>Audit Adjustments/Restatements</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Ending Fund Balance</b>	<b>1,347,081</b>	<b>-</b>	<b>365,840</b>	<b>7,914</b>	<b>13,267</b>	<b>1,057,597</b>	<b>2,791,700</b>
<b>Deficit (Surplus) as % of Fund Balance</b>	<b>-0.35%</b>	<b>-</b>	<b>7.65%</b>	<b>-61.65%</b>	<b>0.38%</b>	<b>0.73%</b>	<b>0.58%</b>

**HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT**  
**All Funds Summary**  
**2023-24**  
**Adopted Budget**

	01	13	17	25	35	57	Total All Funds
	General	Cafeteria	Special Reserve	Capital Facilities	County Sch Facilities	Foundation	
<b>Revenue</b>							
8000-8099 Local Control Funding Formula	1,317,453	-	-	-	-	-	1,317,453
8100-8299 Federal Revenue	52,565	-	-	-	-	-	52,565
8300-8599 State Revenue	214,023	-	-	-	1,765,300	-	1,979,323
8600-8699 Local Revenue	137,665	-	4,000	4,200	100	45,750	191,715
<b>Total Revenue</b>	<b>1,721,706</b>	<b>-</b>	<b>4,000</b>	<b>4,200</b>	<b>1,765,400</b>	<b>45,750</b>	<b>3,541,056</b>
<b>Expenditures</b>							
1000 Certificated Salaries	862,644	-	-	-	-	-	862,644
2000 Classified Salaries	251,536	-	-	-	-	-	251,536
3000 Employee Benefits	445,042	-	-	-	-	-	445,042
4000 Books & Supplies	107,755	-	-	-	-	-	107,755
5000 Services & Other Oper.	415,963	-	-	-	184	-	416,147
6000 Equipment	-	-	-	-	-	-	-
7100-7299 Other Outgo (7400)	138	-	-	-	-	-	138
7300 Indirect Costs	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>2,083,078</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>184</b>	<b>-</b>	<b>2,083,262</b>
<b>Surplus (Deficit)</b>	<b>(361,372)</b>	<b>-</b>	<b>4,000</b>	<b>4,200</b>	<b>1,765,216</b>	<b>45,750</b>	<b>1,457,794</b>
<b>Other Sources/Uses</b>							
8900 Transfers In	66,703	-	20,000	-	-	-	86,703
8930-8979 Other Sources	-	-	-	-	-	-	-
7610-7629 Transfers Out	20,000	-	-	-	-	66,703	86,703
7630-7699 Other Uses	-	-	-	-	-	-	-
<b>Total Other Sources/Uses</b>	<b>46,703</b>	<b>-</b>	<b>20,000</b>	<b>-</b>	<b>-</b>	<b>(66,703)</b>	<b>-</b>
<b>Total Incr (Decr) in Fund Balance</b>	<b>(314,669)</b>	<b>-</b>	<b>24,000</b>	<b>4,200</b>	<b>1,765,216</b>	<b>(20,953)</b>	<b>1,457,794</b>
<b>Beginning Fund Balance</b>	<b>1,347,081</b>	<b>-</b>	<b>365,840</b>	<b>7,914</b>	<b>13,267</b>	<b>1,057,597</b>	<b>2,791,700</b>
<b>Audit Adjustments/Restatements</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Ending Fund Balance</b>	<b>1,032,412</b>	<b>-</b>	<b>389,840</b>	<b>12,114</b>	<b>1,778,484</b>	<b>1,036,644</b>	<b>4,249,494</b>
<b>Deficit (Surplus) as % of Fund Balance</b>	<b>-23.36%</b>	<b>-</b>	<b>6.55%</b>	<b>53.07%</b>	<b>13304.82%</b>	<b>-1.98%</b>	<b>52.22%</b>

## CSBA UPDATE CHECKLIST – September 2023

District Name: Happy Valley School

Contact Name: Michelle Stewart · 831-429-1456 · mstewart@hvesd.com

POLICY	TITLE	OPTIONS/Blanks	ADOPT DATE
BP 1160	Political Processes		
BP 1330	Use of School Facilities	<b>OPTION 1:</b> <input checked="" type="checkbox"/> <b>OPTION 2:</b> <input type="checkbox"/> <b>OPTION 3:</b> <input type="checkbox"/>	
AR 1330	Use of School Facilities		
E(1) 1330	Use of School Facilities	<b>Delete EXHIBIT</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
AR 3311	Bids		
AR 3311.3	Design-Build Contracts		
BP 3312	Contracts	<b>OPTION 1:</b> <input type="checkbox"/> <b>OPTION 2:</b> <input type="checkbox"/>	
BP 3460	Financial Reports and Accountability		
BP 4151	Employee Compensation		
AR 4217.3	Layoff/Rehire	<b>OPTION 1:</b> <input checked="" type="checkbox"/> <b>OPTION 2:</b> <input type="checkbox"/>	
BP 5131.9	Academic Honesty		

BP 6154	Homework/Makeup Work		
BP 6162.5	Student Assessment		
AR 7140	Architectural and Engineering Services		
BB 9124	Attorney		

## **CSBA POLICY GUIDE SHEET**

### **September 2023**

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

#### **Board Policy 1160 – Political Processes**

Policy updated to reflect **NEW LAW (AB 1416, 2022)** which requires the ballot label or similar description of a school district (or other local government) measure on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as Governing Board members, who have signed the ballot argument or are listed in the text of the argument in support or opposition of the measure unless the county board of supervisors elects not to list such supporters and opponents.

#### **Board Policy 1330 – Use of School Facilities**

Policy updated to caution districts when charging religious groups direct costs for use of district facilities when those costs are not charged to other groups due to the potential conflict between a U.S. Supreme Court decision and state law. Policy also updated to add that the Governing Board may authorize the use of a school building as a vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pickup of election materials, as determined by the election official.

#### **Administrative Regulation 1330 – Use of School Facilities**

Regulation updated to encourage districts to create a facilities use application and agreement for the use of school facilities and grounds by any entity other than the district, add that anyone applying to use school facilities do so as specified in district procedures and in accordance with law, and reflect **NEW LAW (AB 2028, 2022)** which authorizes the Governing Board to allow district facilities to be used by local law enforcement, public agencies, nonprofit associations, or organizations for bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students.

#### **Delete - Exhibit(1) 1330 – Use of School Facilities**

Exhibit deleted as unnecessary with relevant material included in administrative regulation 1330 – Use of School Facilities.

#### **Administrative Regulation 3311 - Bids**

Regulation updated to reference the bid limit for 2023, add that for lease-leaseback, design-build, and alternative design-build projects the notice which solicits the call for bids is required to specify that the project is subject to skilled and trained workforce requirements, and reflect **NEW LAW (AB 185, 2022)** which adds, until January 1, 2029, the alternative design-build construction delivery method for projects in excess of \$5,000,000. Regulation also updated to reflect the State Allocation Board's (SAB) notification to districts which provides that modular school facilities must be competitively bid and that districts that use piggyback contracts for modular facilities are ineligible for state funding from SAC administered programs.

#### **Administrative Regulation 3311.3 – Design-Build Contracts**

Regulation updated to add that, until January 1, 2025, design-build contracts may be entered into and approved by the Governing Board. Regulation also updated to reflect **NEW LAW (AB 185, 2022)** which (1) adds, until January 1, 2029, the alternative design-build construction delivery method for projects in excess of \$5,000,000, (2) specifies that alternative design-build contracts may be awarded to the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price, technical design and construction expertise, and life-cycle costs, (3) provides that the district's determination of price shall be based on the open book evaluation of construction subcontracts, (4) includes that the contract may be subject to further negotiations or amendment and may be

terminated by the district if the district and the design-build entity are unable to reach an agreement, and (5) requires an alternative design-build proposal for an alternative design-build project to include (a) design cost, general conditions, overhead, and profit as a component of the project price, unless a stipulated sum for the project is specified, (b) technical design and construction expertise, and (c) life-cycle costs over 15 or more years.

#### **Board Policy 3312 - Contracts**

Policy updated to reflect **NEW LAW (SB 1439, 2022)** related to conflict of interest from campaign contributions and **NEW LAW (SB 34, 2022)** related to bribery of a public official, and include a general statement requiring Governing Board members and district employees who are involved in the making of contracts on behalf of the district to comply with the district's conflict of interest policy.

#### **Board Policy 3460 – Financial Reports and Accountability**

Policy updated to add material related to districts facing insolvency who are considering applying for an emergency apportionment, including that the Governing Board is required to discuss the need for an emergency apportionment at a regular or special meeting at which parents/guardians, the exclusive representatives of employees of the district, and other members of the community have the opportunity to provide testimony.

#### **Board Policy 4151– Employee Compensation**

Policy updated to add that for districts participating in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments, and reflect **NEW LAW (AB 185, 2022)** which adds specific repayment procedures when a district has made a wage overpayment to a district employee.

#### **Administrative Regulation 4217.3 – Layoff/Rehire**

Regulation updated to reflect **NEW LAW (SB 913, 2022)** which provides that for districts with an average daily attendance of less than 250,000, the definition of "length of service" for the purpose of the order of layoff and determination of seniority is the employees' hours in paid status. Regulation also updated to reflect **NEW LAW (AB 185, 2022)** which authorizes a classified employee to be represented by an attorney or non-attorney representative of the exclusive representative of the district's classified employees at a hearing requested by an employee as part of layoff proceedings.

#### **Board Policy 5131.9 – Academic Honesty**

Policy updated to address prohibited and permitted student use of technology, including artificial intelligence, as it relates to academic honesty. Policy also updated to include that a student with a disability be permitted to use technology for any purpose for which technology is identified in the student's individualized education program, that a student be given the opportunity to demonstrate that the use of technology was in accordance with policy when suspected by an employee that such use was in violation of academic honesty, and that any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty be shared with the student and the student's parent/guardian, as appropriate. Additionally, the policy updated to authorize the provision of staff training regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

#### **Board Policy 6154 – Homework/Makeup Work**

Policy updated to add that meaningful homework can provide enrichment, address student use of technology, including artificial intelligence, as it relates to homework and makeup work, provide that teacher training may include designing homework assignments that inspire students' interests, include that students may work with other students and use approved outside resources as directed by the teacher, and move material related to notifying the student's parents/guardians when a student repeatedly fails to complete homework so that it follows chronologically.

**Board Policy 6162.5 – Student Assessment**

Policy updated to reflect that prohibited and permitted student use of technology, including artificial intelligence, in relation to assessment, be as specified in Board Policy 5131.9 – Academic Honesty and Board Policy 6163.4 – Student Use of Technology, reference **NEW LAW (AB 114, 2023)** which includes long term English learners as a numerically significant student subgroup for purposes of demonstrating comparable improvement in academic achievement by all numerically significant subgroups, include that state interim and formative assessments may be used to communicate with students' parents/guardians and for use in identifying professional development, and that results of an individual student on the California Assessment of Student Performance and Progress may be released to a postsecondary educational institution for the purpose of credit, placement, or admission.

**Administrative Regulation 7140 – Architectural and Engineering Services**

Regulation updated to more closely align with the law and to reflect **NEW LAW (AB 185, 2022)** which enables a district to enter into an alternative design-build contract with a single entity for both design and construction of any school facility if the contract is in excess of \$5,000,000.

**Board Bylaw 9124 – Attorney**

Bylaw updated to revise the first philosophical paragraph to recognize the need to provide legal representation to the district and the importance of cost-effective legal advice and services, clarify that the Governing Board may appoint and fix and order paid legal counsel's compensation, expand the types of entities that the Board may contract with to serve as legal counsel, and reflect that the Board supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate. Bylaw also updated to clarify that districts may, but are not required, to initiate a Request for Proposals to advertise and solicit proposals for legal services, and that districts may consider the attorney's, firm's, and/or entity's relevant legal reputation when evaluating such attorneys, firms, and/or entities. Additionally, bylaw updated to reflect that any attorney representing the district is required to be admitted to practice law in California.

# **CSBA Policy Management Console**

CSBA Sample District Policy Manual



**Policy 1160: Political Processes**

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

**Ballot Measures/Candidates**

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendaized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

Individual School Board members may include their name in support of or opposition to a county, city, district, or school measure on a county ballot in accordance with Elections Code 9170.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.

2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

## **Legislation**

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

## **Legal Advocacy**

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

## **Political Forums**

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### **State References**

2 CCR 18600-18640

### **Description**

Lobbyists -

<https://simbli.eboardsolutions.com/SU/EsIshK5xMWM1IebnL4su0sMvA==>

2 CCR 18901.1 **Campaign related mailings sent at public expense -**  
<https://simbli.eboardsolutions.com/SU/RAW1BiISYaSu54mCUAzRMQ==>

Ed. Code 35160 **Authority of governing boards -**  
<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Ed. Code 35172 **Promotional activities -**  
<https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==>

Ed. Code 7050-7058 **Political activities of school officers and employees -**  
<https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==>

Ed. Code 7054 **Use of district property -**  
<https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==>

Ed. Code 7054.1 **Requested appearance -**  
<https://simbli.eboardsolutions.com/SU/Aj68x9ZUmPid2oqLqp92mg==>

Ed. Code 7056 **Soliciting or receiving political funds -**  
<https://simbli.eboardsolutions.com/SU/Dgd5hd1rGngWjtEZxNbEtA==>

**Ballot label; support and opposition listings -**

Elec. Code 9170  
<https://simbli.eboardsolutions.com/SU/QtOGQ31oBO2FEYSN8zb5dw==>

**School district elections; arguments for or against a measure -**

Elec. Code 9501  
<https://simbli.eboardsolutions.com/SU/nlgWApEAqXTrLbmLWAAV8w==>

**Attendance at legislative body; expenses -**

Gov. Code 53060.5  
<https://simbli.eboardsolutions.com/SU/IY8slshOA9fuwkYIMvvagUVew==>

**Audio or video recording of proceedings -**

Gov. Code 54953.5  
<https://simbli.eboardsolutions.com/SU/pglHf3CJute3LspDNfIfwA==>

**Broadcasts of proceedings -**

Gov. Code 54953.6  
<https://simbli.eboardsolutions.com/SU/VAvd4eXAMI6WSOnhCnKLWA==>

**Political Reform Act -**

Gov. Code 81000-91014  
<https://simbli.eboardsolutions.com/SU/YoRIO7U1CVMHSIRIJD6Piw==>

**Definition of independent expenditure -**

Gov. Code 82031  
<https://simbli.eboardsolutions.com/SU/SmslshpAAJBvGeoUrN24p15A==>

**Unlawful use of state resources -**

Gov. Code 8314

<https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==>

<b>Management Resources References</b>	<b>Description</b>
Attorney General Opinion	73 Ops.Cal.Atty.Gen. 255 (1990)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 46 (2005)
Choice-in-Education League et al v. Los Angeles Unified School District, Court Decision (1993) 17 Cal.App.4th 415	
League of Women Voters v. Countywide Criminal Justice Coordination Court Decision Committee, (1988) 203 Cal.App.3d 529	
Court Decision	Miller v. Miller, (1978) 87 Cal.App.3d 762
Santa Barbara County Coalition Against Automobile Subsidies v. Santa Court Decision	
Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229	
Court Decision	Stanson v. Mott, (1976) 17 Cal. 3d 206
Court Decision	Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Court Decision	Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011 - CSBA Publication	

<https://simbli.eboardsolutions.com/SU/VosIshjshS5kMzi7oWci5W50fQ==>

Legal Guidelines: Use of Public Resources for Ballot Measures and CSBA Publication Candidates, Fact Sheet, February 2011 Legal Issues Associated with Use of Public Resources and Ballot Measure Institute for Local Government Publication Activities, June 2010 CSBA District and County Office of Education Legal Services - Website	
<a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==</a>	
Institute for Local Government - Website	
<a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTfmA==</a>	
Fair Political Practices Commission -	

## Website

<https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsJshMnGhy8Ijcbw==>

## CSBA -

## Website

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

## Cross References

## Description

### Vision -

0000

<https://simbli.eboardsolutions.com/SU/KIjZfslsh88rWzvIh7AJ98iog==>

### Goals For The School District -

0200

<https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==>

### Concepts And Roles -

1000 <https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==>

### Communication With The Public -

1100 <https://simbli.eboardsolutions.com/SU/m4slshfz41M67B2WioVNfzUDg==>

### Media Relations -

1112 <https://simbli.eboardsolutions.com/SU/slhlpe1iHlslshJABaNkEITAw==>

### District-Sponsored Social Media -

1114 <https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAjtKQSG==>

### District-Sponsored Social Media -

1114 <https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==>

### Advertising And Promotion -

1325 <https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==>

**Use Of School Facilities -4119..... Error! Bookmark not defined.**

<https://simbli.eboardsolutions.com/SU/FkeMlvswgn3LcJdGUB9slshA==> ..... 6

**Political Activities Of Employees -4119..... 7**

<https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==> ..... 7

**Political Activities Of Employees -4219..... 12**

<https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQSqTDlLbw==> ..... 12

**Political Activities Of Employees -4219..... 12**

<https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==> ..... 12

**Political Activities Of Employees -4319..... 12**

<https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==> ..... 12

**Political Activities Of Employees -4319..... 12**

1330

<https://simbli.eboardsolutions.com/SU/YtBA8uF52gw7Rt7jgUy3sA==>

### Use Of School Facilities -

1330 <https://simbli.eboardsolutions.com/SU/hmhYeyr0oomt8s9DCK1sPA==>

### Relations Between Other Governmental Agencies And The Schools -

1400

<https://simbli.eboardsolutions.com/SU/vJHizKctUNwljEfGnHx4CA==>

**Political Activities Of Employees -**

<https://simbli.eboardsolutions.com/SU/yapluSLKGYeK7yfxXubPVLrQ==>

**Relations With Local Agencies -**

7131 <https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLlslslshg==>

**General Obligation Bonds -**

7214 <https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==>

**General Obligation Bonds -**

7214 <https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZltK9cK5rUw==>

**Role Of The Board -**

9000 <https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==>

**Public Statements -**

9010 <https://simbli.eboardsolutions.com/SU/plus5IM7gkvrpU0KJrYplustslshUxA==>

**Attorney -**

9124 <https://simbli.eboardsolutions.com/SU/cyJJplusrCCCh2AEypzeA9Q2Q==>

**Limits Of Board Member Authority -**

9200 <https://simbli.eboardsolutions.com/SU/9D6eWnslshmj4aK9zGITm6Ow==>

**Orientation -**

9230 <https://simbli.eboardsolutions.com/SU/zPgBfoLQTlvGXFVmx3IPVA==>

**Remuneration, Reimbursement And Other Benefits -**

9250

<https://simbli.eboardsolutions.com/SU/PmvDoJtdAmuSJGBpS5tZA==>

**Remuneration, Reimbursement And Other Benefits -**

9250-E(1)

<https://simbli.eboardsolutions.com/SU/kquNMItaaw79frS4Lzh5ng==>

**Meetings And Notices -**

9320 <https://simbli.eboardsolutions.com/SU/WlIp67WloJxMnAZ5szudQ==>

**Closed Session -**

9321 <https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==>

**Closed Session -**

9321-E(1) <https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==>

**Closed Session -**

9321-E(2)

<https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==>

## Policy 1330: Use Of School Facilities

Status: ADOPTED

Original Adopted Date: 04/01/2013 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, including the designation of a person to supervise this task, if necessary
3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of schoolwork

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

There shall be no advertising on school facilities and grounds except as specified in Board Policy 1325 - Advertising and Promotion.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

### Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

### OPTION 1: (Amount not to exceed direct costs to all community groups)

The Board believes that the use of school facilities or grounds should not result in an expense to the district. The

Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic

Center Act an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

**OPTION 1 ENDS HERE**

**OPTION 2: (No charge to nonprofit organizations and youth and school-oriented groups)**

The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that charge participants no more than an average of \$60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134) **OPTION 2 ENDS HERE**

**OPTION 3: (No charge to school-related organizations)**

The Board authorizes the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. **OPTION 3 ENDS HERE**

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

**Calculating Direct Costs**

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect the community's proportionate share of the following costs:  
(Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds
2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

**Expending Funds Collected as Capital Direct Costs**



Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

### Use of School Facility as Polling Place

The Board may authorize the use of school buildings as polling places, or vote centers for election day. The Board may also authorize the use of school buildings, without cost, for the storage of voting machines and other votetabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as a polling place or vote center. (Elections Code 12283)

When a school is used as a polling place or vote center, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. The Superintendent or designee shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place or vote center.

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 14037-14042	Proportionate direct costs for use of school facilities and grounds
Bus. Code 25608	Alcohol on school property; use in connection with instruction <a href="https://simbli.eboardsolutions.com/SU/FNTmwCbl5wapMSIUJRgAkW==">https://simbli.eboardsolutions.com/SU/FNTmwCbl5wapMSIUJRgAkW==</a>
Ed. Code 10900-10914.5	Community recreation programs - <a href="https://simbli.eboardsolutions.com/SU/2plusoOINP9plus8k2kxekeluvFw==">https://simbli.eboardsolutions.com/SU/2plusoOINP9plus8k2kxekeluvFw==</a>
Ed. Code 32280-32289.5	School safety plans - <a href="https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==">https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==</a>
Ed. Code 37220	School holidays - <a href="https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==">https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==</a>
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes - <a href="https://simbli.eboardsolutions.com/SU/tIoM8gkAiBJoSSNvFbplusm4w==">https://simbli.eboardsolutions.com/SU/tIoM8gkAiBJoSSNvFbplusm4w==</a>
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction <a href="https://simbli.eboardsolutions.com/SU/iZlvtDgz8RsMNJogh8kslshHw==">https://simbli.eboardsolutions.com/SU/iZlvtDgz8RsMNJogh8kslshHw==</a>
Elec. Code 12283	Polling places: schools - <a href="https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==">https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
M&V Code 1800	Definitions - <a href="https://simbli.eboardsolutions.com/SU/8cMAXVI6plusIXqzoklcrAUTw==">https://simbli.eboardsolutions.com/SU/8cMAXVI6plusIXqzoklcrAUTw==</a>

Federal References	Description
--------------------	-------------

20 USC 7905	Equal access to public school facilities
40 CFR 141.1-141.723	Drinking water standards

#### Management Resources References

#### Description

Attorney General Opinion	79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 90 (1999)
Court Decision	Ellis v. Board of Education, (1945) 27 Cal.2d 322
Court Decision	Good News Club v. Milford Central School, (2001) 533 U.S. 98
Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
Court Decision	ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
Court Decision	Cole v. Richardson, (1972) 405 U.S. 676
Court Decision	Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 - <a href="https://simbli.eboardsolutions.com/SU/XdN3WVUUFcdWXIPIQ118A==">https://simbli.eboardsolutions.com/SU/XdN3WVUUFcdWXIPIQ118A==</a>
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 - <a href="https://simbli.eboardsolutions.com/SU/yKK9jYHsK7slshWodVvurslshCQ==">https://simbli.eboardsolutions.com/SU/yKK9jYHsK7slshWodVvurslshCQ==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2iq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2iq5DcA2RawmY2VZ5FZQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

#### Cross References

#### Description

	Nondiscrimination In District Programs And Activities -
0410	<a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
	Comprehensive Safety Plan -
0450	<a href="https://simbli.eboardsolutions.com/SU/Q7gil8GDAXZA23W9BEbNBw==">https://simbli.eboardsolutions.com/SU/Q7gil8GDAXZA23W9BEbNBw==</a>
	Comprehensive Safety Plan -
0450	<a href="https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==">https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==</a>
	COVID-19 Mitigation Plan -
0470	<a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
	Concepts And Roles -
1000	<a href="https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==">https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==</a>
	Political Processes -
1160	<a href="https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHyslshkrPnmxrg==">https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHyslshkrPnmxrg==</a>
	School-Connected Organizations -
1230	<a href="https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrINJ5rXb5g==">https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrINJ5rXb5g==</a>
	School-Connected Organizations -
1230	<a href="https://simbli.eboardsolutions.com/SU/sDXhJFa6OFkhNJlen5SDKw==">https://simbli.eboardsolutions.com/SU/sDXhJFa6OFkhNJlen5SDKw==</a>
	Advertising And Promotion -
1325	<a href="https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==">https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==</a>
	Joint Use Agreements -
1330.1	<a href="https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==">https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==</a>

	<b>Relations Between Other Governmental Agencies And The Schools -</b>
1400	<a href="https://simbli.eboardsolutions.com/SU/vJHizKctUNwIjEfGnHx4CA==">https://simbli.eboardsolutions.com/SU/vJHizKctUNwIjEfGnHx4CA==</a>
	<b>Sale Or Lease Of District-Owned Real Property -</b>
3280	<a href="https://simbli.eboardsolutions.com/SU/nI52FbYBISbzNGRG8CrhkQ==">https://simbli.eboardsolutions.com/SU/nI52FbYBISbzNGRG8CrhkQ==</a>
	<b>Sale Or Lease Of District-Owned Real Property -</b>
3280	<a href="https://simbli.eboardsolutions.com/SU/dHavI4DJJ4VVaplus02n5bFkg==">https://simbli.eboardsolutions.com/SU/dHavI4DJJ4VVaplus02n5bFkg==</a>
	<b>Tobacco-Free Schools -</b>
3513.3	<a href="https://simbli.eboardsolutions.com/SU/YcXDckQsxwpNcLpvl3ATIA==">https://simbli.eboardsolutions.com/SU/YcXDckQsxwpNcLpvl3ATIA==</a>
	<b>Tobacco-Free Schools -</b>
3513.3	<a href="https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==">https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==</a>
	<b>Drug And Alcohol Free Schools -</b>
3513.4	<a href="https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==">https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==</a>
	<b>Disruptions -</b>
3515.2	<a href="https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJS1yRxg==">https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJS1yRxg==</a>
	<b>Disruptions -</b>
3515.2	<a href="https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==">https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==</a>
	<b>Unmanned Aircraft Systems (Drones) -</b>
3515.21	<a href="https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==">https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==</a>
	<b>Emergencies And Disaster Preparedness Plan -</b>
3516	<a href="https://simbli.eboardsolutions.com/SU/x6NWrx0FV0TusDr7guOmSQ==">https://simbli.eboardsolutions.com/SU/x6NWrx0FV0TusDr7guOmSQ==</a>
	<b>Emergencies And Disaster Preparedness Plan -</b>
3516	<a href="https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8UJ2LD05W5w==">https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8UJ2LD05W5w==</a>
	<b>Risk Management/Insurance -</b>
3530	<a href="https://simbli.eboardsolutions.com/SU/PCbwsIshUQxLVplusmkc9VsIsh0GqfQ==">https://simbli.eboardsolutions.com/SU/PCbwsIshUQxLVplusmkc9VsIsh0GqfQ==</a>
	<b>Risk Management/Insurance -</b>
3530	<a href="https://simbli.eboardsolutions.com/SU/IFY23eyj7gVURhZVxo1DXw==">https://simbli.eboardsolutions.com/SU/IFY23eyj7gVURhZVxo1DXw==</a>
	<b>Political Activities Of Employees -</b>
4119.25	<a href="https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==</a>
	<b>Political Activities Of Employees -</b>
4119.25	<a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==</a>
	<b>Political Activities Of Employees -</b>
4219.25	<a href="https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQSqTDILbw==">https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQSqTDILbw==</a>
	<b>Political Activities Of Employees -</b>
4219.25	<a href="https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==">https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==</a>
	<b>Political Activities Of Employees -</b>
4319.25	<a href="https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLIxmSo6Ca3A==">https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLIxmSo6Ca3A==</a>
	<b>Political Activities Of Employees -</b>
4319.25	

<https://simbli.eboardsolutions.com/SU/yapluSLKGYeK7yfxXubPVLrQ==>

**Child Care And Development -**

5148 <https://simbli.eboardsolutions.com/SU/6TzInJWyUNhxpC9er0OvSw==>

**Child Care And Development -**

5148 <https://simbli.eboardsolutions.com/SU/bVySgOgrlwmslshAxbVduBflg==>

**Before/After School Programs -**

5148.2 <https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==>

**Before/After School Programs -**

5148.2 <https://simbli.eboardsolutions.com/SU/SRCrvplus9wpuzSot3FQ8a2gw==>

**Preschool/Early Childhood Education -**

5148.3 <https://simbli.eboardsolutions.com/SU/RoY7foslshVVcuCn7ASBE4vKg==>

**Preschool/Early Childhood Education -**

5148.3 <https://simbli.eboardsolutions.com/SU/plusslsh1w9wNjgSxojaMdRRAOg==>

**School Calendar -**

6111 <https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMoslshZA==>

**Ceremonies And Observances -**

6115 <https://simbli.eboardsolutions.com/SU/unNPBEGd8slshu5k7K9nWx36g==>

**Ceremonies And Observances -**

6115 <https://simbli.eboardsolutions.com/SU/ei3fXve4QZVzBxJCMXdFTg==>

**Recognition Of Religious Beliefs And Customs -**

6141.2

<https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==>

**Recognition Of Religious Beliefs And Customs -**

6141.2

<https://simbli.eboardsolutions.com/SU/XSgOkVwslsh6n1VgSVdoheJvg==>

≡

**Extracurricular And Cocurricular Activities -**

6145

<https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==>

≡

**Extracurricular And Cocurricular Activities -**

6145

<https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9ig==>

**Student Organizations And Equal Access -**

6145.5 <https://simbli.eboardsolutions.com/SU/pluswnTUYQetRZUFczZuTcFrA==>

**Student Organizations And Equal Access -**

6145.5

<https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==>

**Charter School Facilities -**

7160

<https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlgg==>

**Charter School Facilities -**

7160 <https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA==>

**Meetings And Notices -**

9320

<https://simbli.eboardsolutions.com/SU/WIIp67WIoJxMnAZ5szudQ==>

**Original Adopted Date:** 07/01/2018 | **Last Revised Date:** 09/01/2023 | **Last Reviewed Date:** 09/01/2023

**Application for Use of Facilities**

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Anyone applying to use school facilities shall do so as specified in district procedures and in accordance with law.

**Civic Center Use**

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131, 51860)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities for youth that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

*A veterans' organization* means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

10. Bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students by local law enforcement, public agencies, nonprofit associations, or organizations specified in Education Code

38134

## 11. Other purposes deemed appropriate by the Governing Board

### Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco
4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

### Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

When permitted by law, the Superintendent or designee shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

5 CCR 14037-14042

Bus. Code 25608

#### Description

Proportionate direct costs for use of school facilities and grounds

Alcohol on school property; use in connection with instruction

<https://simbli.eboardsolutions.com/SU/FNTmwCbI5wapMSIUIRgAkww==>

Ed. Code 10900-10914.5	Community recreation programs - <a href="https://simbli.eboardsolutions.com/SU/2plusoOINP9plus8k2kxekeluvFw==">https://simbli.eboardsolutions.com/SU/2plusoOINP9plus8k2kxekeluvFw==</a>
Ed. Code 32280-32289.5	School safety plans - <a href="https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==">https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==</a>
Ed. Code 37220	School holidays - <a href="https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==">https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==</a>
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes - <a href="https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==">https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==</a>
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction <a href="https://simbli.eboardsolutions.com/SU/iZlvtDgz8RsMNJogh8kslshHw==">https://simbli.eboardsolutions.com/SU/iZlvtDgz8RsMNJogh8kslshHw==</a>
Elec. Code 12283	Polling places: schools - <a href="https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==">https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
M&V Code 1800	Definitions - <a href="https://simbli.eboardsolutions.com/SU/8cMAXVI6plusIXqzoklcrAUTw==">https://simbli.eboardsolutions.com/SU/8cMAXVI6plusIXqzoklcrAUTw==</a>

#### **Federal References**

20 USC 7905	Equal access to public school facilities
40 CFR 141.1-141.723	Drinking water standards

#### **Management Resources References**

Attorney General Opinion	79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 90 (1999)
Court Decision	Ellis v. Board of Education, (1945) 27 Cal.2d 322
Court Decision	Good News Club v. Milford Central School, (2001) 533 U.S. 98
(1993) 508 U.S. Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, 384
Court Decision	ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
Court Decision	Cole v. Richardson, (1972) 405 U.S. 676
Court Decision	Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 - <a href="https://simbli.eboardsolutions.com/SU/XdN3WVUUFcdWXIPIQ118A==">https://simbli.eboardsolutions.com/SU/XdN3WVUUFcdWXIPIQ118A==</a>
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 - <a href="https://simbli.eboardsolutions.com/SU/yKK9jYHsK7slshWodVvurslshCQ==">https://simbli.eboardsolutions.com/SU/yKK9jYHsK7slshWodVvurslshCQ==</a>

**Website** <https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsLshXk6R5akQ==>  
CSBA District and County Office of Education Legal Services -

**Website** <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>  
California Department of Education -

**Website** <https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==>  
CSBA -

<b>Cross References</b>	<b>Description</b>
	<b>Nondiscrimination In District Programs And Activities -</b>
0410	<a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
	<b>Comprehensive Safety Plan -</b>
0450	<a href="https://simbli.eboardsolutions.com/SU/Q7gi8GDAxZA23W9BEbNBw==">https://simbli.eboardsolutions.com/SU/Q7gi8GDAxZA23W9BEbNBw==</a>
	<b>Comprehensive Safety Plan -</b>
0450	<a href="https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==">https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==</a>
	<b>COVID-19 Mitigation Plan -</b>
0470	<a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
	<b>Concepts And Roles -</b>
1000	<a href="https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==">https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==</a>
	<b>Political Processes -</b>
1160	<a href="https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHyslshkrPnmrg==">https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHyslshkrPnmrg==</a>
	<b>School-Connected Organizations -</b>
1230	<a href="https://simbli.eboardsolutions.com/SU/TUNcr5I6QZDDrINJ5rXb5g==">https://simbli.eboardsolutions.com/SU/TUNcr5I6QZDDrINJ5rXb5g==</a>
	<b>School-Connected Organizations -</b>
1230	<a href="https://simbli.eboardsolutions.com/SU/sDXhJFa6QFkhNJlen5SDKw==">https://simbli.eboardsolutions.com/SU/sDXhJFa6QFkhNJlen5SDKw==</a>
	<b>Advertising And Promotion -</b>
1325	<a href="https://simbli.eboardsolutions.com/SU/TPq9ClqZ7iLx8c5I0jsyog==">https://simbli.eboardsolutions.com/SU/TPq9ClqZ7iLx8c5I0jsyog==</a>
	<b>Joint Use Agreements -</b>
1330.1	<a href="https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==">https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==</a>
	<b>Relations Between Other Governmental Agencies And The Schools -</b>
1400	<a href="https://simbli.eboardsolutions.com/SU/vJHizKCTUNwljEfGnHx4CA==">https://simbli.eboardsolutions.com/SU/vJHizKCTUNwljEfGnHx4CA==</a>
	<b>Sale Or Lease Of District-Owned Real Property -</b>
3280	<a href="https://simbli.eboardsolutions.com/SU/nI52FBYBISbzNGRG8CrhkQ==">https://simbli.eboardsolutions.com/SU/nI52FBYBISbzNGRG8CrhkQ==</a>
	<b>Sale Or Lease Of District-Owned Real Property -</b>
3280	<a href="https://simbli.eboardsolutions.com/SU/dHavl4DJJ4VVapplus02n5bFkg==">https://simbli.eboardsolutions.com/SU/dHavl4DJJ4VVapplus02n5bFkg==</a>
	<b>Tobacco-Free Schools -</b>
3513.3	<a href="https://simbli.eboardsolutions.com/SU/YcXDCKQsxpNcLpvl3ATIA==">https://simbli.eboardsolutions.com/SU/YcXDCKQsxpNcLpvl3ATIA==</a>
	<b>Tobacco-Free Schools -</b>
3513.3	<a href="https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==">https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==</a>
	<b>Drug And Alcohol Free Schools -</b>
3513.4	<a href="https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==">https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==</a>
	<b>Disruptions -</b>
3515.2	<a href="https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJS1yRxxg==">https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJS1yRxxg==</a>
	<b>Disruptions -</b>
3515.2	<a href="https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==">https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==</a>
	<b>Unmanned Aircraft Systems (Drones) -</b>
3515.21	<a href="https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==">https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==</a>
	<b>Emergencies And Disaster Preparedness Plan -</b>
3516	<a href="https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==">https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==</a>
	<b>Emergencies And Disaster Preparedness Plan -</b>
3516	<a href="https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LI2LDo5W5w==">https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LI2LDo5W5w==</a>
	<b>Risk Management/Insurance -</b>
3530	<a href="https://simbli.eboardsolutions.com/SU/PCbwsishUQxLVplusmkc9Vslsh0GgfQ==">https://simbli.eboardsolutions.com/SU/PCbwsishUQxLVplusmkc9Vslsh0GgfQ==</a>
	<b>Risk Management/Insurance -</b>



3530

<https://simbli.eboardsolutions.com/SU/IFY23eyj7gVURhZVxo1DXw==>

**Political Activities Of Employees -**

4119.25

<https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==>

**Political Activities Of Employees -**

4119.25

<https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==>

**Political Activities Of Employees -**

4219.25

<https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQsqTDILbw==>

**Political Activities Of Employees -**

4219.25

<https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==>

**Political Activities Of Employees -**

4319.25

<https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLIxmSo6Ca3A==>

**Political Activities Of Employees -**

4319.25

<https://simbli.eboardsolutions.com/SU/yapluSLKGYeK7yfxXubPVLrQ==>

**Child Care And Development -**

5148 <https://simbli.eboardsolutions.com/SU/6TzInJWyUNhXpc9er0OvSw==>

**Child Care And Development -**

5148 <https://simbli.eboardsolutions.com/SU/bVySg0grlwmslshAxbVduBflg==>

**Before/After School Programs -**

5148.2 <https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==>

**Before/After School Programs -**

5148.2 <https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==>

**Preschool/Early Childhood Education -**

5148.3 <https://simbli.eboardsolutions.com/SU/RoY7foslshVVCuCn7ASBE4vKg==>

**Preschool/Early Childhood Education -**

5148.3

<https://simbli.eboardsolutions.com/SU/plusslsh1w9wNJgSxojasMdRRAQg==>

**School Calendar -**

6111 <https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMoslshZA==>

**Ceremonies And Observances -**

6115 <https://simbli.eboardsolutions.com/SU/unNPBEGd8slshu5k7K9nWx36g==>

**Ceremonies And Observances -**

6115 <https://simbli.eboardsolutions.com/SU/ei3fXve4QZVzBxJCMXdFTg==>

**Recognition Of Religious Beliefs And Customs -**

6141.2 <https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==>

**Recognition Of Religious Beliefs And Customs -**

6141.2

<https://simbli.eboardsolutions.com/SU/XSgOkVwslsh6n1VgSVdoheJvg==>

**Extracurricular And Cocurricular Activities -**

6145

<https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wgVw==>  
≡

**Extracurricular And Cocurricular Activities -**

6145

<https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==>

**Student Organizations And Equal Access -**

6145.5 <https://simbli.eboardsolutions.com/SU/pluswnTUYQetRZUFczZuTcFrA==>

**Student Organizations And Equal Access -**

6145.5

<https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==>

**Charter School Facilities -**

7160

<https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlqg==>

**Charter School Facilities -**

7160 <https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA==>

**Meetings And Notices -**

9320

<https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5sziudQ==>

## Regulation 3311: Bids

Status: ADOPTED

Original Adopted Date: 10/01/2015 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

### Advertised/Competitive Bids

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility
2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
  - a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
  - b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
  - c. Repairs that are not a public project, including maintenance

*Maintenance* means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

### Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. For lease-leaseback, design-build, and alternative design-build projects, the notice shall specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

2. All bids for construction work shall be presented under sealed cover. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall

be disregarded. (Public Contract Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)

5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 20103.8)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

- a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination.

- b. When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of the right to present evidence of the bidder's responsibility at a hearing before the Board.

8. After being opened, all submitted bids become public records pursuant to Government Code 7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

### **Prequalification Procedure**

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5) **Award of Contract**

The district shall award each contract to the lowest responsible bidder, except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 20002002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

### **Protests by Bidders**

If the bidder believes that the award is not in compliance with law, Board policy, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

### **Limitation on Use of Sole Sourcing**

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern

2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name, also known as sole sourcing, if the Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by fourfifths of the Board when issuing the invitation for bid or RFP

### **Bids Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may "piggyback" by authorizing another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose.  
(Public Contract Code 1102, 20113)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

**Description**

Bus. Code 7056

General engineering contractor -

<https://simbli.eboardsolutions.com/SU/UHmIUe01hRVZsodCzgS0Xw==>

Bus. Code 7057

General building contractor -

<https://simbli.eboardsolutions.com/SU/Se6GMF7ljKntdgH8D88Z7Q==>

Code of Civil Procedure 446

Verification of pleadings -

<https://simbli.eboardsolutions.com/SU/aclh447tS4SzYXBxMslshxiag==>

Ed. Code 17070.10-17079.30

Leroy F. Greene School Facilities Act -

<https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==>

Ed. Code 17250.10-17250.55

Design-build contracts -

<https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==>

Ed. Code 17250.60-17250.69

Alternative design-build contracts -

<https://simbli.eboardsolutions.com/SU/TP1PLVtclqEnCDsIhhiHQ==>

Ed. Code 17406

Lease-leaseback contract -

<https://simbli.eboardsolutions.com/SU/0BPYzSILXpluspnBZT2SkSYcg==>

Ed. Code 17595

Purchase of supplies through Department of General Services

<https://simbli.eboardsolutions.com/SU/wjokePIJPjwslsh4bmki654ig==>

Ed. Code 17602

Purchase of surplus property from federal agencies -

<https://simbli.eboardsolutions.com/SU/OMwezslshLjipET3b8gXpluszPXg==>

Ed. Code 38083

Purchase of perishable foodstuffs and seasonal commodities

<https://simbli.eboardsolutions.com/SU/slshw3bpslzaSed6aaoGa32A==>

Ed. Code 38110-38120

Apparatus and supplies -

<https://simbli.eboardsolutions.com/SU/slsh3YlaSxloRn5YRy8K7HIEw==>

Ed. Code 39802

Transportation services -

<https://simbli.eboardsolutions.com/SU/HVTBXAU8JOplus2kJP98SHoDg==>

Gov. Code 4217.10-4217.18

Energy conservation contracts -

<https://simbli.eboardsolutions.com/SU/JKuUPcAdslshhSurljmo0KQrA==>

Gov. Code 4330-4334

California made materials -

<https://simbli.eboardsolutions.com/SU/siRxFplusxt240pBlTNL61igg==>

Special services and advice -



Gov. Code 53060	<a href="https://simbli.eboardsolutions.com/SU/7T7sFbIKV6rel4IFp43jCg==">https://simbli.eboardsolutions.com/SU/7T7sFbIKV6rel4IFp43jCg==</a>
Gov. Code 54201-54205	<b>Purchase of supplies and equipment by local agencies -</b> <a href="https://simbli.eboardsolutions.com/SU/qvt9zgwGZMS2bDkYrwklvg==">https://simbli.eboardsolutions.com/SU/qvt9zgwGZMS2bDkYrwklvg==</a>
Gov. Code 7920.530	<b>Definition of public record -</b> <a href="https://simbli.eboardsolutions.com/SU/l65BamQplusrCgxYeSplusYx0aZA==">https://simbli.eboardsolutions.com/SU/l65BamQplusrCgxYeSplusYx0aZA==</a>
Pub. Cont. Code 1102	<b>Definition of emergency -</b> <a href="https://simbli.eboardsolutions.com/SU/uCLuvOi1XfVD0J6DMN5rhQ==">https://simbli.eboardsolutions.com/SU/uCLuvOi1XfVD0J6DMN5rhQ==</a>
Pub. Cont. Code 1103	<b>Definition; responsible bidder -</b> <a href="https://simbli.eboardsolutions.com/SU/C9mQhiS9HYQeoAhfVeifPw==">https://simbli.eboardsolutions.com/SU/C9mQhiS9HYQeoAhfVeifPw==</a>
Pub. Cont. Code 12200	<b>Definitions, recycled goods, materials and supplies -</b> <a href="https://simbli.eboardsolutions.com/SU/ksDkBcmNIRx5i4nyUWW6QQ==">https://simbli.eboardsolutions.com/SU/ksDkBcmNIRx5i4nyUWW6QQ==</a>
Pub. Cont. Code 2000-2002	<b>Responsive bidders -</b> <a href="https://simbli.eboardsolutions.com/SU/8xMbAzhKdz41E7CMFCcftw==">https://simbli.eboardsolutions.com/SU/8xMbAzhKdz41E7CMFCcftw==</a>
Pub. Cont. Code 20101-20103.7	<b>Public construction projects; requirements for bidding -</b> <a href="https://simbli.eboardsolutions.com/SU/G7ENStwWfK6oRYGpnQeuzw==">https://simbli.eboardsolutions.com/SU/G7ENStwWfK6oRYGpnQeuzw==</a>
Pub. Cont. Code 20103.8	<b>Award of contracts -</b> <a href="https://simbli.eboardsolutions.com/SU/LOkWWGXbDOzOREZ5yuosIshbg==">https://simbli.eboardsolutions.com/SU/LOkWWGXbDOzOREZ5yuosIshbg==</a>
Pub. Cont. Code 20110-20118.4	<b>Local Agency Public Construction Act; school districts -</b> <a href="https://simbli.eboardsolutions.com/SU/zWIZOd57dzPOR97bEYJURg==">https://simbli.eboardsolutions.com/SU/zWIZOd57dzPOR97bEYJURg==</a>
Pub. Cont. Code 20189	<b>Bidder's security; earthquake relief -</b> <a href="https://simbli.eboardsolutions.com/SU/JJTplusCtInV1y51OagHoTXDA==">https://simbli.eboardsolutions.com/SU/JJTplusCtInV1y51OagHoTXDA==</a>
Pub. Cont. Code 22000-22045	<b>Uniform Public Construction Cost Accounting Act -</b> <a href="https://simbli.eboardsolutions.com/SU/DLw5U6jk18uhpBzRfcHGw==">https://simbli.eboardsolutions.com/SU/DLw5U6jk18uhpBzRfcHGw==</a>
Pub. Cont. Code 22152	<b>Recycled product procurement -</b> <a href="https://simbli.eboardsolutions.com/SU/ykPrIXyeaU2TwS7NX2YplusRw==">https://simbli.eboardsolutions.com/SU/ykPrIXyeaU2TwS7NX2YplusRw==</a>
Pub. Cont. Code 3000-3010	<b>Roofing projects -</b> <a href="https://simbli.eboardsolutions.com/SU/JOssypcD9yFVx7GCNIj5fA==">https://simbli.eboardsolutions.com/SU/JOssypcD9yFVx7GCNIj5fA==</a>
Pub. Cont. Code 3400	<b>Bid specifications -</b> <a href="https://simbli.eboardsolutions.com/SU/awVKPr3ZLZpRth0hsIsh5SgYw==">https://simbli.eboardsolutions.com/SU/awVKPr3ZLZpRth0hsIsh5SgYw==</a>
Pub. Cont. Code 3410	<b>U.S. produce and processed foods -</b> <a href="https://simbli.eboardsolutions.com/SU/ZAaFslshJcPtso7EpKjSWbLtQ==">https://simbli.eboardsolutions.com/SU/ZAaFslshJcPtso7EpKjSWbLtQ==</a>
Pub. Cont. Code 4113	<b>Prime contractor; subcontractor -</b> <a href="https://simbli.eboardsolutions.com/SU/8VLWxzV2QvqkmUGv2HqJag==">https://simbli.eboardsolutions.com/SU/8VLWxzV2QvqkmUGv2HqJag==</a>
Pub. Cont. Code 6102	<b>Bribery of public official; voidable contract -</b> <a href="https://simbli.eboardsolutions.com/SU/OjdxzPTcnw7s2nDplusplussNyIQ==">https://simbli.eboardsolutions.com/SU/OjdxzPTcnw7s2nDplusplussNyIQ==</a>
Pub. Cont. Code 6610	<b>Bid visits -</b> <a href="https://simbli.eboardsolutions.com/SU/LmsIsh5VopiDTv9Mayc881u1Q==">https://simbli.eboardsolutions.com/SU/LmsIsh5VopiDTv9Mayc881u1Q==</a>
<b>Management Resources</b>	<b>Description</b>
<b>References</b>	
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	Office of Public School Construction, Piggyback Contracts - <a href="https://simbli.eboardsolutions.com/SU/mplusapulusAKoAXgLPplusVhXZMslsha8A==">https://simbli.eboardsolutions.com/SU/mplusapulusAKoAXgLPplusVhXZMslsha8A==</a>
CA Department of General Services Publication	Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022 <a href="https://simbli.eboardsolutions.com/SU/r4VFCXmx8WXbgwHdQ0gHrQ==">https://simbli.eboardsolutions.com/SU/r4VFCXmx8WXbgwHdQ0gHrQ==</a>
CA Department of Industrial Relations Publication	Model Prequalification Questionnaire - <a href="https://simbli.eboardsolutions.com/SU/OO0lxhNDqNNdvDHmV5fdJw==">https://simbli.eboardsolutions.com/SU/OO0lxhNDqNNdvDHmV5fdJw==</a>
Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861
Court Decision	Great West Contractors Inc. v. Irvine Unified School District, (2010) 187

	Cal.App.4th 1425 Konica Business Machines v. Regents of the University of California, (1988) 206
Court Decision	
	Cal.App.3d 449 Los Angeles Unified School District v. Great American Insurance Co., (2010) 49
Court Decision	
	Cal.4th 739
Court Decision	Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241
	CSBA District and County Office of Education Legal Services -
Website	<a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
	California Department of General Services -
Website	<a href="https://simbli.eboardsolutions.com/SU/B5plusioNPtiLVplusM3zkWI4AMA==">https://simbli.eboardsolutions.com/SU/B5plusioNPtiLVplusM3zkWI4AMA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
	California Department of Education -
Website	<a href="https://simbli.eboardsolutions.com/SU/os2iq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2iq5DcA2RawmY2VZ5FZQ==</a>
	California Association of School Business Officials -
Website	<a href="https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==">https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==</a>
<b>Cross References</b>	<b>Description</b>
	Nondiscrimination In District Programs And Activities -
0410	<a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
	District And School Websites -
1113	<a href="https://simbli.eboardsolutions.com/SU/fGzTnDYcSd9LBbPBAjyCBA==">https://simbli.eboardsolutions.com/SU/fGzTnDYcSd9LBbPBAjyCBA==</a>
	District And School Websites -
1113	<a href="https://simbli.eboardsolutions.com/SU/HUaNNxQUGejeapQgNRdIslhOW==">https://simbli.eboardsolutions.com/SU/HUaNNxQUGejeapQgNRdIslhOW==</a>
	District And School Websites -
1113-E(1)	<a href="https://simbli.eboardsolutions.com/SU/bZCud1cO3YINckqcTnQMLw==">https://simbli.eboardsolutions.com/SU/bZCud1cO3YINckqcTnQMLw==</a>
	Access To District Records -
1340	<a href="https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==">https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==</a>
	Access To District Records -
1340	<a href="https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzx07fplwslshtg==">https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzx07fplwslshtg==</a>
	Concepts And Roles -
3000	<a href="https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==">https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==</a>
	Federal Grant Funds -
3230	<a href="https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==">https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==</a>
	Federal Grant Funds -
3230	<a href="https://simbli.eboardsolutions.com/SU/ju3plusHslshtNCrtC98tuplusslshKYZA==">https://simbli.eboardsolutions.com/SU/ju3plusHslshtNCrtC98tuplusslshKYZA==</a>
	Sale And Disposal Of Books, Equipment And Supplies -
3270	<a href="https://simbli.eboardsolutions.com/SU/4xVQsptyceRtGBj5E9mJGQ==">https://simbli.eboardsolutions.com/SU/4xVQsptyceRtGBj5E9mJGQ==</a>
	Sale And Disposal Of Books, Equipment And Supplies -

3270 <https://simbli.eboardsolutions.com/SU/CPwhCGZXgC6KkTGvmlIgLw==>

**Expenditures And Purchases -**

3300 <https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==>

**Uniform Public Construction Cost Accounting Procedures -**

3311.1 <https://simbli.eboardsolutions.com/SU/O3stT7bsNcaKaqj5JxliBg==>

**Uniform Public Construction Cost Accounting Procedures -**

3311.1 <https://simbli.eboardsolutions.com/SU/VsoDfoloi2blzPF6jhD9gA==>

**Lease-Leaseback Contracts -**

3311.2 <https://simbli.eboardsolutions.com/SU/3ssBh906X9CZkLdplusOC4NsIshw==>

**Design-Build Contracts -**

3311.3

<https://simbli.eboardsolutions.com/SU/SYfJWslshySkm0fnMkjPceFSA==>  
=

**Procurement Of Technological Equipment -**

3311.4 <https://simbli.eboardsolutions.com/SU/9VSqQIMXI4v8TslshlwXdFslshLg==>

**Contracts -**

3312 <https://simbli.eboardsolutions.com/SU/CHyTqtXZWM1h3lIN3YWGplusw==>

**Payment For Goods And Services -**

3314 <https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbrLH7xA==>

**Payment For Goods And Services -**

3314 <https://simbli.eboardsolutions.com/SU/kJslshbA41fvAd26Fu7h7gj6w==>

**Green School Operations -**

3510 <https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjILPFfUw==>

**Energy And Water Management -**

3511 <https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ==>

**Energy And Water Management -**

3511 <https://simbli.eboardsolutions.com/SU/iAnvY3u49coMifpxvKeARg==>

**Integrated Waste Management -**

3511.1 <https://simbli.eboardsolutions.com/SU/Y9FyWGORGodKIGNRslshKMofg==>

**Integrated Waste Management -**

3511.1 <https://simbli.eboardsolutions.com/SU/UNTbkiqKOcpoemKmiFAE2w==>

**Equipment -**

3512 <https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==>

**Equipment -**

3512-E(1) <https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZml57Q==>

**Facilities Inspection -**

3517 <https://simbli.eboardsolutions.com/SU/plusKBzPDQW8ldA6TERPbfLnA==>

**Facilities Inspection -**

3517-E(1) <https://simbli.eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8yIQ==>

**Transportation -**

3540 <https://simbli.eboardsolutions.com/SU/WsEcrsw1Er3slshov5xxld5xA==>

**Food Service Operations/Cafeteria Fund -**

3551 <https://simbli.eboardsolutions.com/SU/HA2gFG5nbslshZWbOmKqMTJKw==>

**Food Service Operations/Cafeteria Fund -**

3551 <https://simbli.eboardsolutions.com/SU/wgZfsgyQdkWbgKFLp731Sg==>

**District Records -**

3580 <https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22js93hnA==>

**District Records -**

3580 <https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==>

**Consultants -**

3600

<https://simbli.eboardsolutions.com/SU/1FwFQUNZcLepRVw9noljBg==>

**Selection And Evaluation Of Instructional Materials -**

6161.1

<https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==>

**Selection And Evaluation Of Instructional Materials -**

6161.1

<https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEn0Y9Q==>

**Selection And Evaluation Of Instructional Materials -**

6161.1-E(1) <https://simbli.eboardsolutions.com/SU/8IIH1pluseCQplus3eslsh3plusjNseP5g==>

**Supplementary Instructional Materials -**

6161.11 <https://simbli.eboardsolutions.com/SU/yzqurwJC7pqFZyRZJplus5Ffg==>

**Library Media Centers -**

6163.1

<https://simbli.eboardsolutions.com/SU/QOUjppuymAwZwqqwJNVcdg==>

**Concepts And Roles -**

7000

<https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==>

**Architectural And Engineering Services -**

7140 <https://simbli.eboardsolutions.com/SU/3IdF7JWp7SfYLLaJ5r43nQ==>

**Architectural And Engineering Services -**

7140 <https://simbli.eboardsolutions.com/SU/qwplusNa5UIWbshWRplusfrkNbzA==>

**Conflict Of Interest -**

9270 <https://simbli.eboardsolutions.com/SU/plus5NkplusxIVoLslshAyTyplusjwwplus5A==>

**Conflict Of Interest -**

9270-E(1) <https://simbli.eboardsolutions.com/SU/31zam186Gfhk4oZYyhDZDQ==>

**Meetings And Notices -**

9320 <https://simbli.eboardsolutions.com/SU/WIIp67WIoJxMnAZ5szjudQ==>

**Actions By The Board -**

9323.2 <https://simbli.eboardsolutions.com/SU/qTqIJZz7LWxdOXZSRTVLAA==>

**Actions By The Board -**

9323.2-E(1) <https://simbli.eboardsolutions.com/SU/E5GqXb1wi3InLIAbs692Zw==>

**Actions By The Board -**

9323.2-E(2)

<https://simbli.eboardsolutions.com/SU/qVfpDmpluswpVdRGdSnZjRPOw==>

### Regulation 3311.3: Design-Build Contracts

Status: ADOPTED

Original Adopted Date: 12/01/2016 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

Until January 1, 2025, the Governing Board may approve a design-build contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

Additionally, until January 1, 2029, the Board may approve an alternative design-build contract with a single entity for both design and construction of any school facility in excess of \$5,000,000. Such contracts may be awarded to the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price, technical design and construction expertise, and life-cycle costs. The district's determination of price shall be based on the open book evaluation of construction subcontracts. The contract may be subject to further negotiations or amendment and may be terminated by the district if the district and the design-build entity are unable to reach an agreement. (Education Code 17250.61, 17250.62, 17250.65)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25, 17250.62)

#### Procedures for Awarding the Contract

The procurement process for design-build and alternative design-build projects shall be as follows: (Education Code

17250.25, 17250.35, 17250.62, 17250.65; Public Contract Code 2600)

1. Performance Specifications: The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:

- a. The size, type, and desired design character of the project
- b. Performance specifications that cover the quality of materials, equipment, and workmanship
- c. Preliminary plans or building layouts
- d. Any other information deemed necessary to describe adequately the district's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. Prequalification: The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:

- a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity

- b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors
- c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25 or 17250.62
- d. A notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

3. Request for Proposals: The district shall prepare a request for proposals (RFP) that invites prequalified or shortlisted entities to submit competitive sealed proposals in a manner prescribed by the district. The RFP shall include the information identified in Items #2a, 2b, and 2d above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method for a project, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.
4. Selection Based on Low Bid: For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder
5. Selection Based on Best Value: For those projects utilizing best value as a selection method, the following procedures shall be used:
  - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district. The proposal for a design-build project, as specified in 17250.25, shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years. The proposal for an alternative design-build project, as specified in 17250.62, shall, at a minimum, include design cost, general conditions, overhead, and profit as a component of the project price, unless a stipulated sum for the project is specified; technical design and construction expertise; and life-cycle costs over 15 or more years.
  - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked
  - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public

- d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

### **Skilled and Trained Workforce**

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25, 17250.62; Public Contract Code 2602)

Skilled and trained workforce means that all the workers performing the work are either skilled journeypersons or apprentices registered in a state-approved apprenticeship program. At least 60 percent of the skilled journeypersons employed to perform the work shall be graduates of an apprenticeship program for the applicable occupation or at least 60 percent of the hours worked by skilled journeypersons shall be performed by graduates of an apprenticeship program, with the exception of certain occupations specified in Public Contract Code 2601 which are subject to a 30 percent threshold. (Public Contract Code 2601)

If the contractor fails to provide the monthly report demonstrating compliance with the skilled and trained workforce requirements or provides an incomplete report, the district shall withhold further payments until a complete report is provided. If a report does not demonstrate compliance with the skilled and trained workforce requirements, the district shall withhold further payments until the contractor provides a sufficient plan to achieve substantial compliance with respect to the relevant apprenticeable occupation, prior to completion of the contract or project. In addition, the district shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the district's response to that plan. (Public Contract Code 2602)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State References**

Ed. Code 17250.10-17250.55

#### **Description**

Design-build contracts -

<https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==>

Ed. Code 17250.60-17250.69

Alternative design-build contracts -

<https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==>

Pub. Cont. Code 2600-2603

Skilled and trained workforce requirements -

<https://simbli.eboardsolutions.com/SU/z9cd2KTKJWcsStfS7FNTFw==>

#### **Management Resources References**

#### **Description**

Website

CSBA District and County Office of Education Legal Services

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California Association of School Business Officials -

<https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==>

Website

California Department of Education, School Facilities -

<https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFesIshYA==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

#### **Cross References**

#### **Description**

3311	<b>Bids -</b> <a href="https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==">https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==</a>
3311	<b>Bids -</b> <a href="https://simbli.eboardsolutions.com/SU/kSmQOq7sW9PD8b8PSD17ycQ==">https://simbli.eboardsolutions.com/SU/kSmQOq7sW9PD8b8PSD17ycQ==</a>
3312	<b>Contracts -</b> <a href="https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3lIN3YWGplusw==">https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3lIN3YWGplusw==</a>
7000	<b>Concepts And Roles -</b> <a href="https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ks8contg==">https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ks8contg==</a>
7110	<b>Facilities Master Plan -</b> <a href="https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UOw==">https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UOw==</a>
7140	<b>Architectural And Engineering Services -</b> <a href="https://simbli.eboardsolutions.com/SU/3ldF7JWp7SfYLLaJ5r43nQ==">https://simbli.eboardsolutions.com/SU/3ldF7JWp7SfYLLaJ5r43nQ==</a>
7140	<b>Architectural And Engineering Services -</b> <a href="https://simbli.eboardsolutions.com/SU/qwplusNa5UIWbshWRplusfrkNbzA==">https://simbli.eboardsolutions.com/SU/qwplusNa5UIWbshWRplusfrkNbzA==</a>



## Policy 3312: Contracts

Status: ADOPTED

Original Adopted Date: 11/01/2003 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected, that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

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

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure. No contract shall prohibit a district employee from disparaging the goods or services of any contracting party.

### Contracts for Non-nutritious Foods or Beverages

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law.

Before the district enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include, but not be limited to, the following:

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.
2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.
3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.
4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

**OPTION 1: (Annual public hearing to review and discuss existing and potential contracts)**

The Board shall hold an annual public hearing to review and discuss all existing and potential contracts for the sale of foods and beverages on campus, including those sold as full meals or through competitive sales, fundraisers, or vending machines. The Board shall hold a public meeting for any contract not discussed at the annual public hearing. (Education Code 35182.5)

**OPTION 1 ENDS HERE**

**OPTION 2: (Public hearing for the making or renewal of each contract)**

The Board shall not enter into or renew any contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, on non-nutritious foods until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting.

The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5) **OPTION 2 ENDS HERE**

The public hearing shall include, but not be limited to, a discussion of the nutritional value of foods and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the foods and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

**Contracts for Electronic Products or Services**

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

#### **Contracts for Digital Storage and Maintenance of Student Records**

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include deidentified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records

7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

### **Contracts for Personal Services**

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the numerous conditions specified in Education Code 45103.1.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exists: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors
2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district
3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented
4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process
5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed
7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose

**Policy Reference Disclaimer:**These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

**Description**

5 CCR 15500

Food sales in elementary schools

5 CCR 15501

Food sales in high schools and junior high schools

5 CCR 15575-15578

Requirements for foods and beverages outside the federal meals program

Provisions required in contracts for audits -

Ed. Code 14505

<https://simbli.eboardsolutions.com/SU/BKLxfCB1V4vIxo7v3OWxCA==>

Design-build contracts -

Ed. Code 17250.10-17250.55

<https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==>

Contracts -

Ed. Code 17595-17606

<https://simbli.eboardsolutions.com/SU/pSDPmBEkLxqb26TShEslA==>

Prohibition of discrimination -

Ed. Code 200-262.4

<https://simbli.eboardsolutions.com/SU/yTLslshoozWGUAbNL6kKkgxQ==>

Contracts for advertising -

Ed. Code 35182.5

<https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==>

Personal services contracts -

Ed. Code 45103.1

<https://simbli.eboardsolutions.com/SU/ZurslshcN5gU2Th3CslwAqUIA==>

Contracts for management consulting services; restrictions -

Ed. Code 45103.5

<https://simbli.eboardsolutions.com/SU/rfUDyyBOKWbEnrSR6aRtGA==>

Contract requirements for digital storage, maintenance and retrieval of student

Ed. Code 49073.1

records -

<https://simbli.eboardsolutions.com/SU/7FfwnMqslshNm7slshTd7Gwp0bbg==>

Nutritional standards -

Ed. Code 49431-49431.7

<https://simbli.eboardsolutions.com/SU/VblDc2N1RyrO8XDSzoAlSA==>

## **Nondiscrimination and compliance employment programs -**

**Gov. Code 12990**

<https://simbli.eboardsolutions.com/SU/0oLrkZjswWyxu7Kv3Vgekq==>

## **Contract provision re maximum cash settlement -**

**Gov. Code 53260**

<https://simbli.eboardsolutions.com/SU/eWKRc5bslshAVWDJXVuZjViXg==>

## **Employment contracts -**

**Gov. Code 53262**

<https://simbli.eboardsolutions.com/SU/uMeVoE9plusYkznuzL8rislshZ6Q==>

## **Campaign disclosure -**

**Gov. Code 84308**

<https://simbli.eboardsolutions.com/SU/n7Sz3yU8cLVytag8uq23bQ==>

## **Penalties for violations -**

**Lab. Code 1775**

<https://simbli.eboardsolutions.com/SU/HHplusplus7plus0q6v9KDuK30stvNg==>

## **Working hours -**

**Lab. Code 1810-1813**

<https://simbli.eboardsolutions.com/SU/a3hIO6GtNuvr3EdZ9TvRqw==>

**Pub. Cont. Code 20104.50**

**Timely progress payments**

Contracts over \$50,000; contracts for construction; award to lowest

**Pub. Cont. Code 20111**

**responsible bidder -**

<https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==>

## **Performance retentions -**

**Pub. Cont. Code 22300**

<https://simbli.eboardsolutions.com/SU/pyObMuHzrvh91V5XSZV5IQ==>

## **Subletting and subcontracting fair practices -**

**Pub. Cont. Code 4100-4114** <https://simbli.eboardsolutions.com/SU/SVVj9Al64vXsVdTo4PDK5Q==>

## **Awarding of contracts -**

**Pub. Cont. Code 6102** <https://simbli.eboardsolutions.com/SU/OjdxzPTcnw7s2nDplusplussNyIQ==>

Contracts for excavations; discovery of hazardous waste -

**Pub. Cont. Code 7104** <https://simbli.eboardsolutions.com/SU/cBw0xlXQ69islshAtKSuslshhbDQ==>

## **Noncollusion affidavit -**

**Pub. Cont. Code 7106** <https://simbli.eboardsolutions.com/SU/be6SwbwzQgn7yzbiBVtPAg==>

## **Federal References**

## **Description**

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
7 CFR 210.1-210.33	National School Lunch Program - <a href="https://simbli.eboardsolutions.com/SU/Lv8UWl0wAizNvSHss7lA9Q==">https://simbli.eboardsolutions.com/SU/Lv8UWl0wAizNvSHss7lA9Q==</a>
7 CFR 220.1-220.21	National School Breakfast Program
<b>Management Resources References</b>	<b>Description</b>
	Student Wellness: A Healthy Food and Physical Activity Policy Resource
CSBA Publication	Guide, rev. 2005 Student Wellness: A Healthy Food and Physical Activity Policy Resource
CSBA Publication	Guide, rev. April 2006 CSBA District and County Office of Education Legal Services -
Website	<a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a> CSBA -
Website	<a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a> California Association of School Business Officials -
Website	<a href="https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTlb0g==">https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTlb0g==</a>
<b>Cross References</b>	<b>Description</b>
	Philosophy -
0100	<a href="https://simbli.eboardsolutions.com/SU/YnzdQsYE5dS3ZxWF6iZ51g==">https://simbli.eboardsolutions.com/SU/YnzdQsYE5dS3ZxWF6iZ51g==</a> Goals For The School District -
0200	<a href="https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==">https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==</a> District Technology Plan -
0440	<a href="https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wI0TCQ==">https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wI0TCQ==</a> District Technology Plan -
0440	<a href="https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA==">https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA==</a> Citizen Advisory Committees -
1220	<a href="https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCouqWB54wfA==">https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCouqWB54wfA==</a> Citizen Advisory Committees -
1220	<a href="https://simbli.eboardsolutions.com/SU/WXKjOn8KQplusMpLzpTd3ujpQ==">https://simbli.eboardsolutions.com/SU/WXKjOn8KQplusMpLzpTd3ujpQ==</a> School-Connected Organizations -
1230	<a href="https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrINJ5rXb5g==">https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrINJ5rXb5g==</a> School-Connected Organizations -
1230	<a href="https://simbli.eboardsolutions.com/SU/sDXhJFa6OFkhNJlen5SDKw==">https://simbli.eboardsolutions.com/SU/sDXhJFa6OFkhNJlen5SDKw==</a> Solicitation Of Funds From And By Students -

<https://simbli.eboardsolutions.com/SU/WzxFA9B9mwMFIBcBX36cOA==>

**Solicitation Of Funds From And By Students -**

1321 <https://simbli.eboardsolutions.com/SU/ymf10m7LGvVUP9texPyQjg==>

**Advertising And Promotion -**

1325 <https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==>

**Access To District Records -**

1340 <https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==>

**Access To District Records -**

1340 <https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==>

**Relations Between Private Industry And The Schools -**

1700 <https://simbli.eboardsolutions.com/SU/bj3fslsh3cl7eKslshyWTi7plusHVkQ==>

**Superintendent's Contract -**

2121 <https://simbli.eboardsolutions.com/SU/mkVPrki4hFAslshTLDS60yUHA==>

**Concepts And Roles -**

3000 <https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==>

**Budget -**

3100 <https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==>

**Budget -**

3100 <https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

**Federal Grant Funds -**

3230 <https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Qg==>

**Federal Grant Funds -**

3230 <https://simbli.eboardsolutions.com/SU/ju3plusHslshtNCrtC98tuplusslshKYZA==>

**Gifts, Grants And Bequests -**

3290 <https://simbli.eboardsolutions.com/SU/v0uP5OYKyNQGAvaslshoK4zOw==>

**Expenditures And Purchases -**

3300 <https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==>

**Bids -**

3311

<https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Ai9DplusJHCDH4Q==>

3311

**Bids -**

<https://simbli.eboardsolutions.com/SU/kSmQOh7sW9PDb8PSD17ycQ==>

**Uniform Public Construction Cost Accounting Procedures -**

3311.1 <https://simbli.eboardsolutions.com/SU/O3stT7bsNcaKaqj5JxliBg==>

**Uniform Public Construction Cost Accounting Procedures -**

3311.1 <https://simbli.eboardsolutions.com/SU/VsoDfloi2blzPF6jhD9gA==>

**Lease-Leaseback Contracts -**

3311.2 <https://simbli.eboardsolutions.com/SU/3ssBh906X9CZkLdplusOC4Nslshw==>

**Design-Build Contracts -**

3311.3 <https://simbli.eboardsolutions.com/SU/SYfJWslshySkmoFnMkiPceFSA==>

**Procurement Of Technological Equipment -**

3311.4 <https://simbli.eboardsolutions.com/SU/9VSqQIMXI4v8TslshlwXdFslshLg==>

**Payment For Goods And Services -**

3314 <https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbrLH7xA==>



- Payment For Goods And Services -**  
**3314** <https://simbli.eboardsolutions.com/SU/kJslshbA41fvAd26Fu7h7gi6w==>
- Management Of District Assets/Accounts -**  
**3400** <https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==>
- Management Of District Assets/Accounts -**  
**3400** <https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>
- Financial Reports And Accountability -**  
**3460** <https://simbli.eboardsolutions.com/SU/IFQ3rmGZ279rXIBTcVVFslshA==>
- Financial Reports And Accountability -**  
**3460** <https://simbli.eboardsolutions.com/SU/YmEZnZWD4fplusObiWdUGpphA==>
- Debt Issuance And Management -**  
**3470** <https://simbli.eboardsolutions.com/SU/uaUO1PslshIQVjou0LbEBFgPg==>
- Integrated Waste Management -**  
**3511.1** <https://simbli.eboardsolutions.com/SU/Y9FyWG0RGodKIGNRslshKMofg==>
- Integrated Waste Management -**  
**3511.1** <https://simbli.eboardsolutions.com/SU/UNT8kiqKQcpoemKmiFAE2w==>
- Transportation -**  
**3540** <https://simbli.eboardsolutions.com/SU/WsEcrsw1Er3slshov5xxld5xA==>
- Food Service Operations/Cafeteria Fund -**  
**3551** <https://simbli.eboardsolutions.com/SU/HA2gFG5nbslshZWbOmKqMTJKw==>
- Food Service Operations/Cafeteria Fund -**  
**3551** <https://simbli.eboardsolutions.com/SU/wgZfsgyQdkWbgKFLp731Sg==>
- Other Food Sales -**  
**3554** <https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBS1IVw==>
- Other Food Sales -**  
**3554** <https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==>
- Nutrition Program Compliance -**  
**3555** <https://simbli.eboardsolutions.com/SU/StbkLHZ6bnplusQuoyiUFslshytw==>
- Nutrition Program Compliance -**  
**3555-E(1)** <https://simbli.eboardsolutions.com/SU/s90UEaxRibgHslsh6KHoiQwXw==>
- Consultants -**  
**3600** <https://simbli.eboardsolutions.com/SU/1FwFQUNZcLepRVw9noliBg==>
- Nondiscrimination In Employment -**  
**4030** <https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==>
- Nondiscrimination In Employment -**  
**4030** <https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==>
- Special Education Staff -**  
**4112.23** <https://simbli.eboardsolutions.com/SU/irm0wWLeSkGJ5UwfJqHGEw==>
- Health Examinations -**  
**4112.4** <https://simbli.eboardsolutions.com/SU/sILMlslshxLI2YOPYoMMU2U7w==>
- Publication Or Creation Of Materials -**  
**4132** <https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXJA==>

**Classified Personnel -**

4200 <https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==>

**Classified Personnel -**

4200 <https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6IY9g==>

**Health Examinations -**

4212.4

<https://simbli.eboardsolutions.com/SU/RQiw5kZIComkqEEHCuVAIA==>

**Publication Or Creation Of Materials -**

4232 <https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==>

**Contracts -**

4312.1 <https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

**Health Examinations -**

4312.4 <https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==>

**Publication Or Creation Of Materials -**

4332 <https://simbli.eboardsolutions.com/SU/GlslshGwQt15nlsUrEfg1bgaA==>

**Student Wellness -**

5030 <https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8ljA==> **Student Records -**

5125 <https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==>

**Student Records -**

5125 <https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkHAQ==>

**Parent/Guardian Notifications -**

5145.6

<https://simbli.eboardsolutions.com/SU/OOJDgERnjwx8GUWBtYOKOW==>

**Parent/Guardian Notifications -**

5145.6-E(1) <https://simbli.eboardsolutions.com/SU/wvYNzOFrS9dh3AXIIaQQ==>

**Child Care And Development -**

5148 <https://simbli.eboardsolutions.com/SU/6TzInJWYUNhxpC9er0OvSw==>

**Child Care And Development -**

5148 <https://simbli.eboardsolutions.com/SU/bVySg0grlwmslshAxbVduBflg==>

**Use Of Copyrighted Materials -**

6162.6

<https://simbli.eboardsolutions.com/SU/K58wRXLhiQ7HqkoPGCSxplusw==>

**Use Of Copyrighted Materials -**

6162.6

<https://simbli.eboardsolutions.com/SU/gh5CLLEvMmcAhYPOAhkflA==>

**Architectural And Engineering Services -**

7140 <https://simbli.eboardsolutions.com/SU/3ldF7JWp7SfYLLaJ5r43nQ==>

**Architectural And Engineering Services -**

7140 <https://simbli.eboardsolutions.com/SU/qwplusNa5UIWbshWRplusfrkNbZA==>

**Role Of The Board -**

9000 <https://simbli.eboardsolutions.com/SU/8aBsishkYpCeLkOFFduR9FE4g==>

**Attorney -**

9124 <https://simbli.eboardsolutions.com/SU/cyJJplusrCCCh2AEypzeA9Q2Q==>

**Meetings And Notices -**

9320 <https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5sziudQ==>

**Agenda/Meeting Materials -**

9322 <https://simbli.eboardsolutions.com/SU/UZNZ1VccJifG2tzL24yslshFw==>

**Meeting Conduct -**

9323

<https://simbli.eboardsolutions.com/SU/Wh6jUkrzZOQi3h6xIFfrEw=>  
=

**Policy 3460: Financial Reports And Accountability**

Status: ADOPTED

Original Adopted Date: 11/01/2004 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board is committed to ensuring public accountability and the fiscal health of the district. The Board shall adopt sound fiscal management policies and practices, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

The Superintendent or designee shall ensure that district financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education (CDE). The Superintendent or designee shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

When required by law or as directed by the Board, the Superintendent or designee shall submit to the Board reports of the district's financial status, including, but not limited to, any report specified in this Board policy or accompanying administrative regulation. When submission of any such report to a local, state, and/or federal agency requires prior Board approval, the Superintendent or designee shall provide the report to the Board in sufficient time to enable the Board to carefully review the report without breaking any applicable submission deadline.

The Board shall regularly assess the district's financial position and communicate the results to the public, and shall use financial reports to determine the actions and budget amendments, if any, that are needed to ensure the district's financial stability. If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall take action to resolve these conditions without delay. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to provide the district with needed advice or fiscal management or training.

If the district is facing fiscal insolvency, the Board may consider applying to the state for an emergency

apportionment that exceeds 200 percent of the district's recommended reserve. Before applying for such emergency apportionment, the Board shall discuss, at a regular or special meeting, the need for an emergency apportionment and receive testimony regarding the apportionment from parents/guardians, the exclusive representatives of employees of the district, and other members of the community. (Education Code 41326)

**Unaudited Actual Receipts and Expenditures**

On or before September 15, the Board shall approve and file with the County Superintendent a statement of the district's unaudited actual receipts and expenditures for the preceding fiscal year. The Superintendent or designee shall prepare this statement using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42100)

**Gann Appropriations Limit Resolution**

On or before September 15, the Board shall, at a regular or special meeting, adopt a resolution identifying, pursuant to Government Code 7900-7914, the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

### **Interim Reports/Certification of Ability to Meet Fiscal Obligations**

Each fiscal year, the Superintendent or designee shall submit two interim reports to the Board. The first report shall cover the district's financial and budgetary status for the period ending October 31 and the second report shall cover the period ending January 31. These reports and supporting data shall be made available by the district for public review. (Education Code 42130)

Within 45 days after the close of the period reported, the Board shall approve the interim report and, on the basis of the interim report and any additional financial information known by the Board, shall certify in writing whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years. The certification shall be classified as one of the following: (Education Code 42130, 42131)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

The Superintendent or designee shall submit a copy of each interim report and certification to the County

Superintendent using the state's SACS software, as prescribed by the SPI. (Education Code 42130, 42131)

If the district's certification is subsequently changed by the County Superintendent from a positive to a qualified or negative certification, or from a qualified to a negative certification, the Board may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

Whenever the district receives a qualified or negative certification from the Board or the County Superintendent, the

Superintendent or designee shall cooperate in the implementation of any remedial actions taken or prescribed by the County Superintendent. (Education Code 42131)

If the second interim report is accompanied by a qualified or negative certification, the Board shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement as of April 30 ("third interim report") that projects the district's fund and cash balances through June 30. (Education Code 42131)

If at any time during the fiscal year, the County Superintendent concludes that the district's budget does not comply with the standards and criteria for financial stability and conducts a comprehensive review of the district's financial and budgetary conditions, the Board shall review

any report of the County Superintendent's findings and recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of the Board's proposed actions on the recommendation. (Education Code 42637)

### **Audit Report**

By April 1 of each year, the Board shall provide for an annual audit of the district's books and accounts. (Education Code 41020)

To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State

Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

Except when, as determined by the Education Audits Appeal Panel, no otherwise eligible auditor is available, a public accounting firm whose lead or coordinating audit partner having primary responsibility for the audit or whose audit partner responsible for reviewing the audit has performed audit services for the district in each of the six previous fiscal years shall not be selected to perform a district audit. (Education Code 41020)

No later than December 15, the report of the audit for the preceding fiscal year shall be filed with the County Superintendent, CDE, and the State Controller. (Education Code 41020)

Prior to December 15 whenever possible, but in no case later than January 31, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

The Board shall have an opportunity at the meeting to ask questions of the auditor and request further information about the audit findings.

### **Audit Committee**

The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.

The committee shall serve in an advisory capacity and may:

1. Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit
3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses
4. Participate with the independent auditor in presenting the audit report to the Board

5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

**Description**

2 CCR 1859.104	Leroy F. Greene School Facilities Program; reporting requirements <a href="https://simbli.eboardsolutions.com/SU/tR4Nz9gBf6HslshNNplus3lquQwQ==">https://simbli.eboardsolutions.com/SU/tR4Nz9gBf6HslshNNplus3lquQwQ==</a>
5 CCR 15060	Standardized account code structure
5 CCR 15070	Submission of reports using standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
5 CCR 15453-15464	Criteria and standards for school district interim reports
5 CCR 19810-19826.1	Audits
Ed. Code 1240	County superintendent of schools; duties - <a href="https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==">https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==</a>
Ed. Code 14500-14508	Financial and compliance audits - <a href="https://simbli.eboardsolutions.com/SU/ExlLRgXlGfUpluskbtjAagJg==">https://simbli.eboardsolutions.com/SU/ExlLRgXlGfUpluskbtjAagJg==</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAAb4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAAb4qYYOY9breHg==</a>
Ed. Code 17150-17150.1	Public disclosure of non-voter-approved debt - <a href="https://simbli.eboardsolutions.com/SU/nuHTCc4wlq8BirS8egAl9w==">https://simbli.eboardsolutions.com/SU/nuHTCc4wlq8BirS8egAl9w==</a>
Ed. Code 17170-17199.6	California School Finance Authority - <a href="https://simbli.eboardsolutions.com/SU/pjzTbdonCFPeq45e9kk37g==">https://simbli.eboardsolutions.com/SU/pjzTbdonCFPeq45e9kk37g==</a>
Ed. Code 33127	Standards and criteria for local budgets and expenditures - <a href="https://simbli.eboardsolutions.com/SU/SSdOjwErCwuHepXm11cupg==">https://simbli.eboardsolutions.com/SU/SSdOjwErCwuHepXm11cupg==</a>
Ed. Code 33128	Standards and criteria; inclusions - <a href="https://simbli.eboardsolutions.com/SU/3184h0BVhxAfBUxIDmH2Q==">https://simbli.eboardsolutions.com/SU/3184h0BVhxAfBUxIDmH2Q==</a>
Ed. Code 33129	Standards and criteria; use by local agencies - <a href="https://simbli.eboardsolutions.com/SU/L1ncSJu5rgNwpJLaNWb1fQ==">https://simbli.eboardsolutions.com/SU/L1ncSJu5rgNwpJLaNWb1fQ==</a>
Ed. Code 35035	Powers and duties of the superintendent; transfer authority <a href="https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==">https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==</a>
Ed. Code 41010-41024	Accounting system and audits - <a href="https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==">https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==</a>
Ed. Code 41320-41322	Emergency apportionments - <a href="https://simbli.eboardsolutions.com/SU/X9fslshC2BSMPq4PWQ0hV74NQ==">https://simbli.eboardsolutions.com/SU/X9fslshC2BSMPq4PWQ0hV74NQ==</a>
Ed. Code 41325-41329	Conditions on emergency apportionments - <a href="https://simbli.eboardsolutions.com/SU/HzK0ani2VSo3Py20VJUrfQ==">https://simbli.eboardsolutions.com/SU/HzK0ani2VSo3Py20VJUrfQ==</a>
Ed. Code 41344	Repayment of apportionment significant audit exceptions - <a href="https://simbli.eboardsolutions.com/SU/od7pYfTq8FLslshw404NBw18w==">https://simbli.eboardsolutions.com/SU/od7pYfTq8FLslshw404NBw18w==</a>
Ed. Code 41344.1	Appeals of audit findings - <a href="https://simbli.eboardsolutions.com/SU/MTD5yplus58zWpeFwiKgjh3rQ==">https://simbli.eboardsolutions.com/SU/MTD5yplus58zWpeFwiKgjh3rQ==</a>
Ed. Code 41455	Examination of financial problems of local districts - <a href="https://simbli.eboardsolutions.com/SU/ZaTozp4K1ri3OfqKB0z2kA==">https://simbli.eboardsolutions.com/SU/ZaTozp4K1ri3OfqKB0z2kA==</a>

Ed. Code 42100-42105	Requirement to prepare and file annual statement
Ed. Code 42122-42129	Budget requirements - <a href="https://simbli.eboardsolutions.com/SU/UsishplusgtcbaNzajbYDPIR1sGQ==">https://simbli.eboardsolutions.com/SU/UsishplusgtcbaNzajbYDPIR1sGQ==</a>
Ed. Code 42130-42134	Financial reports and certifications - <a href="https://simbli.eboardsolutions.com/SU/gisishrA3TTePb0MdGcbplussShQ==">https://simbli.eboardsolutions.com/SU/gisishrA3TTePb0MdGcbplussShQ==</a>
Ed. Code 42140-42142	Public disclosure of fiscal obligations - <a href="https://simbli.eboardsolutions.com/SU/VOJN7yFnzAj8mXfiBI2tQ==">https://simbli.eboardsolutions.com/SU/VOJN7yFnzAj8mXfiBI2tQ==</a>
Ed. Code 42637	County superintendent review of district's financial and budgetary conditions <a href="https://simbli.eboardsolutions.com/SU/b2B8xnOz9UZ2OwasishF5TSMA==">https://simbli.eboardsolutions.com/SU/b2B8xnOz9UZ2OwasishF5TSMA==</a>
Ed. Code 42652	Revocation or suspension of warrant authority - <a href="https://simbli.eboardsolutions.com/SU/ixMxvvMvg3hlvL8uD1hxxQ==">https://simbli.eboardsolutions.com/SU/ixMxvvMvg3hlvL8uD1hxxQ==</a>
Ed. Code 48300-48316	Student attendance alternatives; school district of choice program <a href="https://simbli.eboardsolutions.com/SU/8mggUppWu6f117Bg4H4yfg==">https://simbli.eboardsolutions.com/SU/8mggUppWu6f117Bg4H4yfg==</a>
Ed. Code 52060-52077	Local control and accountability plan - <a href="https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rP0BfXZYJuQ==">https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rP0BfXZYJuQ==</a>
Gov. Code 16429.1	Local agency investment fund - <a href="https://simbli.eboardsolutions.com/SU/stLTNmcN6WKprllwxXzqCw==">https://simbli.eboardsolutions.com/SU/stLTNmcN6WKprllwxXzqCw==</a>
Gov. Code 3540.2	Meeting and negotiating in public educational employment - <a href="https://simbli.eboardsolutions.com/SU/opluspuGIAutoQsWU1hajyX3Q==">https://simbli.eboardsolutions.com/SU/opluspuGIAutoQsWU1hajyX3Q==</a>
Gov. Code 53646	Treasurer reports and statements of investment policy - <a href="https://simbli.eboardsolutions.com/SU/imlChzDbEYS3liu1qoFBJA==">https://simbli.eboardsolutions.com/SU/imlChzDbEYS3liu1qoFBJA==</a>
Gov. Code 7900-7914	Appropriations limit - <a href="https://simbli.eboardsolutions.com/SU/rt85h8RJO7GYs020lnFLZw==">https://simbli.eboardsolutions.com/SU/rt85h8RJO7GYs020lnFLZw==</a>
<b>Federal References</b>	<b>Description</b>
2 CFR 200.0-200.521	Federal uniform grant guidance
31 USC 7501-7507	Single audits of federal program funds
<b>Management Resources References</b>	<b>Description</b>
California Department of Education Communication	New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007
California Department of Education Communication	Audit Resolution Process: Repayment Plans, December 8, 2000
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Educational Agencies and State Compliance Reporting
Education Fiscal Crisis & Management Assistance Team Pub.	Indicators of Risk or Potential Insolvency For K-12 Local Agencies
Related Fiscal Crisis & Management Assistance Team Pub.	Fiscal Oversight Guide for AB 1200, AB 2756, AB 1840 and Legislation, September 2021
Governmental Accounting Standards Board Statement	Statement 87, Leases, June 2017
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999
Governmental Accounting Standards Board Statement	Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, February 2009
Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015



Guidance Regarding Laws Governing School Closures and Best Practices  
for  
Implementation in California, April 2023

U.S. Gov. Accountability Office & PCIE Publication Government Auditing Standards, 2011

U.S. Gov. Accountability Office & PCIE Publication Financial Audit Manual, revised 2008

	CSBA District and County Office of Education Legal Services -
Website	<a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	Governmental Accounting Standards Board -
	<a href="https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bsIshbBggjhog==">https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bsIshbBggjhog==</a>
Website	California State Controller -
	<a href="https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==">https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==</a>
Website	U.S. Government Accountability Office -
	<a href="https://simbli.eboardsolutions.com/SU/HvuRwrdop7OnnXIYFVN3Mw==">https://simbli.eboardsolutions.com/SU/HvuRwrdop7OnnXIYFVN3Mw==</a>
Website	California Department of Education, Finance and Grants -
	<a href="https://simbli.eboardsolutions.com/SU/gCBsIshNI2CDjZqs24TpVv3gw==">https://simbli.eboardsolutions.com/SU/gCBsIshNI2CDjZqs24TpVv3gw==</a>
Website	Education Audit Appeals Panel -
	<a href="https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNsIshMg==">https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNsIshMg==</a>
Website	California County Superintendents -
	<a href="https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==">https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==</a>
Website	Office of Management and Budget -
	<a href="https://simbli.eboardsolutions.com/SU/yMG7KarnCslshuDeiIhOx8ZiA==">https://simbli.eboardsolutions.com/SU/yMG7KarnCslshuDeiIhOx8ZiA==</a>
Website	School Services of California, Inc. -
	<a href="https://simbli.eboardsolutions.com/SU/nzOINPGdKlslshZR9e7VNuDXg==">https://simbli.eboardsolutions.com/SU/nzOINPGdKlslshZR9e7VNuDXg==</a>
Website	Fiscal Crisis and Management Assistance Team -
	<a href="https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==">https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==</a>
Website	CSBA -
	<a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	California Association of School Business Officials -
	<a href="https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==">https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==</a>

Cross References	Description
0460	Local Control And Accountability Plan -
	<a href="https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==">https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==</a>
0460	Local Control And Accountability Plan -
	<a href="https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfww==">https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfww==</a>
0500	Accountability -
	<a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
1220	Citizen Advisory Committees -
	<a href="https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCouqWB54wfa==">https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCouqWB54wfa==</a>
1220	Citizen Advisory Committees -
	<a href="https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==">https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==</a>
1340	Access To District Records -
	<a href="https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sa==">https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sa==</a>
1340	Access To District Records -
	<a href="https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==">https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==</a>
3000	Concepts And Roles -

<https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==>  
 =

3100 **Budget -** <https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1FQ==>

**Budget -**

3100 <https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

**Transfer Of Funds -**

3110 <https://simbli.eboardsolutions.com/SU/xELplusS4ns0lplusGn859UZsLplusw==>

**Lottery Funds -**

3220.1 <https://simbli.eboardsolutions.com/SU/tNTxuxbq4YZJksxnMer9Tg==>

**Federal Grant Funds -**

3230 <https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==>

**Federal Grant Funds -**

3230 <https://simbli.eboardsolutions.com/SU/ju3plusHslshtNCrtC98tuplusslshKYZA==>

**Sale Or Lease Of District-Owned Real Property -**

3280 <https://simbli.eboardsolutions.com/SU/nl52FbYBISbzNGRG8CrhkQ==>

**Sale Or Lease Of District-Owned Real Property -**

3280 <https://simbli.eboardsolutions.com/SU/dHavi4DJJ4VVaplus02n5bFkg==>

**Gifts, Grants And Bequests -**

3290 <https://simbli.eboardsolutions.com/SU/v0uP5OYKyNQGAvaslshoK4zOw==>

**Expenditures And Purchases -**

3300 <https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==>

**Contracts -**

3312 <https://simbli.eboardsolutions.com/SU/CHyTqtzZWM1h3lIN3YWGplusw==>

**Payment For Goods And Services -**

3314 <https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbrLH7xA==>

**Payment For Goods And Services -**

3314 <https://simbli.eboardsolutions.com/SU/kJslshbA41fvAd26Fu7h7gi6w==>

**Revolving Funds -**

3314.2 <https://simbli.eboardsolutions.com/SU/JsLshEYCCuajlw6avqMYfuJug==>

**Management Of District Assets/Accounts -**

3400 <https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==>

**Management Of District Assets/Accounts -**

3400 <https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>

3430 **Investing -** <https://simbli.eboardsolutions.com/SU/9ZiG3CB1lgJx8AKxmhMdzQ==>

3430 **Investing -** <https://simbli.eboardsolutions.com/SU/bWwgTRtaFD6JWBdpInBDGA==>

**Petty Cash Funds -**

3451 <https://simbli.eboardsolutions.com/SU/cdvnH9VTYXhqvYXPKI1AQ==>

**Student Activity Funds -**

3452 <https://simbli.eboardsolutions.com/SU/vjVCbsjUiKNbDgyTEhRq5g==>

**Debt Issuance And Management -**

3470 <https://simbli.eboardsolutions.com/SU/uaUO1PsLshiQVjou0LbEBFgPg==>

**Green School Operations -**

3510 <https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjILPffUw==>

**Food Service Operations/Cafeteria Fund -**

3551 <https://simbli.eboardsolutions.com/SU/HA2gFG5nbslshZWbOmKqMTJKw==>

**Food Service Operations/Cafeteria Fund -**  
3551 <https://simbli.eboardsolutions.com/SU/wgZfsgyQdkWbgKFLp731Sg==>

**District Records -**  
3580 <https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==>

**District Records -**  
3580 <https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==>

**Negotiations/Consultation -**  
4143 <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

**Public Notice - Personnel Negotiations -**  
4143.1 <https://simbli.eboardsolutions.com/SU/KhFUfplusG0plusg3d9rfQCzdt9w==>

**Public Notice - Personnel Negotiations -**  
4143.1 <https://simbli.eboardsolutions.com/SU/JKx9N5OuuccGqPNRGoO81g==>

**Health And Welfare Benefits -**  
4154 <https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==>

**Health And Welfare Benefits -**  
4154 <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==>

**Negotiations/Consultation -**  
4243 <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

**Public Notice - Personnel Negotiations -**  
4243.1 <https://simbli.eboardsolutions.com/SU/ZeDplusoNwbmq1UeXBwIUzrsA==>

**Public Notice - Personnel Negotiations -**  
4243.1 <https://simbli.eboardsolutions.com/SU/YqOJwKKHXkl7z8nEWVplusQZw==>

**Health And Welfare Benefits -**  
4254 <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>

**Health And Welfare Benefits -**  
4254 <https://simbli.eboardsolutions.com/SU/4MRmni4J0iqDWVDL3OkzA==>

**Contracts -**  
4312.1 <https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

**Staff Development -**  
4331 <https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AInllsFw7ag==>

**Health And Welfare Benefits -**  
4354 <https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==>

**Health And Welfare Benefits -**  
4354 <https://simbli.eboardsolutions.com/SU/rpluwmwwksFJslufmMFbAX0vQ==>

**Interdistrict Attendance -**  
5117 <https://simbli.eboardsolutions.com/SU/fvV0QXPcOIX7slshONUTDvfsQ==>

**Interdistrict Attendance -**  
5117 <https://simbli.eboardsolutions.com/SU/ZSxhFm4cNesrhMObpLZKRQ==>

**Awards For Achievement -**  
5126 <https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==>

**Awards For Achievement -**  
5126

<https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMbvvug==>

**Year-Round Schedules -**

6117

<https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==>

**Facilities Financing -**

7210

<https://simbli.eboardsolutions.com/SU/jaHc0mFJdtV3xS6Nc0ZYgQ==>

**Mello-Roos Districts -**

7212 <https://simbli.eboardsolutions.com/SU/cl8Zy2SNDA5mv3OCBleMCg==>

**General Obligation Bonds -**

7214 <https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==>

**General Obligation Bonds -**

7214 <https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZItK9cK5rUw==>

**Role Of The Board -**

9000 <https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==>

**Board Committees -**

9130 <https://simbli.eboardsolutions.com/SU/Z3ib9m8wsZRTsZmw45qE9Q==>

**Board Representatives -**

9140 <https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==>

**Agenda/Meeting Materials -**

9322

<https://simbli.eboardsolutions.com/SU/UZNZ1VccJifG2tzL24yslshFw==>

## **Policy 4151: Employee Compensation**

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - <a href="https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==">https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==</a>
Ed. Code 44042.5	Wage overpayment - <a href="https://simbli.eboardsolutions.com/SU/mbPycNbT3du2fiYWiaMTw==">https://simbli.eboardsolutions.com/SU/mbPycNbT3du2fiYWiaMTw==</a>
Ed. Code 45022-45061.5	Salaries <a href="https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==">https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==</a>
Ed. Code 45023	Availability of salary schedule - <a href="https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VKNV3aoiEQ==">https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VKNV3aoiEQ==</a>
Ed. Code 45028	Salary schedule and exceptions - <a href="https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==">https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==</a>
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - <a href="https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==">https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==</a>
Ed. Code 45160-45169	Salaries for classified employees - <a href="https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==">https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==</a>
Ed. Code 45268	Salary schedule for classified service in merit system districts <a href="https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==">https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==</a>
Ed. Code 45500	Classified School Employee Summer Assistance Program - <a href="https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==">https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==</a>
Gov. Code 3540-3549	Meeting and negotiating - <a href="https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==">https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==</a>
Gov. Code 3543.2	Scope of representation - <a href="https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==">https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==</a>
Gov. Code 3543.7	Duty to meet and negotiate in good faith - <a href="https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgUJU6R7A==">https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgUJU6R7A==</a>

## Employee access to payroll records -

Lab. Code 226 <https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==>

## Disclosure of wages -

Lab. Code 232 <https://simbli.eboardsolutions.com/SU/uEvslshlOHNyJkvBWXXKPM5ZslshA==>

### Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

### Management Resources References

	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations,

Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==</a>
Website	U.S. Department of Labor, Wage and Hour Division - <a href="https://simbli.eboardsolutions.com/SU/iay7fplusDOKLfLDyGDwmHQA==">https://simbli.eboardsolutions.com/SU/iay7fplusDOKLfLDyGDwmHQA==</a>
Website	Internal Revenue Service - <a href="https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==">https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==</a>
Website	School Services of California, Inc. - <a href="https://simbli.eboardsolutions.com/SU/nzOlNPGdkIsHxZR9e7VNuDXg==">https://simbli.eboardsolutions.com/SU/nzOlNPGdkIsHxZR9e7VNuDXg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

### Cross References

	Description
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1FQ==">https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1FQ==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==">https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==">https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==</a>
	District Records -

3580 <https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolGJHPZg==>

**Concepts And Roles -**

4000 <https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==>

**Nondiscrimination In Employment -**

4030 <https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==>

**Nondiscrimination In Employment -**

4030 <https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==>

**Personnel Files -**

4112.6 <https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==>

**Working Remotely -**

4113.5 <https://simbli.eboardsolutions.com/SU/lplusUYB21IDXLwzI2vjW3Eg==>

**Temporary/Substitute Personnel -**

4121 <https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>

**Temporary/Substitute Personnel -**

4121 <https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==>

**Bargaining Units -**

4140

<https://simbli.eboardsolutions.com/SU/wO9BPI6xwq0evtWw2cW5WQ==>

**Collective Bargaining Agreement -**

4141 <https://simbli.eboardsolutions.com/SU/wSbplusNsIshzmwtp8Du1J7fxoGg==>

**Negotiations/Consultation -**

4143 <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

**Health And Welfare Benefits -**

4154 <https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==>

**Health And Welfare Benefits -**

4154 <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==>

**Appointment And Conditions Of Employment -**

4212 <https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==>

**Personnel Files -**

4212.6 <https://simbli.eboardsolutions.com/SU/KbLHKGe9pjr4mAvofXVNPQ==>

**Working Remotely -**

4213.5 <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==>

**Bargaining Units -**

4240

<https://simbli.eboardsolutions.com/SU/kMHnDUq3Yn0cMNR4qNDagw==>

**Collective Bargaining Agreement -**

4241 <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

**Negotiations/Consultation -**

4243 <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

**Health And Welfare Benefits -**

4254 <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>

**Health And Welfare Benefits -**

4254 <https://simbli.eboardsolutions.com/SU/4MRmni4JOigDWVDL3OkzA==>

**Contracts -**

4312.1 <https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

**Personnel Files -**



4312.6 <https://simbli.eboardsolutions.com/SU/2mkBiyN7o2Uc0MQ8xW1hiA==>

**Working Remotely -**

4313.5 <https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==>

**Bargaining Units -**

4340

<https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Oqu6Q==>

**Health And Welfare Benefits -**

4354 <https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlsishQ==>

**Health And Welfare Benefits -**

4354

<https://simbli.eboardsolutions.com/SU/rplumwwwksFJslufmMFbAX0vQ==>

**Regulation 4217.3: Layoff/Rehire**

Status: ADOPTED

Original Adopted Date: 11/01/2003 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

**Order of Layoff Within a Classification/Determination of Seniority**

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

**OPTION 1: (For districts with average daily attendance (ADA) under 250,000 that do not have an agreement with**

**the exclusive representative of classified employees to determine length of service as employee's date of hire)**

*Length of service* means all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. However, length of service shall not include hours compensated solely on an overtime basis, as provided for Education Code 45128, and shall not include hours for any service performed prior to entering into probationary or permanent status except for service in a restricted position pursuant to Education Code 45105. (Education Code 45308)

The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first.

(Education Code 45308)

For an employee who is a member of the Military Reserve or the National Guard, length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war. (Education Code 45297, 45308)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

**OPTION 1 ENDS HERE**

**OPTION 2: (For districts with ADA under 250,000 that have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire, and for districts with ADA over 250,000)**

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time in the class, plus higher classes, by the district shall be laid off first. (Education Code 45308)

**OPTION 2 ENDS HERE**

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine the length of service, provided the employee has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

## **Notice of Layoff and Hearing Rights**

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the Superintendent or designee shall, no later than March 15 and before the employee is given formal notice by the Governing Board, give to the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the

employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The Superintendent or designee shall serve an employee who timely requests a hearing with District Statement of Reduction in Force documents. The employee has five calendar days from service of the documents to timely file a notice of participation with the district. The parties are entitled to discovery, if requested within 15 days of service. (Education Code 45117)

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with Government Code 11500-11529. At the hearing, the employee may be represented by an attorney or by a nonattorney representative of the employee organization designated as the exclusive representative for classified employees. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the Superintendent or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case such date may be extended by the number of days of the continuance. (Education Code 45117)

If during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

When classified positions are eliminated as a result of the expiration of a specifically funded program, the district shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The district is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the district may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

### **Reemployment**

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the district of the decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, the employee shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, the employee's name shall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

### **Reinstatement of Benefits**

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

### **Voluntary Demotion or Reduction of Hours**

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
Ed. Code 45101	Definitions; disciplinary action and cause - <a href="https://simbli.eboardsolutions.com/SU/hgmslshSjglUkul81naAtyEIQ==">https://simbli.eboardsolutions.com/SU/hgmslshSjglUkul81naAtyEIQ==</a>
Ed. Code 45103	Classified service in districts not incorporating the merit system - <a href="https://simbli.eboardsolutions.com/SU/NJ3x1mSOGslshplusdAG7Mgplus0dplusw==">https://simbli.eboardsolutions.com/SU/NJ3x1mSOGslshplusdAG7Mgplus0dplusw==</a>
Ed. Code 45105	Positions under various acts not requiring certification qualifications <a href="https://simbli.eboardsolutions.com/SU/MpoolN7GjspluslbHmcb9IRJQ==">https://simbli.eboardsolutions.com/SU/MpoolN7GjspluslbHmcb9IRJQ==</a>
Ed. Code 45113	Notification of charges; classified employees - <a href="https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==">https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==</a>
Ed. Code 45114	Layoff and reemployment procedures; definitions - <a href="https://simbli.eboardsolutions.com/SU/IPLNTZjf5D8qkP7sYLdDFw==">https://simbli.eboardsolutions.com/SU/IPLNTZjf5D8qkP7sYLdDFw==</a>
Ed. Code 45115	Layoff; reinstatement from service retirement - <a href="https://simbli.eboardsolutions.com/SU/JsRbgsIshj3RdUDVdTlplusyoxZW==">https://simbli.eboardsolutions.com/SU/JsRbgsIshj3RdUDVdTlplusyoxZW==</a>
Ed. Code 45117	Notice of layoff; classified employees - <a href="https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==">https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==</a>
Ed. Code 45286	Limited term employees - <a href="https://simbli.eboardsolutions.com/SU/rG3xzip7Zs5IWHoclKq7hA==">https://simbli.eboardsolutions.com/SU/rG3xzip7Zs5IWHoclKq7hA==</a>
Ed. Code 45297	Right to take equivalent examination while employee in military service - <a href="https://simbli.eboardsolutions.com/SU/vAYyD4uO8At0qpEP3v35Q==">https://simbli.eboardsolutions.com/SU/vAYyD4uO8At0qpEP3v35Q==</a>
Ed. Code 45298	Reemployment of persons laid off; voluntary demotions or reductions in time - <a href="https://simbli.eboardsolutions.com/SU/D3cQJpnR1HJ5IG5fRhechQ==">https://simbli.eboardsolutions.com/SU/D3cQJpnR1HJ5IG5fRhechQ==</a>
	Order of layoff and reemployment; length of service -

Ed. Code 45308 <https://simbli.eboardsolutions.com/SU/7UqsslsHr2x58VWaplusZrn5Zl5g==>

Reinstatement of permanent noncertified employees after resignation

Ed. Code 45309 <https://simbli.eboardsolutions.com/SU/1wplusX8i4CcvbUl9SrmgTddg==>

Administrative adjudication; formal hearings -

Gov. Code 11500-11529 <https://simbli.eboardsolutions.com/SU/FA0CcBSXGeMKeEphk0aOkg==>

#### **Federal References**

#### **Description**

Employment and reemployment rights of members of the uniformed  
services

38 USC 4301-4335

#### **Management Resources References**

#### **Description**

San Mateo City School District v. Public Employment Relations Board (1983)

Court Decision

33 Cal.3d 850

Court Decision

Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640

CSBA District and County Office of Education Legal Services -

Website <https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==>

California School Employees Association -

Website <https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1sIsHjg==>

#### **Cross References**

#### **Description**

Volunteer Assistance -

1240 <https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasIsHm6sIsHY5Cfg==>

Volunteer Assistance -

1240 <https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==>

Reasonable Accommodation -

4032 <https://simbli.eboardsolutions.com/SU/DZueYkplusHoNsIsH53DXisIsHi6mLw==>

Employee Notifications -

4112.9 <https://simbli.eboardsolutions.com/SU/lzOl6sIsHnrcwplusn8LplusKsIsHvsvfw==>

Employee Notifications -

4112.9-E(1) <https://simbli.eboardsolutions.com/SU/iPx8jp1DNsIsHsHBRM8z4vxA==>

Temporary/Substitute Personnel -

4121 <https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>

Temporary/Substitute Personnel -

4121

<https://simbli.eboardsolutions.com/SU/EytsIsH362LVDh2oTivuLm8gA==>

Industrial Accident/Illness Leave -

4161.11

<https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==>

Military Leave -

4161.5

<https://simbli.eboardsolutions.com/SU/sIsHzhSMPaLMK48eK1c33Zkgw==>

Family Care And Medical Leave -

4161.8 <https://simbli.eboardsolutions.com/SU/yLpsIsHo8dWWrOyRemgUW4vw==>

**Classified Personnel -**

4200 <https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==>

**Classified Personnel -**

4200 <https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6lY9g==>

**Employee Notifications -**

4212.9

<https://simbli.eboardsolutions.com/SU/mHaW9Ebnocl5Pl6rr10dMw==>

**Employee Notifications -**

4212.9-E(1)

<https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnggVX15hFcA==>

**Personal Illness/Injury Leave -**

4261.1

<https://simbli.eboardsolutions.com/SU/BM0f3isjOjplus5BpyfQ0BfEQ==>

**Industrial Accident/Illness Leave -**

4261.11

<https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==>

**Military Leave -**

4261.5 <https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==>

**Family Care And Medical Leave -**

4261.8 <https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==>

**Employee Notifications -**

4312.9

<https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==>

**Employee Notifications -**

4312.9-E(1)

<https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==>

**Industrial Accident/Illness Leave -**

4361.11

<https://simbli.eboardsolutions.com/SU/SsWiheS2DRXblzgW5Aplus4xw==>

**Military Leave -**

4361.5 <https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==>

**Family Care And Medical Leave -**

4361.8

<https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==>

## **Policy 4251: Employee Compensation**

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)



When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - <a href="https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==">https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==</a>
Ed. Code 44042.5	Wage overpayment - <a href="https://simbli.eboardsolutions.com/SU/mbPycNbT3du2fiYWiMTw==">https://simbli.eboardsolutions.com/SU/mbPycNbT3du2fiYWiMTw==</a>
Ed. Code 45022-45061.5	Salaries <a href="https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==">https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==</a>

Ed. Code 45023	Availability of salary schedule - <a href="https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VKNV3aoiEQ==">https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VKNV3aoiEQ==</a>
Ed. Code 45028	Salary schedule and exceptions - <a href="https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==">https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==</a>
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - <a href="https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==">https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==</a>
Ed. Code 45160-45169	Salaries for classified employees - <a href="https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==">https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==</a>
Ed. Code 45268	Salary schedule for classified service in merit system districts <a href="https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==">https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==</a>
Ed. Code 45500	Classified School Employee Summer Assistance Program - <a href="https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==">https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==</a>
Gov. Code 3540-3549	Meeting and negotiating - <a href="https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==">https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==</a>
Gov. Code 3543.2	Scope of representation - <a href="https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==">https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==</a>
Gov. Code 3543.7	Duty to meet and negotiate in good faith - <a href="https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==">https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==</a>

#### Employee access to payroll records -

Lab. Code 226 <https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==>

#### Disclosure of wages -

Lab. Code 232 <https://simbli.eboardsolutions.com/SU/uEvslshlOHNyJkvBWXXKPM5ZslshA==>

#### Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

#### Management Resources References

	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations,

Memo M-20-17, March 19, 2020

Website [CSBA District and County Office of Education Legal Services -  
https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==](https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==)

Website [U.S. Department of Labor, Wage and Hour Division -  
https://simbli.eboardsolutions.com/SU/jay7fplusDOKLfLDyGDwmHqYA==](https://simbli.eboardsolutions.com/SU/jay7fplusDOKLfLDyGDwmHqYA==)

Website [Internal Revenue Service -  
https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==](https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==)

Website	School Services of California, Inc. - <a href="https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDXg==">https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDXg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
<b>Cross References</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==">https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/msAckuIxvwNnuplus45O6T7slshw==">https://simbli.eboardsolutions.com/SU/msAckuIxvwNnuplus45O6T7slshw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/oUKwNocrXXs22js93hnA==">https://simbli.eboardsolutions.com/SU/oUKwNocrXXs22js93hnA==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==">https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==</a>
4000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==">https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==">https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==">https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==">https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==</a>
4113.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzI2vjW3Eg==">https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzI2vjW3Eg==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==</a>
4140	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==">https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==</a>
4141	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/wSbplusNsIshzmwtp8Du1J7fxoGg==">https://simbli.eboardsolutions.com/SU/wSbplusNsIshzmwtp8Du1J7fxoGg==</a>
4143	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==">https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==">https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==</a>
4212	Appointment And Conditions Of Employment - <a href="https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==">https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/KbLHKGe9pir4mAvofXVNPQ==">https://simbli.eboardsolutions.com/SU/KbLHKGe9pir4mAvofXVNPQ==</a>

**Working Remotely -**

4213.5 <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==>

**Bargaining Units -**

4240

<https://simbli.eboardsolutions.com/SU/kMHnDUq3Yn0cMNR4qNDagw==>  
=

**Collective Bargaining Agreement -**

4241 <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

**Negotiations/Consultation -**

4243 <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

**Health And Welfare Benefits -**

4254 <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>

**Health And Welfare Benefits -**

4254 <https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVdL3OkrzA==>

**Contracts -**

4312.1

<https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

**Personnel Files -**

4312.6 <https://simbli.eboardsolutions.com/SU/2mkBiyN7o2Uc0MQ8xW1hiA==>

**Working Remotely -**

4313.5 <https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==>

**Bargaining Units -**

4340

<https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Oqu6Q==>

**Health And Welfare Benefits -**

4354 <https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDIsLshQ==>

**Health And Welfare Benefits -**

4354 <https://simbli.eboardsolutions.com/SU/rplumwwksFJslufmMFbAX0vQ==>

**Policy 4351: Employee Compensation**

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

**Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - <a href="https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==">https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==</a>
Ed. Code 44042.5	Wage overpayment - <a href="https://simbli.eboardsolutions.com/SU/mbPycNbT3du2fiIYWiaMTw==">https://simbli.eboardsolutions.com/SU/mbPycNbT3du2fiIYWiaMTw==</a>
Ed. Code 45022-45061.5	Salaries <a href="https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==">https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==</a>

Ed. Code 45023	Availability of salary schedule - <a href="https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VkvNV3aoiEQ==">https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VkvNV3aoiEQ==</a>
Ed. Code 45028	Salary schedule and exceptions - <a href="https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==">https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==</a>
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - <a href="https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==">https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==</a>
Ed. Code 45160-45169	Salaries for classified employees - <a href="https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==">https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==</a>
Ed. Code 45268	Salary schedule for classified service in merit system districts <a href="https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==">https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==</a>
Ed. Code 45500	Classified School Employee Summer Assistance Program - <a href="https://simbli.eboardsolutions.com/SU/Ly2GDfYx8ZsLzQeYgXoRMQ==">https://simbli.eboardsolutions.com/SU/Ly2GDfYx8ZsLzQeYgXoRMQ==</a>
Gov. Code 3540-3549	Meeting and negotiating - <a href="https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==">https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==</a>
Gov. Code 3543.2	Scope of representation - <a href="https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==">https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==</a>
Gov. Code 3543.7	Duty to meet and negotiate in good faith - <a href="https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==">https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==</a>

#### Employee access to payroll records -

Lab. Code 226 <https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==>

#### Disclosure of wages -

Lab. Code 232 <https://simbli.eboardsolutions.com/SU/uEvsIshlOHNyJkvBWXXKPM5ZslshA==>

#### Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

#### Management Resources References

	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations,

Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	U.S. Department of Labor, Wage and Hour Division - <a href="https://simbli.eboardsolutions.com/SU/iaY7fplusDOKLFLDyGDwmHQA==">https://simbli.eboardsolutions.com/SU/iaY7fplusDOKLFLDyGDwmHQA==</a>
Website	Internal Revenue Service - <a href="https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==">https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==</a>

Website	School Services of California, Inc. - <a href="https://simbli.eboardsolutions.com/SU/nzOINPGdkIsIshZR9e7VNuDxg==">https://simbli.eboardsolutions.com/SU/nzOINPGdkIsIshZR9e7VNuDxg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
<b>Cross References</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==">https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==">https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22js93hnA==">https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22js93hnA==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolGJHPZg==">https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolGJHPZg==</a>
4000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==">https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==">https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==">https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==">https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==</a>
4113.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzI2vjW3Eg==">https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzI2vjW3Eg==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==</a>
4140	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==">https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==</a>
4141	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/w5bplusNsIshzmwtp8Du1J7fxoGg==">https://simbli.eboardsolutions.com/SU/w5bplusNsIshzmwtp8Du1J7fxoGg==</a>
4143	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/plusQw524YQng7oFZ8zRrV6Pg==">https://simbli.eboardsolutions.com/SU/plusQw524YQng7oFZ8zRrV6Pg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/TxBly57pE2FTChrMSRZbfg==">https://simbli.eboardsolutions.com/SU/TxBly57pE2FTChrMSRZbfg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==</a>
4212	Appointment And Conditions Of Employment - <a href="https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==">https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/KbLHKGe9pjr4mAvofXVNPQ==">https://simbli.eboardsolutions.com/SU/KbLHKGe9pjr4mAvofXVNPQ==</a>



**Working Remotely -**

4213.5 <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==>

**Bargaining Units -**

4240

<https://simbli.eboardsolutions.com/SU/kMHnDUq3Yn0cMNR4qNDagw==>

**Collective Bargaining Agreement -**

4241 <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

**Negotiations/Consultation -**

4243 <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

**Health And Welfare Benefits -**

4254 <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>

**Health And Welfare Benefits -**

4254 <https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzA==>

**Contracts -**

4312.1 <https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

**Personnel Files -**

4312.6 <https://simbli.eboardsolutions.com/SU/2mkBiyN7o2Uc0MQ8xW1hiA==>

**Working Remotely -**

4313.5 <https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==>

**Bargaining Units -**

4340

<https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Oqu6Q==>

**Health And Welfare Benefits -**

4354 <https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==>

**Health And Welfare Benefits -**

4354 <https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==>

## Policy 5131.9: Academic Honesty

Status: ADOPTED

Original Adopted Date: 06/01/1987 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize, or commit other acts of academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

### Prohibited and Permitted Technology Use

As the district's standards for academic achievement are designed to challenge all students to reach their full potential in acquiring the knowledge and skills needed for success in postsecondary education, employment, and responsible citizenship, any use of technology that prevents or inhibits a student from achieving these standards is prohibited. Prohibited uses include, but are not limited to, using technology primarily or solely for the completion of coursework as a student's original work and generating answers to mathematical, scientific, or analytical problems.

Permitted uses of technology include, but are not limited to, conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications.

Additionally, consistent with the limitations expressed in this policy and with teacher consent, students may also use technology to assist with assessments, homework, and/or makeup work or other uses approved by the teacher.

However, a student with a disability shall be permitted to use technology for any purpose identified in the student's individualized education program as a tool to support the student's learning.

If an employee suspects that a student has used technology in violation of this policy, the student shall be given the opportunity to demonstrate that the use of technology was in accordance with this policy.

Any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty shall be shared with the student, and the student's parent/guardian as appropriate.

The Superintendent or designee may provide training to staff regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
Ed. Code 35291-35291.5	Rules - <a href="https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdsIshoC4A==">https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdsIshoC4A==</a>
Ed. Code 56341.1	Assistive technology devices for a student with a disability <a href="https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcw==">https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcw==</a>
<b>Federal References</b>	<b>Description</b>
20 USC 1401	Assistive technology device; definition
<b>Management Resources References</b>	<b>Description</b>
Metropolitan Ed. Research Consortium Publication	Balancing the Benefits and Risks of AI Large Language Models in K12 Public Schools, 2023 - <a href="https://simbli.eboardsolutions.com/SU/wliZIJ3wnBazcmzKwWUW8g==">https://simbli.eboardsolutions.com/SU/wliZIJ3wnBazcmzKwWUW8g==</a>
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - <a href="https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==">https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==</a>
Website	Metropolitan Educational Research Consortium - <a href="https://simbli.eboardsolutions.com/SU/TA8PNplusplusPn2OaTT2avH2Hw==">https://simbli.eboardsolutions.com/SU/TA8PNplusplusPn2OaTT2avH2Hw==</a>
Website	CSBA District and County Office of Education Legal Services <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
<b>Cross References</b>	<b>Description</b>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/biRszL6XROetRWbml0IleQ==">https://simbli.eboardsolutions.com/SU/biRszL6XROetRWbml0IleQ==</a>
5131.8	Mobile Communication Devices - <a href="https://simbli.eboardsolutions.com/SU/eslsh7zc7vPTw7tuRXH7IGLwQ==">https://simbli.eboardsolutions.com/SU/eslsh7zc7vPTw7tuRXH7IGLwQ==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBLOiceWSBplusA==">https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBLOiceWSBplusA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/raFn00F3HGFVveXZ7SN4sA==">https://simbli.eboardsolutions.com/SU/raFn00F3HGFVveXZ7SN4sA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/M26rRhwtMFCZ0FEQhR1MBg==">https://simbli.eboardsolutions.com/SU/M26rRhwtMFCZ0FEQhR1MBg==</a>
6000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==">https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==">https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/sJisFNaej0ooUN9G7aplusvrw==">https://simbli.eboardsolutions.com/SU/sJisFNaej0ooUN9G7aplusvrw==</a>
6154	Homework/Makeup Work - <a href="https://simbli.eboardsolutions.com/SU/H7cKmjltNpagWtMLgVRK7A==">https://simbli.eboardsolutions.com/SU/H7cKmjltNpagWtMLgVRK7A==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==">https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/IBlWJmfAP00e3xnVhUQNYg==">https://simbli.eboardsolutions.com/SU/IBlWJmfAP00e3xnVhUQNYg==</a>
6162.5	Student Assessment - <a href="https://simbli.eboardsolutions.com/SU/b9KIXbby9XYctijplusnXY84A==">https://simbli.eboardsolutions.com/SU/b9KIXbby9XYctijplusnXY84A==</a>
6162.54	Test Integrity/Test Preparation - <a href="https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==">https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==</a>
6162.6	Use Of Copyrighted Materials - <a href="https://simbli.eboardsolutions.com/SU/K58wRXLhiQ7HqkoPGCSxplusw==">https://simbli.eboardsolutions.com/SU/K58wRXLhiQ7HqkoPGCSxplusw==</a>
6162.6	Use Of Copyrighted Materials - <a href="https://simbli.eboardsolutions.com/SU/gh5CLLEvMmcAhYPOAhkfiA==">https://simbli.eboardsolutions.com/SU/gh5CLLEvMmcAhYPOAhkfiA==</a>

6163.4

**Student Use Of Technology -**

<https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jfTkW==>

6163.4-E(1)

**Student Use Of Technology -**

<https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==>

**Policy 6154: Homework/Makeup Work**

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time, provide enrichment, and assist students in developing good study habits. Homework and/or makeup work shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

Students may use technology to assist with homework and/or makeup work in conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications, as specified in Board Policy 5131.9 - Academic Honesty and Board Policy 6163.4 - Student Use of Technology.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives and inspire students' interests.

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, learn to work independently, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines shall also be included in student and/or parent/guardian handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. Students may also work with other students and use approved outside resources as directed by the teacher.

To further support students' homework efforts, the Superintendent or designee may establish and maintain electronic forums, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive

homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

If a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

### **Makeup Work**

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

The Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

### **Suspended Students**

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
Ed. Code 46120	Expanded Learning Opportunities Program - <a href="https://simbli.eboardsolutions.com/SU/PO5Qp686pluslGJplusvUduBS1QA==">https://simbli.eboardsolutions.com/SU/PO5Qp686pluslGJplusvUduBS1QA==</a>
Ed. Code 48205	Absence from school for jury duty or precinct board service - <a href="https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==">https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==</a>
Ed. Code 48913	Completion of work missed by suspended student - <a href="https://simbli.eboardsolutions.com/SU/QggTY80tfY8R1PGL7VoSLw==">https://simbli.eboardsolutions.com/SU/QggTY80tfY8R1PGL7VoSLw==</a>
Ed. Code 48913.5	Suspended students; homework assignments - <a href="https://simbli.eboardsolutions.com/SU/RfKslshUJ1Kr2qPLOhmGQ4iDg==">https://simbli.eboardsolutions.com/SU/RfKslshUJ1Kr2qPLOhmGQ4iDg==</a>
Ed. Code 48980	Parent/Guardian notifications - <a href="https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==">https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==</a>
Ed. Code 56341.1	Assistive technology devices for a student with a disability <a href="https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==">https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==</a>

Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment for Teens <a href="https://simbli.eboardsolutions.com/SU/JaviDIWO4ZM2pqI8e1lg1g==">https://simbli.eboardsolutions.com/SU/JaviDIWO4ZM2pqI8e1lg1g==</a>
Ed. Code 8482-8484.65	After School Education and Safety Program - <a href="https://simbli.eboardsolutions.com/SU/UtnUiesMBgYqY0ld3Fslshm3Q==">https://simbli.eboardsolutions.com/SU/UtnUiesMBgYqY0ld3Fslshm3Q==</a>
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers - <a href="https://simbli.eboardsolutions.com/SU/giVZzMtMblumbGYLS5W8Pw==">https://simbli.eboardsolutions.com/SU/giVZzMtMblumbGYLS5W8Pw==</a>
<b>Federal References</b>	<b>Description</b>
20 USC 1401	Assistive technology device; definition
20 USC 7171-7176	21st Century Community Learning Centers
<b>Management Resources References</b>	<b>Description</b>
CSBA Publication	Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016 - <a href="https://simbli.eboardsolutions.com/SU/Ssz7tvie11J8Tm7nVTUezA==">https://simbli.eboardsolutions.com/SU/Ssz7tvie11J8Tm7nVTUezA==</a>
Artificial Intelligence and the Future of Teaching and Learning: Insights and USDOE Office of Educational Technology Recommendations, May 2023 - Publication <a href="https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==">https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==</a>	
Metropolitan Educational Research Consortium - Website <a href="https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==">https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==</a>	
CSBA District and County Office of Education Legal Services - Website <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>	
California State Parent Teacher Association - Website <a href="https://simbli.eboardsolutions.com/SU/WpQSM7bTSBIBBwMA6DJ5JA==">https://simbli.eboardsolutions.com/SU/WpQSM7bTSBIBBwMA6DJ5JA==</a>	
CSBA - Website <a href="https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==</a>	
<b>Cross References</b>	<b>Description</b>
COVID-19 Mitigation Plan - 0470 <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==</a>	
Volunteer Assistance - 1240	

<https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasIsh6sIshY5Cf==>

**Volunteer Assistance -**

1240

<https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==>

**Relations Between Private Industry And The Schools -**

1700

<https://simbli.eboardsolutions.com/SU/bj3fslsh3cl7eKslshyWTi7plusHVkQ==>

**Transportation Routes And Services -**

3541

<https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==>

**Staff Development -**

4131

<https://simbli.eboardsolutions.com/SU/IYMIYPYXEiEMhaRz6sIshWJQ==>

**Parent Rights And Responsibilities -**

5020

<https://simbli.eboardsolutions.com/SU/slshzYh5WprycgUzw9TSVm9Eg==>

**Parent Rights And Responsibilities -**

5020

<https://simbli.eboardsolutions.com/SU/cj7plusOU0kdEV4mqyejaSgUg==>

**Absences And Excuses -**

5113

<https://simbli.eboardsolutions.com/SU/NpL4pbG68rX4JtK5UIBplus2Q==>

**Absences And Excuses -**

5113

<https://simbli.eboardsolutions.com/SU/uc0Mjiclepplusl3CTnMaZJhQ==>

**Grades/Evaluation Of Student Achievement -**

5121

<https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==>

**Grades/Evaluation Of Student Achievement -**

5121

<https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JINpFAA==>

**Academic Honesty -**

5131.9



<https://simbli.eboardsolutions.com/SU/FyIWivTPicwNI9AslshRmrwEg==>

**Suspension And Expulsion/Due Process -**

**5144.1**

<https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTvfQqVHSzBA==>

**Suspension And Expulsion/Due Process -**

**5144.1**

<https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==>

**Parent/Guardian Notifications -**

**5145.6**

<https://simbli.eboardsolutions.com/SU/OOJDgERNjwx8GUWBtYOKOw==>

**Parent/Guardian Notifications -**

**5145.6-E(1)**

<https://simbli.eboardsolutions.com/SU/wvYNz0FFrs9dh3AXII0aQQ==>

**Child Care And Development -**

**5148** <https://simbli.eboardsolutions.com/SU/6TzlnJWYUNhxpC9er0OvSw==>

**Child Care And Development -**

**5148** <https://simbli.eboardsolutions.com/SU/bVySg0grlwmslshAxbVduBflg==>

**Before/After School Programs -**

**5148.2** <https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==>

**Before/After School Programs -**

**5148.2** <https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==>

**Academic Standards -**

**6011** <https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEsIshLEej7PvA==>

**Parent Involvement -**

**6020** <https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3lDgijtIg==>

**Parent Involvement -**

**6020** <https://simbli.eboardsolutions.com/SU/QQib1gK3KHGsHNIpTjql8A==>

**School Day -**

**6112** <https://simbli.eboardsolutions.com/SU/05atqxQ8a68mIO84XP5vNw==>

**School Day -**

**6112** <https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==>

**Recognition Of Religious Beliefs And Customs -**

**6141.2** <https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==>

**Recognition Of Religious Beliefs And Customs -**

**6141.2** <https://simbli.eboardsolutions.com/SU/XSgOkVwslsh6n1VgSVdoheJvg==>

**Service Learning/Community Service Classes -**

**6142.4**

<https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==>

**Individualized Education Program -**

**6159**

<https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==>

**Policy 6162.5: Student Assessment**

Status: ADOPTED

Original Adopted Date: 07/01/2010 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

The Governing Board recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

Any student use of technology to complete assessments shall be as specified in Board Policy 5131.9 - Academic Honesty and Board Policy 6163.4 - Student Use of Technology.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

**Interim and Formative Assessments**

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning, and for communicating with students' parents/guardians and identifying professional development goals. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

### Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following (Education Code 60607)

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-60649
2. The results of any end-of-course examinations taken

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if the student is an adult or emancipated minor. The student or the student's parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. Furthermore, the results of an individual student on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 850-876	California Assessment of Student Performance and Progress
Ed. Code 10600-10610	California Education Information System - <a href="https://simbli.eboardsolutions.com/SU/4ekvxoWXCgDCoyWy6fu5aQ==">https://simbli.eboardsolutions.com/SU/4ekvxoWXCgDCoyWy6fu5aQ==</a>
Ed. Code 313	Assessment of English language development - <a href="https://simbli.eboardsolutions.com/SU/ooKplusHEjyr2kQeAg57bETA==">https://simbli.eboardsolutions.com/SU/ooKplusHEjyr2kQeAg57bETA==</a>
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees <a href="https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==">https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==</a>
Ed. Code 49558	Free and reduced-price meals; use of individual applications and records <a href="https://simbli.eboardsolutions.com/SU/CNB3fdQq8zfm0g3k6UKrKA==">https://simbli.eboardsolutions.com/SU/CNB3fdQq8zfm0g3k6UKrKA==</a>
Ed. Code 51041	Evaluation of the educational program - <a href="https://simbli.eboardsolutions.com/SU/AFLfGnplusZXlfDEESdIkr5OA==">https://simbli.eboardsolutions.com/SU/AFLfGnplusZXlfDEESdIkr5OA==</a>
Ed. Code 51450-51455	Golden State Seal Merit Diploma - <a href="https://simbli.eboardsolutions.com/SU/bplusHFbZcWNEGzUknsdh5B2A==">https://simbli.eboardsolutions.com/SU/bplusHFbZcWNEGzUknsdh5B2A==</a>
Ed. Code 52052	Accountability; numerically significant student subgroups - <a href="https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWIo3rs0EA==">https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWIo3rs0EA==</a>
Ed. Code 52060-52077	Local control and accountability plan - <a href="https://simbli.eboardsolutions.com/SU/kjIplusPzLslshlt7rP0BfXZYJuQ==">https://simbli.eboardsolutions.com/SU/kjIplusPzLslshlt7rP0BfXZYJuQ==</a>
Ed. Code 56341.1	Assistive technology devices for a student with a disability <a href="https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==">https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==</a>
Ed. Code 60600-60649	Assessment of academic achievement - <a href="https://simbli.eboardsolutions.com/SU/vslshWgHorCjslsh9UHEON4ipXIA==">https://simbli.eboardsolutions.com/SU/vslshWgHorCjslsh9UHEON4ipXIA==</a>
Ed. Code 60640-60649	California Assessment of Student Performance and Progress - <a href="https://simbli.eboardsolutions.com/SU/HslshHaBzkqMYXjCsA0qmuMmg==">https://simbli.eboardsolutions.com/SU/HslshHaBzkqMYXjCsA0qmuMmg==</a>

Ed. Code 60640-60649	California Assessment of Student Performance and Progress - <a href="https://simbli.eboardsolutions.com/SU/HslshHaBzkqMYXjCsA0qmuMmg==">https://simbli.eboardsolutions.com/SU/HslshHaBzkqMYXjCsA0qmuMmg==</a>
Ed. Code 60800	Physical performance test - <a href="https://simbli.eboardsolutions.com/SU/CImMslshrliqJX6F9H0IMXNVw==">https://simbli.eboardsolutions.com/SU/CImMslshrliqJX6F9H0IMXNVw==</a>
Ed. Code 60900	California Longitudinal Pupil Achievement Data System - <a href="https://simbli.eboardsolutions.com/SU/Xhplus6RDAeVyLMk9JRiYPUfg==">https://simbli.eboardsolutions.com/SU/Xhplus6RDAeVyLMk9JRiYPUfg==</a>
Ed. Code 60910	California State Preschool Program Longitudinal Pupil Achievement Data System - <a href="https://simbli.eboardsolutions.com/SU/Yc8gdU6QslshA38V0jyO36FWQ==">https://simbli.eboardsolutions.com/SU/Yc8gdU6QslshA38V0jyO36FWQ==</a>
<b>Federal References</b>	<b>Description</b>
20 USC 1401	Assistive technology device; definition
20 USC 9622	National Assessment of Educational Progress
<b>Management Resources References</b>	<b>Description</b>
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - <a href="https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==">https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==</a>
Website	Metropolitan Educational Research Consortium - <a href="https://simbli.eboardsolutions.com/SU/TAT8PNplusplusPn2OaTT2avH2Hw==">https://simbli.eboardsolutions.com/SU/TAT8PNplusplusPn2OaTT2avH2Hw==</a>
Website	CSBA District and County Office of Education Legal Services <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslishXk6R5akQ==</a>
Website	California Department of Education, Testing and Accountability <a href="https://simbli.eboardsolutions.com/SU/z09cOywLKf7ya8HZK2Obvw==">https://simbli.eboardsolutions.com/SU/z09cOywLKf7ya8HZK2Obvw==</a>
Website	Smarter Balanced Assessment Consortium - <a href="https://simbli.eboardsolutions.com/SU/9vsKmslshoslsfh13U2Yv60w1Tgg==">https://simbli.eboardsolutions.com/SU/9vsKmslshoslsfh13U2Yv60w1Tgg==</a>
Website	U.S. Department of Education - <a href="https://simbli.eboardsolutions.com/SU/XcSsJimoslsH3XhJKy4tplus7wplusA==">https://simbli.eboardsolutions.com/SU/XcSsJimoslsH3XhJKy4tplus7wplusA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
<b>Cross References</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBQP13Jplus7cw==">https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBQP13Jplus7cw==</a>
0420	School Plans/Site Councils - <a href="https://simbli.eboardsolutions.com/SU/sbIVsLKslsh5w2LSplusZQekYNgQ==">https://simbli.eboardsolutions.com/SU/sbIVsLKslsh5w2LSplusZQekYNgQ==</a>
0420	School Plans/Site Councils - <a href="https://simbli.eboardsolutions.com/SU/U9OQXvYz5b4Tplusjru34pnqw==">https://simbli.eboardsolutions.com/SU/U9OQXvYz5b4Tplusjru34pnqw==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==">https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==">https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==</a>
0500	Accountability - <a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
0510	School Accountability Report Card - <a href="https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg==">https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==">https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfxD7fplwslshtg==">https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfxD7fplwslshtg==</a>
2140	Evaluation Of The Superintendent - <a href="https://simbli.eboardsolutions.com/SU/ySxTN0zgshtTtWd1CshtTxcw==">https://simbli.eboardsolutions.com/SU/ySxTN0zgshtTtWd1CshtTxcw==</a>

- 4115 **Evaluation/Supervision -**  
<https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==>
- 4115 **Evaluation/Supervision -**  
<https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==>
- 4131 **Staff Development -**  
<https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhARz6slshWJQ==>
- 4315 **Evaluation/Supervision -**  
<https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103Dgcl8Dpw==>
- 4331 **Staff Development -**  
<https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnllsFw7ag==>
- 5121 **Grades/Evaluation Of Student Achievement -**  
<https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==>
- 5121 **Grades/Evaluation Of Student Achievement -**  
<https://simbli.eboardsolutions.com/SU/iKtdZAF0mXslsh9Lp2JINpFAA==>
- 5123 **Promotion/Acceleration/Retention -**  
<https://simbli.eboardsolutions.com/SU/XslshULwDF51O6snseMXV7plus0g==>
- 5123 **Promotion/Acceleration/Retention -**  
<https://simbli.eboardsolutions.com/SU/i6Ui8m0wR1VPGjslshfiBUgIA==>
- 5125 **Student Records -**  
<https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==>
- 5125 **Student Records -**  
<https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkHAQ==>
- 5131.9 **Academic Honesty -**  
<https://simbli.eboardsolutions.com/SU/FyIWivTPicwNI9AslshRmrwEg==>
- 6000 **Concepts And Roles -**  
<https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==>
- 6011 **Academic Standards -**  
<https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==>
- 6020 **Parent Involvement -**  
<https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgiItlg==>
- 6020 **Parent Involvement -**  
<https://simbli.eboardsolutions.com/SU/QOib1gK3KHGsHNlpTjql8A==>
- 6120 **Response To Instruction And Intervention -**  
<https://simbli.eboardsolutions.com/SU/YopBQ2VrkIsMGNYQPvMr6w==>
- 6141 **Curriculum Development And Evaluation -**  
<https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusgA==>
- 6141 **Curriculum Development And Evaluation -**  
<https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==>
- 6142.6 **Visual And Performing Arts Education -**  
<https://simbli.eboardsolutions.com/SU/KYKuDxTaUanplusmRSoSbmoNg==>
- 6142.7 **Physical Education And Activity -**  
<https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==>
- 6142.7 **Physical Education And Activity -**  
<https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==>

**Reading/Language Arts Instruction -**

6142.91 <https://simbli.eboardsolutions.com/SU/ONplusEAnsIshTzPen8m41ZrigplusQ==>

**Mathematics Instruction -**

6142.92 <https://simbli.eboardsolutions.com/SU/FTMguy4qCooO0o5vPBAlDA==>

**High School Graduation Requirements -**

6146.1 <https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4O1Q==>

**Reciprocity Of Academic Credit -**

6146.3 <https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybsIshisIshopFL8Q==>

**Reciprocity Of Academic Credit -**

6146.3 <https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==>

**Elementary/Middle School Graduation Requirements -**

6146.5 <https://simbli.eboardsolutions.com/SU/flgtoqAekTVOXIoLsIshuA0qQ==>

**Class Size -**

6151 <https://simbli.eboardsolutions.com/SU/vYW5X18plusvzq1WlfyVz868A==>

**Class Assignment -**

6152

<https://simbli.eboardsolutions.com/SU/hATymLA9CJuKTcyX9SvmOg==>

**Placement In Mathematics Courses -**

6152.1 <https://simbli.eboardsolutions.com/SU/jt6w4Ob9I5Fk3Zp4xZKDSQ==>

**Placement In Mathematics Courses -**

6152.1 <https://simbli.eboardsolutions.com/SU/oGGI7Kob81Is1e8P3iauiA==>

**Challenging Courses By Examination -**

6155

<https://simbli.eboardsolutions.com/SU/WKvDn9DmbM84AOA22GrqIA==>

**Challenging Courses By Examination -**

6155 <https://simbli.eboardsolutions.com/SU/AAbO61Z3xNUB8xUeVXBslshYg==>

**Independent Study -**

6158 <https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==>

**Independent Study -**

6158

<https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==>

**Individualized Education Program -**

6159

<https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==>

**Individualized Education Program -**

6159

<https://simbli.eboardsolutions.com/SU/IBlWJmfAP00e3xnVhUQNYg==>

**Selection And Evaluation Of Instructional Materials -**

6161.1

<https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==>

**Selection And Evaluation Of Instructional Materials -**

6161.1

<https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEn0Y9Q==>

**Selection And Evaluation Of Instructional Materials -**

6161.1-E(1) <https://simbli.eboardsolutions.com/SU/8IIH1pluseCQplus3eslsh3plusjNseP5g==>

**State Academic Achievement Tests -**

6162.51 <https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==>

**State Academic Achievement Tests -**

6162.51

<https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==>

**Test Integrity/Test Preparation -**

6162.54

<https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==>

**Student Use Of Technology -**

6163.4 <https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8Nkf76jftkw==>

**Student Use Of Technology -**

6163.4-E(1) <https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==>

**Identification And Evaluation Of Individuals For Special Education -**

6164.4 <https://simbli.eboardsolutions.com/SU/ffCNsslsh0JPPjGdyftyF23Dg==>

**Identification And Evaluation Of Individuals For Special Education -**

6164.4 <https://simbli.eboardsolutions.com/SU/rsstgVL8YWDzm2Ni7PU9jg==>

**Student Success Teams -**

6164.5 <https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==>

**Student Success Teams -**

6164.5

<https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==>

**Transitional Kindergarten -**

6170.1 <https://simbli.eboardsolutions.com/SU/8JTQy7DEa01NsIshxDL3O0ktw==>

**Title I Programs -**

6171 <https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSjgfA2gA==>

**Title I Programs -**

6171 <https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==>

**Gifted And Talented Student Program -**

6172 <https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==>

**Gifted And Talented Student Program -**

6172

<https://simbli.eboardsolutions.com/SU/G268I3K6kr8FEbTmbKV2A==>

**Concurrent Enrollment In College Classes -**

6172.1 <https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==>

**Concurrent Enrollment In College Classes -**

6172.1

<https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsIshP8S2Cj02w==>

**Education For American Indian Students -**

6173.4

<https://simbli.eboardsolutions.com/SU/FHplusIz9jSWj6dzqBZ7yYJ7A==>

**Education For English Learners -**

6174 <https://simbli.eboardsolutions.com/SU/QvYBDv5g7Jy72aIVMTz12g==>

**Education For English Learners -**

6174 <https://simbli.eboardsolutions.com/SU/82RXSw2plusDvkWiz1w2DqfLg==>

**Career Technical Education -**

6178 <https://simbli.eboardsolutions.com/SU/2rbbha1T98IHWiOTksIshUErg==>

**Career Technical Education -**

6178 <https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==>

**Regional Occupational Center/Program -**

6178.2 <https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==>

**Alternative Schools/Programs Of Choice -**

6181 <https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmsIshFiQ==>

**Alternative Schools/Programs Of Choice -**

6181 <https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==>

**Continuation Education -**

6184 <https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==>

**Continuation Education -**

6184

<https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==>

**Evaluation Of The Instructional Program -**

6190 <https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==>

**Role Of The Board -**

9000 <https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==>

**Closed Session -**

9321 <https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==>

**Closed Session -**

9321-E(1) <https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==>

**Closed Session -**

9321-E(2)

<https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==>



## Regulation 7140: Architectural And Engineering Services

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

Contractors for any private architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding:

(Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

The selection process may also include: (Government Code 4527)

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project
2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services
3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached.

(Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect or structural engineer shall become the property of the district for the purpose of repair, maintenance, renovation, modernization, or other purposes, but

only as they relate to the project for which the architect or structural engineer was retained. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

A design-build contract may be awarded to a single entity for both design and construction of any school facility if the contract is in excess of \$1,000,000, or an alternative design-build contract may be awarded if the contract is in excess of \$5,000,000, as specified in Administrative Regulation 3311.3 - Design-Build Contracts. (Education Code 17250.20, 17250.62)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State References</b>	<b>Description</b>
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Bus. Code 5500-5502	Architecture - <a href="https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMsIshkHBDow==">https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMsIshkHBDow==</a>
Bus. Code 5550-5558	Architects; licensure - <a href="https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==">https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==</a>
Bus. Code 6700-6706.3	Professional Engineers Act - <a href="https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==">https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==</a>
Bus. Code 6750-6767	Engineers; licensure - <a href="https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==">https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==</a>
CA Constitution Article 22	Architectural and engineering services - <a href="https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==">https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==</a>
Ed. Code 17250.10-17250.55	Design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==">https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==</a>
Ed. Code 17250.60-17250.69	Alternative design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==">https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==</a>
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==</a>
Ed. Code 17280-17317	Building approvals - <a href="https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjlzroyZQ==">https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjlzroyZQ==</a>
Ed. Code 17371	Limitation on liability of governing board - <a href="https://simbli.eboardsolutions.com/SU/d56uwcITvplussgYGebp99UTw==">https://simbli.eboardsolutions.com/SU/d56uwcITvplussgYGebp99UTw==</a>
Gov. Code 14837	Definition of small business - <a href="https://simbli.eboardsolutions.com/SU/c3i4e2xmxHs5PpVTCh63Qw==">https://simbli.eboardsolutions.com/SU/c3i4e2xmxHs5PpVTCh63Qw==</a>
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms - <a href="https://simbli.eboardsolutions.com/SU/u3t4hVRrP0xRvORn2OtLmA==">https://simbli.eboardsolutions.com/SU/u3t4hVRrP0xRvORn2OtLmA==</a>
Gov. Code 87100	Public officials; financial interest - <a href="https://simbli.eboardsolutions.com/SU/QchMgplusAyDf6dKHslshcFZKU6A==">https://simbli.eboardsolutions.com/SU/QchMgplusAyDf6dKHslshcFZKU6A==</a>
Pub. Cont. Code 20110-20118.44	School district contracts - <a href="https://simbli.eboardsolutions.com/SU/iLPOBzEdUi3MbupK2Q9JYw==">https://simbli.eboardsolutions.com/SU/iLPOBzEdUi3MbupK2Q9JYw==</a>

<b>Management Resources References</b>	<b>Description</b>
--	--------------------

**Plan Submission Requirements for Modernization Projects,  
Form SFPD 4.08**

California Department of Education Publication

-  
<https://simbli.eboardsolutions.com/SU/AB4LcZw74cBI1fpPipluswu0w==>

**Plan Submission Requirements for New Construction, Form  
SFPD 4.07 -**

California Department of Education Publication

<https://simbli.eboardsolutions.com/SU/DZkNXR40KMZ1VKbKpOYL3A==>

**School Facility Program Handbook, January 2019 -**

Office of Public School Construction Publication

<https://simbli.eboardsolutions.com/SU/eHGIMKVqSUBhe1qjhtPt8g==>

**CSBA District and County Office of Education Legal Services -**

Website

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

**Department of General Services, Division of the State Architect -**

Website

<https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==>

**American Institute of Architects California Council**

Website <https://simbli.eboardsolutions.com/SU/1jDPdUHFcf8sXf4176tpA==>

**Department of General Services, Office of Public School Construction -**

Website

<https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>

**California Department of Education, School Facilities -**

Website <https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==>

**Cross References**

**Description**

**Volunteer Assistance -**

1240 <https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULaslsh6slshY5Cf8g==>

**Volunteer Assistance -**

1240

<https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==>

3311

**Bids -** <https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==>

3311

**Bids -**

<https://simbli.eboardsolutions.com/SU/kSmQOh7sW9PDb8PSD17ycQ==>

**Design-Build Contracts -**

3311.3 <https://simbli.eboardsolutions.com/SU/SYfJWslshySkmOfnMkjPceFSA==>

**Contracts -**

3312

<https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3lIN3YWGplusw==>

**Criminal Background Checks For Contractors -**

3515.6

<https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUFSsb7fbslshw==>

**Concepts And Roles -**

7000 <https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ks8contg==>

**Facilities Master Plan -**

7110 <https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UOw==>

**Site Selection And Development -**

7150 <https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslshuVYRgMCbA==>

**Site Selection And Development -**

7150 <https://simbli.eboardsolutions.com/SU/9MaBvnOs2WPkslshb54TqcMZQ==>

**Conflict Of Interest -**

9270 <https://simbli.eboardsolutions.com/SU/plus5NkplusxlvOlslshAyTyplusjwwplus5A==>

**Conflict Of Interest -**

9270-E(1)

<https://simbli.eboardsolutions.com/SU/31zam186Gfhk4oZYYhDZDQ==>

## **Bylaw 9124: Attorney**

Status: ADOPTED

**Original Adopted Date:** 06/01/1991 | **Last Revised Date:** 09/01/2023 | **Last Reviewed Date:** 09/01/2023

The Governing Board recognizes the complex legal environment in which districts operate, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services.

In order to meet the district's legal needs, the Board may appoint legal counsel and fix and order paid legal counsel's compensation as an employee or as an independent contractor. (Education Code 35041.5)

The Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in private practice, and other public or private legal services entities. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate.

### **Duties of Legal Counsel**

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

### **Retaining Legal Counsel**

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

The district may, but is not required to, initiate a Request for Proposals to advertise and solicit proposals for legal services. In evaluating the prospective attorney(s), firm(s), and/or entity(ies), the Board and Superintendent may consider the attorney's, firm's, and/or entity's background, experience, and relevant legal reputation; experience advising and representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

The Board and Superintendent shall periodically evaluate the performance of the firm(s) and/or attorney(s); the efficiency and adequacy of advice; the results obtained for the district; the reasonableness of fees; and the responsiveness to and interactions with the Board, administration, and community.

The Board may use such evaluation(s) to determine whether to renew any current agreement(s) for legal services.

The Board may also contract for specialized legal services, as appropriate, when a majority of the Board determines that the unique demands of a particular issue or emergency situation require such representation.

### Contacting Legal Counsel

The Board president, or Superintendent or designee, may, at their discretion, confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Board president, or Superintendent or designee, may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by the Superintendent, the Board president, or a majority of the Board.

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
Ed. Code 35041	Administrative adviser - <a href="https://simbli.eboardsolutions.com/SU/Vq05GqcTOi7Lze5Df8sn5A==">https://simbli.eboardsolutions.com/SU/Vq05GqcTOi7Lze5Df8sn5A==</a>
Ed. Code 35041.5	Legal counsel - <a href="https://simbli.eboardsolutions.com/SU/JMgRHfLyT3TkUlsIshulOhiTg==">https://simbli.eboardsolutions.com/SU/JMgRHfLyT3TkUlsIshulOhiTg==</a>
Ed. Code 35161	Board delegation of any powers or duties - <a href="https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==">https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==</a>
Ed. Code 35200-35214	Liabilities - <a href="https://simbli.eboardsolutions.com/SU/6BkNJy81QHZNjLHhZKMK0g==">https://simbli.eboardsolutions.com/SU/6BkNJy81QHZNjLHhZKMK0g==</a>
Ed. Code 35204	Contract with attorney in private practice - <a href="https://simbli.eboardsolutions.com/SU/irIX4qUNWLsPUpluslWDLQTXw==">https://simbli.eboardsolutions.com/SU/irIX4qUNWLsPUpluslWDLQTXw==</a>
Ed. Code 35205	Contract for legal services - <a href="https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==">https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==</a>
Gov. Code 26520	Legal services to school districts - <a href="https://simbli.eboardsolutions.com/SU/PCL8jSEUX60slshoBip5gTwQ==">https://simbli.eboardsolutions.com/SU/PCL8jSEUX60slshoBip5gTwQ==</a>
Gov. Code 26529	District Attorney - <a href="https://simbli.eboardsolutions.com/SU/LdCCxwnN6qy10FsCptHkkg==">https://simbli.eboardsolutions.com/SU/LdCCxwnN6qy10FsCptHkkg==</a>
Gov. Code 53060	Special services and advice - <a href="https://simbli.eboardsolutions.com/SU/7T7sFbIKV6reI4lFp43jCg==">https://simbli.eboardsolutions.com/SU/7T7sFbIKV6reI4lFp43jCg==</a>
Gov. Code 814-895.8	Liability of public entities and public employees - <a href="https://simbli.eboardsolutions.com/SU/oDrUWB4B0SplusRs8Jx6ZmWgA==">https://simbli.eboardsolutions.com/SU/oDrUWB4B0SplusRs8Jx6ZmWgA==</a>
Gov. Code 995-996.6	Defense of public employees - <a href="https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==">https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==</a>

Management Resources References	Description
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
State Bar of California Publication	California Rules of Professional Conduct
Website	CSBA District and County Office of Education Legal Services <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	State Bar of California - <a href="https://simbli.eboardsolutions.com/SU/HeXYVIVNHfX4izN0mRp2fg==">https://simbli.eboardsolutions.com/SU/HeXYVIVNHfX4izN0mRp2fg==</a>

Website	California Council of School Attorneys - <a href="https://simbli.eboardsolutions.com/SU/esZp2XebReOtGosIshZJmM3dA==">https://simbli.eboardsolutions.com/SU/esZp2XebReOtGosIshZJmM3dA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
<b>Cross References</b>	<b>Description</b>
1160	Political Processes - <a href="https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHysIshkrPnmxrg==">https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHysIshkrPnmxrg==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/vicclxcmyjggK8RRHm2Nkg==">https://simbli.eboardsolutions.com/SU/vicclxcmyjggK8RRHm2Nkg==</a>
1312.3-E(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==">https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==">https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRlre2y6sA==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==">https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==</a>
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/mkVPrki4hFasIshTLDs60yUHA==">https://simbli.eboardsolutions.com/SU/mkVPrki4hFasIshTLDs60yUHA==</a>
3311.2	Lease-Leaseback Contracts - <a href="https://simbli.eboardsolutions.com/SU/3ssBh906X9CZkLdplusOC4Nslshw==">https://simbli.eboardsolutions.com/SU/3ssBh906X9CZkLdplusOC4Nslshw==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3IIN3YWGpluw==">https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3IIN3YWGpluw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
4312.1	Contracts - <a href="https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==">https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==</a>
9200	Limits Of Board Member Authority - <a href="https://simbli.eboardsolutions.com/SU/9D6eWnsIshmjC4aK9zGITm6Ow==">https://simbli.eboardsolutions.com/SU/9D6eWnsIshmjC4aK9zGITm6Ow==</a>
9260	Legal Protection - <a href="https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==">https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==">https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==</a>
9321-E(1)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==">https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==</a>
9321-E(2)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCIuMQnxBg==">https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCIuMQnxBg==</a>

# CSBA UPDATE CHECKLIST – June 2023

District Name: Happy Valley School  
 Contact Name: Michelle Stewart Phone: 429-1456 Email: mstewart@huesd.com

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
AR 4161.1	Personal Illness/Injury Leave	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
AR 4261.1	Personal Illness/Injury Leave	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/> AND OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/> OPTION 3: <input type="checkbox"/>	
AR 4361.1	Personal Illness/Injury Leave	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
AR 4161.2	Personal Leaves		



**CSBA POLICY GUIDE SHEET**  
**June 2023**

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

**Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave**

Regulation updated to delete outdated material and to reflect NEW LAW (AB 1041, 2022) which includes a "designated person" in the definition of a family member for whom an employee may take leave to care for.

**Administrative Regulation 4261.1 - Personal Illness/Injury Leave**

Regulation updated to align language regarding miscarriage with analogous language in administrative regulation for certificated staff, delete outdated material, and reflect NEW LAW (AB 1041, 2022) which includes a "designated person" in the definition of a family member for whom an employee may take leave to care for.

**Administrative Regulation 4161.2 - Personal Leaves**

Regulation updated to reflect NEW LAW (AB 1949, 2022) which requires a district to provide up to five days of bereavement leave to a qualified employee for the death of a family member, and provide clarifying language regarding the definitions of "family member" and "immediate family" and implications for bereavement leave. Regulation also updated to reference NEW LAW (AB 1041, 2022) which expands the definition of a family member for whom an eligible employee may take leave to care for to include a "designated person."

**Regulation 4161.1: Personal Illness/Injury Leave**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2017 | **Last Revised Date:** 06/01/2023 | **Last Reviewed Date:** 06/01/2023

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

**Use of Sick Leave**

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain 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 the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

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)

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

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

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)

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, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

#### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

#### **Notification of Absence**

An employee shall notify the Superintendent or designee of the 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 the employee 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**

##### **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 accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period 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)

An employee shall not be provided more than one five-month period per illness or accident. 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)

**OPTION 1 ENDS HERE**

##### **OPTION 2:**

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, the employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence. (Education Code 44983)

## **OPTION 2 ENDS HERE**

### **Absence Beyond Five-Month Period/Reemployment List**

If a certificated employee is not medically able to return to work 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, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

### **Parental Leave**

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

### **Verification Requirements**

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

The Superintendent or designee may require verification 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 employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

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 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 a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

### **Healthy Workplaces, Healthy Families Act Requirements**

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number 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 and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
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
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State References**

#### **Description**

5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Ed. Code 44976	Transfer of leave rights when school is transferred to another district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 44978	Sick leave; certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44978.2	Leave for military service-connected disability
Ed. Code 44979	Transfer of accumulated sick leave to another district
Ed. Code 44980	Transfer of accumulated sick leave to a county office of education
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44983	Compensation during leave; certificated employees

Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 44986	Leave of absence; state disability benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

#### **Federal References**

29 CFR 1635.1-1635.12  
 29 CFR 825.100-825.702  
 29 USC 2601-2654  
 42 USC 2000ff-2000ff-11

#### **Description**

Genetic Information Nondiscrimination Act of 2008  
 Family and Medical Leave Act of 1993  
 Family Care and Medical Leave Act  
 Genetic Information Nondiscrimination Act of 2008

#### **Management Resources References**

Court Decision  
 Website

#### **Description**

Veguez v. Governing Board of Long Beach Unified School District (2005)  
 127 Cal.App.4th 406  
 CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>

#### **Cross References**

0470  
 2121  
 4032  
 4112.2  
 4112.2  
 4112.42  
 4112.42  
 4112.9  
 4112.9-E(1)  
 4113.4  
 4113.5

#### **Description**

COVID-19 Mitigation Plan -  
<https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==>  
 Superintendent's Contract -  
<https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>  
 Reasonable Accommodation -  
<https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislsHio6mLw==>  
 Certification -  
<https://simbli.eboardsolutions.com/SU/m4xfmCLKtzKdslsh9J312fwkQ==>  
 Certification -  
<https://simbli.eboardsolutions.com/SU/lPISslshfSt0bbNvlqGhNyLYQ==>  
 Drug And Alcohol Testing For School Bus Drivers -  
<https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==>  
 Drug And Alcohol Testing For School Bus Drivers -  
<https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKryP8gplusg==>  
 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvswf==>  
 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/jPx8jp1DNslshshBRM8z4vxA==>  
 Temporary Modified/Light-Duty Assignment -  
<https://simbli.eboardsolutions.com/SU/slshxtjrQ1xiXTplus25crk5NJUg==>  
 Working Remotely -  
<https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==>

4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==">https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==">https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==</a>
4117.11	Preretirement Part-Time Employment - <a href="https://simbli.eboardsolutions.com/SU/aU9agEIMiRdKWEYucEplusxYQ==">https://simbli.eboardsolutions.com/SU/aU9agEIMiRdKWEYucEplusxYQ==</a>
4119.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwE4UA==">https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwE4UA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/5SBBfN92Tlv6HifeQwfxjg==">https://simbli.eboardsolutions.com/SU/5SBBfN92Tlv6HifeQwfxjg==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/5AjiPpXHlqqL2cGk1wHM4g==">https://simbli.eboardsolutions.com/SU/5AjiPpXHlqqL2cGk1wHM4g==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2QhsA1O4mg==">https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2QhsA1O4mg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==</a>
4157.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/qKI9n8qLYbd6PcCKDWyZuQ==">https://simbli.eboardsolutions.com/SU/qKI9n8qLYbd6PcCKDWyZuQ==</a>
4159	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==">https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==">https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==">https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==</a>
4161.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==">https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==</a>
4161.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/ZF0LjqxF0OZ08ymUiCRROA==">https://simbli.eboardsolutions.com/SU/ZF0LjqxF0OZ08ymUiCRROA==</a>
4161.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==">https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==</a>
4161.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/yLpslsho8dWWrOyRemgJLW4vw==">https://simbli.eboardsolutions.com/SU/yLpslsho8dWWrOyRemgJLW4vw==</a>
4161.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==">https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==</a>
4161.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g==">https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaeY2R44UQ==">https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaeY2R44UQ==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==">https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==">https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==</a>
4213.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==">https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==</a>
4213.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==">https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==</a>

4219.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/VPdslshsJCVjWEhTzCiO28xvw==">https://simbli.eboardsolutions.com/SU/VPdslshsJCVjWEhTzCiO28xvw==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/OpbEBVZh5YftzrlxSyjt2A==">https://simbli.eboardsolutions.com/SU/OpbEBVZh5YftzrlxSyjt2A==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==">https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==">https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzA==">https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzA==</a>
4257.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/QF3lslshslsh6iUFTKjqCPL4osSw==">https://simbli.eboardsolutions.com/SU/QF3lslshslsh6iUFTKjqCPL4osSw==</a>
4259	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/frGxQc7Yplus8ZsrZ44lplusJCUQ==">https://simbli.eboardsolutions.com/SU/frGxQc7Yplus8ZsrZ44lplusJCUQ==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==</a>
4261.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rVWReq8arA==">https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rVWReq8arA==</a>
4261.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/TffQ7RNLpIIHIQQjiuNplushQ==">https://simbli.eboardsolutions.com/SU/TffQ7RNLpIIHIQQjiuNplushQ==</a>
4261.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==">https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==">https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==</a>
4261.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==">https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==</a>
4261.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBslshpQg==">https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBslshpQg==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==">https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==">https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==">https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==</a>
4313.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==">https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==</a>
4313.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==">https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==</a>
4317.11	Preretirement Part-Time Employment - <a href="https://simbli.eboardsolutions.com/SU/quiARNCzMJTguKDQyXMSxg==">https://simbli.eboardsolutions.com/SU/quiARNCzMJTguKDQyXMSxg==</a>
4319.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==">https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==">https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==">https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==</a>
4357.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/ZjJJsTOcgZslshlkl33Axecjw==">https://simbli.eboardsolutions.com/SU/ZjJJsTOcgZslshlkl33Axecjw==</a>



4359	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ==">https://simbli.eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==</a>
4361.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/SsWiheS2DRXblzgW5Aplus4xw==">https://simbli.eboardsolutions.com/SU/SsWiheS2DRXblzgW5Aplus4xw==</a>
4361.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/ckqLV5MO1FNHwfpuskwNAsfQ==">https://simbli.eboardsolutions.com/SU/ckqLV5MO1FNHwfpuskwNAsfQ==</a>
4361.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==">https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==</a>
4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==">https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==</a>
4361.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWyQ4qA==">https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWyQ4qA==</a>
4361.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==">https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==</a>

**Regulation 4261.1: Personal Illness/Injury Leave**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2017 | **Last Revised Date:** 06/01/2023 | **Last Reviewed Date:** 06/01/2023

Classified employees employed five days a 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. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

**Use of Sick Leave**

A classified employee 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 in the course of employment with other persons having a contagious disease (Education Code 45199)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 45193)
3. Personal necessity (Education Code 45207)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)
6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain 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 the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee 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)

An employee shall reimburse the district for any unearned sick leave used as of the date of 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)

The Superintendent or designee shall notify any classified employee whose employment with the district is

terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 45202)

#### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

#### **Notification of Absence**

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee 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**

##### **OPTION 1:**

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five months or less, the district shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position. (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 1 ENDS HERE**

##### **OPTION 2:**

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 least 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)

## **OPTION 2 ENDS HERE**

### **Parental Leave**

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

### **Extension of Leave**

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)

If the employee is still unable to return to work 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 medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's 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 seniority. (Education Code 45195)

### **Verification Requirements**

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification 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.

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 a physician stating that the employee is able to return to work and stipulating any necessary restrictions or limitations.

#### **Short-Term and Substitute Employees**

##### **OPTION 1:**

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

**OPTION 1 ENDS HERE**

##### **OPTION 2:**

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

**OPTION 2 ENDS HERE**

##### **OPTION 3:**

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with 24 hours or three days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

**OPTION 3 ENDS HERE**

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

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

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

#### **Healthy Workplaces, Healthy Families Act Requirements**

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 number 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 and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
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
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State References**

<b>Description</b>	
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45191	Personal illness and injury leave; classified employees
Ed. Code 45191.5	Leave for military service-connected disability
Ed. Code 45193	Leave of absence for pregnancy; use of sick leave under certain circumstance
Ed. Code 45195	Additional leave
Ed. Code 45196	Salary deductions during sick leave; classified employees
Ed. Code 45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 45202	Transfer of accumulated sick leave and other benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

#### **Federal References**

<b>Description</b>	
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

<b>Management Resources References</b>	<b>Description</b>
Court Decision	California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957
Court Decision	California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
<b>Cross References</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
4032	Reasonable Accommodation - <a href="https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXisIshi6mLw==">https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXisIshi6mLw==</a>
4112.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==">https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==</a>
4112.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKrYP8gplusg==">https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKrYP8gplusg==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwcplusn8LplusKslshsvsfw==">https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwcplusn8LplusKslshsvsfw==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/jPx8jp1DNslshshBRM8z4vxA==">https://simbli.eboardsolutions.com/SU/jPx8jp1DNslshshBRM8z4vxA==</a>
4113.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/slshTxjrQ1xiXTplus25crk5NJUg==">https://simbli.eboardsolutions.com/SU/slshTxjrQ1xiXTplus25crk5NJUg==</a>
4113.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==">https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==</a>
4119.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwF4UA==">https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwF4UA==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/5SBBfN92Tlv6Hife0wfxjg==">https://simbli.eboardsolutions.com/SU/5SBBfN92Tlv6Hife0wfxjg==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/5AjiPpXHiqqL2cGk1wHM4g==">https://simbli.eboardsolutions.com/SU/5AjiPpXHiqqL2cGk1wHM4g==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==">https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==</a>
4159	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==">https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==">https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==">https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==</a>
4161.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/HD5z3OhqJ51829uMir9NEw==">https://simbli.eboardsolutions.com/SU/HD5z3OhqJ51829uMir9NEw==</a>
4161.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/ZFOLjqxE0OZ08ymUiCRROA==">https://simbli.eboardsolutions.com/SU/ZFOLjqxE0OZ08ymUiCRROA==</a>
4161.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==">https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==</a>
4161.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/yLpslsho8dWWrOyRemgJW4vw==">https://simbli.eboardsolutions.com/SU/yLpslsho8dWWrOyRemgJW4vw==</a>
4161.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/BTEFJvZiQBplus6SWmBBKtR6w==">https://simbli.eboardsolutions.com/SU/BTEFJvZiQBplus6SWmBBKtR6w==</a>

4161.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g==">https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==">https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KQLkg==">https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KQLkg==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==">https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==</a>
4213.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==">https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==</a>
4213.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==">https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==</a>
4216	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APopulusA==">https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APopulusA==</a>
4217.3	Layoff/Rehire - <a href="https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==">https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==</a>
4219.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/VPdsishsJCvJWEhTzCiO28xvw==">https://simbli.eboardsolutions.com/SU/VPdsishsJCvJWEhTzCiO28xvw==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/OpbEBVZh5YftzrlxSyt2A==">https://simbli.eboardsolutions.com/SU/OpbEBVZh5YftzrlxSyt2A==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==">https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==">https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzrA==">https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzrA==</a>
4259	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==">https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==</a>
4261.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==">https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==</a>
4261.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/TffQ7RNLpIIHIQJiuNplushQ==">https://simbli.eboardsolutions.com/SU/TffQ7RNLpIIHIQJiuNplushQ==</a>
4261.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==">https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==">https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==</a>
4261.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==">https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==</a>
4261.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBslshpQg==">https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBslshpQg==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==">https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==">https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==</a>



4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==">https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==</a>
4313.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==">https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==</a>
4313.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==">https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==</a>
4319.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==">https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbpluslshslsh4TDlslshQ==">https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbpluslshslsh4TDlslshQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==">https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==</a>
4359	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/TKcq760n9RZapulusNRYWW1VUQ==">https://simbli.eboardsolutions.com/SU/TKcq760n9RZapulusNRYWW1VUQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPIyUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPIyUeeeBo4hULBQ==</a>
4361.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==">https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==</a>
4361.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/_ckqLV5MO1FNHwflpluskwnAsfQ==">https://simbli.eboardsolutions.com/SU/_ckqLV5MO1FNHwflpluskwnAsfQ==</a>
4361.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==">https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==</a>
4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==">https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==</a>
4361.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWyQ4qA==">https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWyQ4qA==</a>
4361.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==">https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==</a>

**Regulation 4361.1: Personal Illness/Injury Leave**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2017 | **Last Revised Date:** 06/01/2023 | **Last Reviewed Date:** 06/01/2023

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

**Use of Sick Leave**

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain 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 the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

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)

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

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

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)

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, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

#### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

#### **Notification of Absence**

An employee shall notify the Superintendent or designee of the 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 the employee 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**

##### **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 accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period 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)

An employee shall not be provided more than one five-month period per illness or accident. 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)

**OPTION 1 ENDS HERE**

##### **OPTION 2:**

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, the employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence. (Education Code 44983)

## **OPTION 2 ENDS HERE**

### **Absence Beyond Five-Month Period/Reemployment List**

If a certificated employee is not medically able to return to work 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, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

### **Parental Leave**

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

### **Verification Requirements**

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

The Superintendent or designee may require verification 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 employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

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 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 a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

### **Healthy Workplaces, Healthy Families Act Requirements**

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number 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 and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
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
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State References**

5 CCR 5601

Ed. Code 44964

Ed. Code 44965

Ed. Code 44976

Ed. Code 44977

Ed. Code 44977.5

Ed. Code 44978

Ed. Code 44978.1

Ed. Code 44978.2

Ed. Code 44979

Ed. Code 44980

Ed. Code 44981

Ed. Code 44983

#### **Description**

Transfer of accumulated sick leave

Power to grant leaves of absence for accident, illness, or quarantine

Granting of leaves of absence for pregnancy and childbirth

Transfer of leave rights when school is transferred to another district

Salary schedule for substitute employees

Differential pay during parental leave up to 12 weeks after sick leave is exhausted

Sick leave; certificated employees

Inability to return to duty; placement in another position or on reemployment list

Leave for military service-connected disability

Transfer of accumulated sick leave to another district

Transfer of accumulated sick leave to a county office of education

Leave of absence for personal necessity

Compensation during leave; certificated employees

Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 44986	Leave of absence; state disability benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

#### **Federal References**

29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

#### **Management Resources References**

Court Decision	<b>Description</b> Veguez v. Governing Board of Long Beach Unified School District (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>

#### **Cross References**

0470	<b>Description</b> COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==">https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==</a>
4032	Reasonable Accommodation - <a href="https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXisIshi6mLw==">https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXisIshi6mLw==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/m4xfmCLKtzKdslsh9J312fwkQ==">https://simbli.eboardsolutions.com/SU/m4xfmCLKtzKdslsh9J312fwkQ==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/lPISslshfSt0bbNvlqGhNyLYQ==">https://simbli.eboardsolutions.com/SU/lPISslshfSt0bbNvlqGhNyLYQ==</a>
4112.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==">https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==</a>
4112.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKcYP8gplusg==">https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKcYP8gplusg==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnwrcwplusn8LplusKslshvswfw==">https://simbli.eboardsolutions.com/SU/lzOl6slshnwrcwplusn8LplusKslshvswfw==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/jPx8jp1DNslshIshBRM8z4vxA==">https://simbli.eboardsolutions.com/SU/jPx8jp1DNslshIshBRM8z4vxA==</a>
4113.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/slshbxjrQ1xiXTplus25crk5NJUg==">https://simbli.eboardsolutions.com/SU/slshbxjrQ1xiXTplus25crk5NJUg==</a>
4113.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/lplusUYB21lDXQLwzl2vjW3Eg==">https://simbli.eboardsolutions.com/SU/lplusUYB21lDXQLwzl2vjW3Eg==</a>

4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxw==">https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxw==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==">https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==</a>
4117.11	Preretirement Part-Time Employment - <a href="https://simbli.eboardsolutions.com/SU/aU9agElMiRdKWEYucFplusxYQ==">https://simbli.eboardsolutions.com/SU/aU9agElMiRdKWEYucFplusxYQ==</a>
4119.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwE4UA==">https://simbli.eboardsolutions.com/SU/XbhPGFM4y4bvDSCbqwE4UA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVdh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVdh2oTivuLm8gA==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/5SBBfN92Tlv6Hife0wfxjg==">https://simbli.eboardsolutions.com/SU/5SBBfN92Tlv6Hife0wfxjg==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/5AjiPpXHiqqL2cGk1wHM4g==">https://simbli.eboardsolutions.com/SU/5AjiPpXHiqqL2cGk1wHM4g==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==">https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==</a>
4157.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/qKI9n8qLYbd6PcCKDWyZuQ==">https://simbli.eboardsolutions.com/SU/qKI9n8qLYbd6PcCKDWyZuQ==</a>
4159	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==">https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/EEXMgObstshqslshiKqtJJUX7vSg==">https://simbli.eboardsolutions.com/SU/EEXMgObstshqslshiKqtJJUX7vSg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==">https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==</a>
4161.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==">https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==</a>
4161.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/ZF0LjqxF0OZ08ymUiCRROA==">https://simbli.eboardsolutions.com/SU/ZF0LjqxF0OZ08ymUiCRROA==</a>
4161.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==">https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==</a>
4161.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/yLpslsho8dWWrOyRemgLJW4vw==">https://simbli.eboardsolutions.com/SU/yLpslsho8dWWrOyRemgLJW4vw==</a>
4161.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==">https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w==</a>
4161.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/wpNf7hlkepJry32hChSplus3g==">https://simbli.eboardsolutions.com/SU/wpNf7hlkepJry32hChSplus3g==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/QgjTxWzNHPaiaieY2R44UQ==">https://simbli.eboardsolutions.com/SU/QgjTxWzNHPaiaieY2R44UQ==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==">https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5PI6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5PI6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==">https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==</a>
4213.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==">https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w==</a>
4213.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==">https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==</a>

4219.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/VPdslshsJCVjWEhTzCiQ28xvw==">https://simbli.eboardsolutions.com/SU/VPdslshsJCVjWEhTzCiQ28xvw==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/OpbEBVZh5YftzrlxSyjt2A==">https://simbli.eboardsolutions.com/SU/OpbEBVZh5YftzrlxSyjt2A==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==">https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==">https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkrzA==">https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkrzA==</a>
4257.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/QF3lslshslsh6iUETKjCPL4osSw==">https://simbli.eboardsolutions.com/SU/QF3lslshslsh6iUETKjCPL4osSw==</a>
4259	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==">https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==</a>
4261.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWRReq8arA==">https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWRReq8arA==</a>
4261.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/TffQ7RNLpIIHIQQjiuNplushQ==">https://simbli.eboardsolutions.com/SU/TffQ7RNLpIIHIQQjiuNplushQ==</a>
4261.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==">https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==">https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==</a>
4261.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==">https://simbli.eboardsolutions.com/SU/XaDfarslshi31XF2rlnR8Mq0Q==</a>
4261.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBslshpQg==">https://simbli.eboardsolutions.com/SU/qCplusa1C9mz1xTAweVcBslshpQg==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==">https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==">https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==">https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==</a>
4313.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==">https://simbli.eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg==</a>
4313.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==">https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==</a>
4317.11	Preretirement Part-Time Employment - <a href="https://simbli.eboardsolutions.com/SU/quiARNCzMJTguKDQyXMSxg==">https://simbli.eboardsolutions.com/SU/quiARNCzMJTguKDQyXMSxg==</a>
4319.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==">https://simbli.eboardsolutions.com/SU/UrQheplusJPpgUnplusCM8MMvOEQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==">https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFBAX0vQ==">https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFBAX0vQ==</a>
4357.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/ZjIJsTOcgZslshkl33Axecjw==">https://simbli.eboardsolutions.com/SU/ZjIJsTOcgZslshkl33Axecjw==</a>



4359	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/TKcqZ60n9RZaplusNRYWW1VUQ==">https://simbli.eboardsolutions.com/SU/TKcqZ60n9RZaplusNRYWW1VUQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==</a>
4361.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==">https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==</a>
4361.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/ckqLV5MO1FNHwfpluskwNAsfQ==">https://simbli.eboardsolutions.com/SU/ckqLV5MO1FNHwfpluskwNAsfQ==</a>
4361.5	Military Leave - <a href="https://simbli.eboardsolutions.com/SU/6ECKMs84Eb4pMwD07UkXqA==">https://simbli.eboardsolutions.com/SU/6ECKMs84Eb4pMwD07UkXqA==</a>
4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==">https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==</a>
4361.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWYq4qA==">https://simbli.eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWYq4qA==</a>
4361.9	Catastrophic Leave Program - <a href="https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==">https://simbli.eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow==</a>

**Regulation 4161.2: Personal Leaves**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2012 | **Last Revised Date:** 06/01/2023 | **Last Reviewed Date:** 06/01/2023

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

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

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

**Bereavement**

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

*Immediate Family* means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194)

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

**Personal Necessity**

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. 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 a request reflects personal necessity.

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

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

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

#### **Leave to Perform Legal Duties**

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

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

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

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

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

#### **Leaves for Crime Victims for Judicial Proceedings**

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

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

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

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

behalf of the victim. (Labor Code 230.2)

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

### **Leaves for Victims of Crime or Abuse**

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

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

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

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

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

### **Personal Leave for Child-Related Activities**

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

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

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

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

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

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

#### **Service on Education Boards and Committees**

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

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

#### **Employee Organization Activities**

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of

unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

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

### **Religious Leave**

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

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

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

### **Spouse on Leave from Military Deployment**

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

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

### **Leave for Emergency Duty**

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

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

### **Civil Air Patrol Leave**

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

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

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

CA Constitution Article 1, Section 8

Ed. Code 44036-44037

Ed. Code 44963

Ed. Code 44981

Ed. Code 44985

Ed. Code 44987

Ed. Code 44987.3

Ed. Code 45190

Ed. Code 45194

Ed. Code 45198

Ed. Code 45207

Ed. Code 45210

Ed. Code 45240-45320

Evid. Code 1035.2

Evid. Code 1037.1

Fam. Code 297-297.5

Gov. Code 12945.1-12945.2

Gov. Code 12945.7

Gov. Code 3543.1

Lab. Code 1500-1507

Lab. Code 230-230.2

Lab. Code 230.3

Lab. Code 230.4

Lab. Code 230.8

Lab. Code 233

Lab. Code 234

Lab. Code 246.5

M&V Code 395.10

Pen. Code 1192.7

Pen. Code 667.5

### Federal References

29 USC 2601-2654

42 USC 2000d-2000d-7

### Management Resources References

Court Decision

Public Employment Relations Board Decision

### Description

Religious discrimination -  
<https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==>

Leaves of absence for judicial and official appearances

Power to grant leaves of absence; certificated

Leave of absence for personal necessity

Leave of absence due to death in immediate family; certificated

Service as officer of employee organization; certificated

Leave of absence to serve on certain boards, commissions, etc.

Leaves of absence and vacations; classified

Bereavement leave of absence; classified

Effect of provisions authorizing leaves of absence

Personal necessity; classified

Service as officer of employee organization; classified

Merit system

Sex assault counselor; definition

Domestic violence counselor; definition

Rights, protections, benefits under the law; registered domestic partners

California Family Rights Act

Bereavement leave

Rights of employee organizations

Civil Air Patrol leave

Leaves for victims of domestic violence, sexual assault or specified felonies

Leave for emergency personnel

Leave for volunteer firefighters

Time off to visit child's school

Leave to attend to family illness

Absence control policy

Paid sick days; purposes for use

Leave when spouse on leave from military deployment

Plea bargaining limitation

Prior prison terms; enhancement of prison terms

### Description

Family Care and Medical Leave Act

Title VI, Civil Rights Act of 1964

### Description

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

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

4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==">https://simbli.eboardsolutions.com/SU/Z7u4cxq2OykpjXzC127FVQ==</a>
4243	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==">https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==">https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==">https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==</a>
4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/BM0f3isjOjplus5BpyfQ0BfEQ==">https://simbli.eboardsolutions.com/SU/BM0f3isjOjplus5BpyfQ0BfEQ==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==">https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==">https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==</a>
4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Oqu6Q==">https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Oqu6Q==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==">https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==">https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==</a>
4361.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/s5uenUkpB5r9c27TOFpEXg==">https://simbli.eboardsolutions.com/SU/s5uenUkpB5r9c27TOFpEXg==</a>
4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==">https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0lznxuLw==</a>
5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/6TzlnJWYUNhxp9er0OvSw==">https://simbli.eboardsolutions.com/SU/6TzlnJWYUNhxp9er0OvSw==</a>
5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/bVySg0grlwmstshAxbVduBflg==">https://simbli.eboardsolutions.com/SU/bVySg0grlwmstshAxbVduBflg==</a>



**QUARTERLY DISTRICT STATUS REPORT OF UNIFORM COMPLAINTS  
TO THE COUNTY SUPERINTENDENT OF SCHOOLS  
QUARTER ENDED September 30, 2023**

**DISTRICT:** Happy Valley Elementary      Date Reported to District Governing Board October 11, 2023

**I. INSTRUCTIONAL MATERIALS**

**A) Insufficient textbooks or instructional materials in the classroom:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

**B) Insufficient textbooks or instructional materials to take home:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

**C) Textbooks or instructional materials in poor or unusable condition:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

**II. TEACHER VACANCY OR MISASSIGNMENT**

**A) No assigned certified teacher at the beginning of semester:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

**B) Teacher lacking credentials or training to teach English Language Learners (ELL) with  
More than 20% Ell in class:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

**D) Teacher instructing class lacking subject matter competency:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

**III. FACILITIES**

**A) Conditions pose an emergency or urgent threat to the health or safety of students/staff:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
----------------------	-------------------------------	----------------------------------

- Explanation: \_\_\_\_\_

### Common Sense Media 2023-2024

Timestamp	Your name and grade	What is the name of the first lesson taught? What was the date taught?	What is the name of the second lesson taught? What was the date taught?	Please list the names of students who were absent for the lesson/s	What is your plan to support absent students?
9/27/2023 16:02	grade Lindsey Doolan, third	Your Rings of Responsibility	Words Can Hurt	Benny Theodosis	Have student watch lesson independently at school
9/28/2023 17:19	Angie Rossi TK/K	Media Balance is Important 9/25	Pause for People 9/28	Nick, Zephyr (only missed lesson 1) and Kallie	Use the language in our classroom on a regular basis
10/2/2023 15:29	Kate Royer	Finding Balance in A Digital World 9/20/2023	Digital Drama Unplugged 10/2/2023	Drake Estrada, Paige Zils, Vivienne Jenkins, Masa Bryant, Charlie Keenan, Zoey Bruce, Ella Guyer, Hazel Dean	Push out lessons to parents, Send home materials and reteach
10/3/2023 11:35	Sarah & Kelly	We the Digital Citizens - 10/9/23	Device-Free Moments - 10/9/23		Push out lessons to parents
10/3/2023 12:01	Sarah & Kelly	We the digital citizens - 10/3/23	Device Free Moments 10/3/23		Push out lessons to parents
10/3/2023 14:48	Caroline Frier 4th/5th	Finding My Media Balance Sept. 18, 2023	Private and Personal Information Sept. 21, 2023	I taught a total of 4 lessons. Cassandra, Omie, Travis, Kyuss and Jamey each missed 1 lesson, but received 3.	We completed a 3rd lesson on Sept. 25, 2023 Our Online Tracks. We played Digital Citizenship games: Twalkers. ShareJumper and learned about the Digital Citizens. I also sent home Digital Citizenship family activities.
10/3/2023 15:34	Carey Ruwe First	How Technology Makes You Feel 9-26-23	Pause and Think Online 10-4-23	Bailey (1st lesson) Braxton (2nd lesson)	Push out lessons to parents



Superintendent/Principal  
Michelle Stewart  
mstewart@hvesd.com

# Happy Valley School

A California Distinguished  
*Small School, Big Goals, Amazing Results*  
3125 Branciforte Drive  
Santa Cruz, CA 95065  
(831)429-1456



Administrative Assistant  
Paige Lynd  
plynd@hvesd.com

## HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT

### BOARD POLICY

**Instruction**                      **B.P. 6163.4 (a)**

#### **Student Use of Technology**

The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. Every effort shall be made to provide equal access to technology throughout the school.

#### **On-Line Services/Internet Access**

The Board intends that the Internet and other on-line resources provided by the school be used to support the instructional program and to further student learning.

The Internet contains an unregulated collection of resources. The district does everything in their power to monitor the use of the Internet as to avoid student access to objectionable content, but the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter. Internet content changes dynamically and is not under district control. Parents/guardians who do not wish their children to access Internet must submit a request in writing to the district administrator of the school. Acceptable Use regulations shall specify user obligations and responsibilities and shall indemnify the district for any damages.

The District Administrator or designee shall establish regulations governing student access to technology that are age appropriate. These regulations shall prohibit access to harmful matter on the Internet and preclude other misuses of the system. In addition, these regulations shall establish the fact that users have no expectation of privacy and that school staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by school rules shall be subject to disciplinary action, revocation of the user account and/or legal action as appropriate.

Staff shall supervise students while using on-line services and may ask teacher aides to assist in this supervision.



Superintendent/Principal  
Michelle Stewart  
mstewart@hvesd.com

# Happy Valley School

A California Distinguished  
*Small School, Big Goals, Amazing Results*  
3125 Branciforte Drive  
Santa Cruz, CA 95065  
(831)429-1456



Administrative Assistant  
Paige Lynd  
plynd@hvesd.com

## Happy Valley Elementary School District

### Student Rules for Use of computer and Computer Networks

#### When you use school computers you agree to

1. Follow the directions of teachers and school staff
2. Abide by the rules of the school and school district
3. Obey the rules of any computer network you access
4. Be considerate and respectful of other users
5. Use school computers for school-related education and research only
6. Not use school computers and networks for personal (other than school assigned tasks)
7. Not change any software or documents (except documents you create)

#### Use of School Computers and access to the Internet is a privilege

1. If you do not follow the rules you will be disciplined, and you will lose your computer privileges

#### Do not produce, distribute, access, use, or store information, which is

1. Unlawful
2. Private or Confidential
3. Copyright protected
4. Harmful, threatening, abusive, or denigrates others
5. Obscene, pornographic, or contains inappropriate language
6. Interferes with or disrupts the work of others or causes congestion or damage to systems

#### Protect Your Password

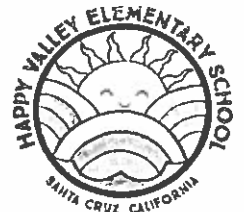
1. Do not allow anyone else to use your password and do not use anyone else's password



Superintendent/Principal  
Michelle Stewart  
mstewart@hvesd.com

# Happy Valley School

A California Distinguished  
*Small School, Big Goals, Amazing Results*  
3125 Branciforte Drive  
Santa Cruz, CA 95065  
(831)429-1456



Administrative Assistant  
Paige Lynd  
plynd@hvesd.com

## Acceptable Use Policy Parent Agreement

As the parent or guardian of this student, I have read the terms, conditions, and rules of the Acceptable Use Policy that accompanies this Agreement. I understand that access to computer resources is designed for educational purposes but that it is impossible for the Happy Valley Elementary School District to restrict access to all controversial materials on the Internet or to monitor all material being placed on a computer system by its users. I will not hold the Happy Valley Elementary School District or its employees responsible for materials acquired or the consequences of such use or acquisition on the Internet or with the local area network. I understand that my child is subject to disciplinary or legal action for any violation of the rules contained in the Acceptable Use Policy.

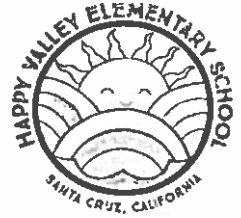
I hereby give permission for my child to have Internet access at Happy Valley School.



Superintendent/Principal  
Michelle Stewart  
mstewart@hvesd.com

# Happy Valley School

A California Distinguished  
*Small School, Big Goals, Amazing Results*  
3125 Branciforte Drive  
Santa Cruz, CA 95065  
(831)429-1456



Administrative Assistant  
Paige Lynd  
plynd@hvesd.com

Dear Parents/Guardians,

Students at Happy Valley School are very fortunate to have so many opportunities to use computers and apply technology skills. The Curriculum Integration Center and computers in the classroom combine to create learning environments where technology is always available for students. All Happy Valley students will benefit from the integration of technology in all curriculum areas as well as the opportunity to engage in cooperative learning activities with other schools.

Although access to information via the Internet provides great opportunities for research and communication, we also have an obligation to protect students as they use these resources. To this end, the Happy Valley Board of Trustees adopted a policy addressing use of the Internet by students. Happy Valley School will be protected by an Internet filter through the Santa Cruz County Office of Education which will provide an extra layer of security.

Attached you will find a copy of the Board Policy, a list of Student Rules for Use of Computers and Computer Networks, and a Parent/Student agreement which must be signed.

Please contact me at school if you have any questions.

Sincerely,

Michelle Stewart  
Superintendent/Principal



400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • [www.santacruzcoe.org](http://www.santacruzcoe.org)

December 21, 2022

## **NETWORK SERVICES AGREEMENT – 2023-24, 2024-25, 2025-26**

THIS AGREEMENT entered into this 5th day of January, 2023  
by and between the OFFICE OF THE COUNTY SUPERINTENDENT OF SCHOOLS  
OF SANTA CRUZ COUNTY (hereinafter referred to as SUPERINTENDENT), and  
HAPPY VALLEY SCHOOL DISTRICT (hereinafter referred to as DISTRICT).

### **1. BUNDLED SERVICES**

SUPERINTENDENT agrees to provide individual schools of the DISTRICT the following Network services:

- 1.1 Supply a port(s) on SUPERINTENDENT's router to accept lines that will connect the participating schools set forth in paragraph 4 of this PROPOSAL to the Internet.
- 1.2 Permit use of said port 24 hours/day, 7 days/week.
- 1.3 Provide the following services:
  - 1.3.1 Domain Name service for each site.
  - 1.3.2 Network Address Translation with Unlimited IP Addresses.
  - 1.3.3 Advanced Network Monitoring and NOC Services.
  - 1.3.4 Firewall and NAT service.
  - 1.3.5 Technical Support services to router at each site
  - 1.3.6 Content Management Services

### **2. CONDITIONS AND PAYMENT**

- 2.1 DISTRICT agrees to pay \$3,519 in 2023-2024 to SUPERINTENDENT for services and support of up to 10 GB of connectivity bandwidth and the network services described above;
- 2.2 DISTRICT agrees to pay \$3,519 in 2024-2025 to SUPERINTENDENT for services and support of up to 10 GB of connectivity bandwidth and the network services described above; and
- 2.3 DISTRICT agrees to pay \$3,642 in 2025-2026 to SUPERINTENDENT for services and support of up to 10 GB of connectivity bandwidth and the network services described above;

2.4 SUPERINTENDENT will submit one (1) itemized invoice each of the three (3) fiscal years covered under this agreement to DISTRICT for services provided.

3. TERM

This AGREEMENT will commence on July 1, 2023 and terminate on June 30, 2026.

4. PARTICIPATING SCHOOLS OF DISTRICT

4.1 Happy Valley Elementary School

5. ASSURANCES

DISTRICT assures that all use of the Network will comply with the SCCOE Acceptable Use Policy and will not violate any copyright laws and/or other legal statutes. DISTRICT agrees to hold SUPERINTENDENT harmless for any violation of said assurances.

SUPERINTENDENT understands that this contract is based upon the receipt of E-Rate funds, and may be null and void if the DISTRICT'S application is not approved.

SUPERINTENDENT understands that this contract is priced dependent upon the continued existence of the K12-HSN (High Speed Network). Should that state subsidized network be discontinued, this AGREEMENT will be renegotiated.

SUPERINTENDENT also is basing this contract on receipt of E-Rate funds in a timely manner from the SLC Organization, and if funds are not received by mid-April, the DISTRICT will pay invoiced amount until funds are received.

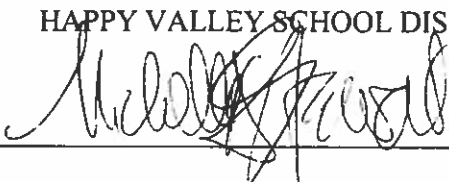
Amendments to this AGREEMENT will be necessary if services are added.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

OFFICE OF THE COUNTY SUPERINTENDENT OF SCHOOLS

BY:  \_\_\_\_\_

HAPPY VALLEY SCHOOL DISTRICT

BY:  \_\_\_\_\_



Checks Dated 09/01/2023 through 09/30/2023					
Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-O000-SSS-MMM	Comment	Check Amount
1041264	09/05/2023	AT&T	01-0000-0-0000-2700-5900-200-2801	INTERNET	61.41
1041265	09/05/2023	BOWIE, CRAIG	01-0084-0-1110-1000-5800-200-0000	GARDEN COORD	40.00
1041266	09/05/2023	BRANCATELLI, LENA	01-9009-0-1110-1000-5800-200-0PLL	GARDEN COORD	1,440.00
1041267	09/05/2023	DISCOUNT SCHOOL SUPPLY	01-9009-0-1110-1000-4300-200-LIBR	REIMBURSE LIBRARY MATERIALS	145.00
1041268	09/05/2023	DIVISION OF STATE ARCHITECT	01-9009-0-1110-1000-4300-200-RM02	ROOM 2 MATERIALS AND SUPPLIES	46.26
1041269	09/05/2023	DIVISION OF STATE ARCHITECT	01-0825-0-0000-8500-5800-200-0000	DSA CLOSEOUT FEE	500.00
1041270	09/05/2023	ESTRADA HERRERA, CARLOS	01-0825-0-0000-8500-5800-200-0000	DSA CLOSEOUT FEE	500.00
1041271	09/05/2023	KT MECHANICAL INC	01-0000-0-0000-8100-5800-200-2801	YARD MAINT	1,325.00
1041272	09/05/2023	SAN LORENZO LUMBER	01-0000-0-0000-8100-5600-200-2801	HVAC SERVICE	917.75
1041273	09/05/2023	SANTA CRUZ MUNICIPAL UTILITIES	01-0000-0-0000-8100-4350-200-2801	YARD MATERIALS	79.56
1041274	09/05/2023	SANTA CRUZ PIPEFITTERS	01-0000-0-0000-8100-5514-200-2801	WATER	246.78
1041275	09/05/2023	SCHOOL SPECIALTY, LLC	01-0000-0-0000-8100-5600-200-2801	PLUMBING	350.72
1041276	09/05/2023	SCI CONSULTING GROUP	01-0084-0-1110-1000-4300-200-0000	FOSS KITS SCIENCE	12,250.18
1041277	09/05/2023	STAPLES	01-0000-0-0000-7200-5800-200-2801	PARCEL TAX CONSULT	4,000.00
1041278	09/05/2023	US BANK	01-1100-0-0000-2700-4350-200-3000	OFFICE, COMP, RM06, SPED	64.95
			01-1100-0-0000-7200-4350-200-3000	OFFICE, COMP, RM06, SPED	21.65
			01-6500-0-5760-1120-4300-200-1304	OFFICE, COMP, RM06, SPED	3.05
			01-9009-0-1110-1000-4300-200-COMP	OFFICE, COMP, RM06, SPED	95.04
			01-9009-0-1110-1000-4300-200-RM06	OFFICE, COMP, RM06, SPED	39.89
			01-0000-0-0000-2700-5900-200-2801	POSTAGE, MAINT, LUNCH, COM, LOTTERY, 0700	165.67

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

Checks Dated 09/01/2023 through 09/30/2023					
Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-0000-SSS-MMM	Comment	Expensed Amount
1041278			01-0000-0-0000-3700-4300-200-3007	POSTAGE, MAINT, LUNCH, COM, LOTTERY, 0700	472.31
			01-0000-0-0000-7200-5900-200-2801	POSTAGE, MAINT, LUNCH, COM, LOTTERY, 0700	49.50
			01-0000-0-0000-8100-4350-200-2801	POSTAGE, MAINT, LUNCH, COM, LOTTERY, 0700	82.29
			01-0700-0-1110-1000-4300-200-2801	POSTAGE, MAINT, LUNCH, COM, LOTTERY, 0700	184.30
			01-6300-0-1110-1000-4100-200-3000	POSTAGE, MAINT, LUNCH, COM, LOTTERY, 0700	50.00
1041902	09/11/2023	AT&T	01-0000-0-0000-2700-5900-200-2801	PHONE	113.66
1041903	09/11/2023	BLOOM PEDIATRIC OT	01-0000-0-0000-7200-5900-200-2801	PHONE	37.88
1041904	09/11/2023	CARLY PERLMAN	01-6500-0-5760-3140-5800-200-1304	OT	487.50
1041905	09/11/2023	COAST PAPER & SUPPLY, INC	01-0700-0-1110-1000-5800-200-2801	COUNSELING	780.00
1041906	09/11/2023	HANCOCK PARK & DELONG, INC	01-6546-0-5760-3120-5800-200-0000	COUNSELING	195.00
1041907	09/11/2023	PHIL ALLEGRI ELECTRIC INC	01-1100-0-0000-8100-4350-200-3000	JANITORIAL SUPPLIES	172.37
1041908	09/11/2023	SISC 3	35-9719-0-0000-8500-5800-200-0000	MODERNIZATION PROJECT	1,181.25
1041909	09/11/2023	SPROUTS SC	01-0000-0-0000-8100-5600-200-2801	ELECTRICAL SERVICE	1,037.22
1042490	09/18/2023	19six Architects	01- - - - -9514- - SEPT MEDICAL		12,332.00
1042491	09/18/2023	ARTURO RIVERA MORALES	01-0000-0- - -9524- - SEPT MEDICAL		2,901.00
1042492	09/18/2023	Doolan, Lindsey A	01-2600-0-1110-1000-5800-200-0000	AFTER SCHOOL PROGRAM ELOP	1,329.00
			01-0000-0-0000-8100-5800-200-2801	DSA CLOSEOUT PLANS	4,030.00
			35-9719-0-0000-8500-5800-200-0000	MODERNIZATION PLANS	1,050.00
			01-0000-0-0000-8100-5524-200-2801	SUMMER POWER WASH AND AUGUST CLEANING	1,800.00
			01-2600-0-1110-1000-4300-200-0000	COOKING AFTER SCHOOL	64.49
			01-9009-0-1110-1000-4300-200-RM03	TPT ROOM 3	25.00
					89.49

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

ESCAPE ONLINE  
Page 2 of 5

Checks Dated 09/01/2023 through 09/30/2023

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-0000-SSS-#MM	Comment	Expensed Amount	Check Amount
1042493	09/18/2023	GREENWASTE RECOVERY INC	01-0000-0-0000-8100-5523-200-2801	GARBAGE		571.08
1042494	09/18/2023	GRUBBS, JOE	01-0000-0-0000-8100-5800-200-2801	INSTALL HAND RAILS		380.00
1042495	09/18/2023	LIVE EARTH FARM	01-9009-0-1110-1000-5808-200-RM04	ROOM 4 FIELD TRIP		240.00
1042496	09/18/2023	NCS PEARSON, INC	01-6500-0-5760-1120-4300-200-1304	SPED		69.76
1042497	09/18/2023	OHLSSEN FOODS	01-0000-0-0000-3700-5800-200-3007	AUGUST LUNCHES		3,085.50
1042498	09/18/2023	PALACE BUSINESS SOLUTIONS C/O TROWBRIDGE ENTERPRISES	01-2600-0-1110-1000-4300-200-0000	MISC MATERIALS AND SUPPLIES	8.71	
			01-9009-0-1110-1000-4300-200-RM02	MISC MATERIALS AND SUPPLIES	248.65	
			01-9009-0-1110-1000-4300-200-RM04	MISC MATERIALS AND SUPPLIES	26.67	
			01-9009-0-1110-1000-4300-200-RM06	MISC MATERIALS AND SUPPLIES	19.59	303.62
1042499	09/18/2023	PEACEPARTNERS, INC	01-0700-0-1110-1000-4300-200-2801	PEACEBUILDERS PRAISE NOTES		132.37
1042500	09/18/2023	PROJECT SUPPORT SERVICES, INC	01-0000-0-0000-8100-5800-200-2801	DSA CLOSEOUT SUPPORT SERVICES		4,068.75
1042501	09/18/2023	RISAS Y SONRISAS LLC	01-2600-0-1110-1000-4300-200-0000	AFTER SCHOOL SPANISH ELOP		2,723.00
1042502	09/18/2023	SANTA CRUZ PIPEFITTERS	01-0000-0-0000-8100-5600-200-2801	POSSIBLE LEAK INSPECTION		180.00
1042503	09/18/2023	SC SYSTEMS INC	01-0000-0-0000-8100-5600-200-2801	FIRE ALARM TESTING		345.00
1042504	09/18/2023	STAPLES	01-1100-0-0000-2700-4350-200-3000	MISC MATERIALS AND SUPPLIES	141.00	
			01-1100-0-0000-7200-4350-200-3000	MISC MATERIALS AND SUPPLIES	47.00	
			01-9009-0-1110-1000-4300-200-LIBR	MISC MATERIALS AND SUPPLIES	90.01	
			01-9009-0-1110-1000-4300-200-RM02	MISC MATERIALS AND SUPPLIES	51.06	329.07
1042505	09/18/2023	Stewart, Michelle A	01-0700-0-1110-1000-4300-200-2801	COFFEE PRINCIPAL PARENT ENGAGEMENT		41.88
1042506	09/18/2023	US BANK EQUIPMENT FINANCE	01-1100-0-0000-7100-5600-200-3000	COPIER LEASE	33.13	
			01-1100-0-0000-7200-5600-200-3000	COPIER LEASE	132.54	

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

Checks Dated 09/01/2023 through 09/30/2023

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-0000-SSS-MMM	Comment	Expensed Amount	Check Amount
1042506			01-1100-0-1110-1000-5600-200-3000	COPIER LEASE	497.03	662.70
1043260	09/25/2023	ABRITE	01-6500-0-5760-1190-5800-200-1304	SPED AIDE		5,526.68
1043261	09/25/2023	DeMeyer-Guyer, Sarah E	01-0084-0-1110-1000-4300-200-0000	PARCEL ROOM 6 SCIENCE MATERIAL REIMBURSEMENT		8.19
1043262	09/25/2023	Doolan, Lindsey A	01-0084-0-1110-1000-4300-200-0000	PARCEL ROOM 3 SCIENCE MATERIALS REIMBURSEMENT	27.59	
1043263	09/25/2023	Frier, Caroline K	01-2600-0-1110-1000-4300-200-0000	ELOP COOKING CLASS REIMBURSE MATERIALS AND SUPPLIES	62.31	89.90
1043264	09/25/2023	HEATHER LAHR	01-0000-0-0000-8100-4350-200-2801	REIMBURSE GREEN TEAM BAGS		46.50
1043265	09/25/2023	IVAN DEI ROSSI	01-0700-0-0000-7200-5800-200-2801	REIMBURSE FINGERPRINTS		60.00
1043266	09/25/2023	LITERACY RESOURCES, LLC	01-0084-0-1110-1000-5800-200-0000	TECH SUPPORT - PARCEL		3,983.56
1043267	09/25/2023	ORBACH HUFF & HENDERSON LLP	01-6300-0-1110-1000-4100-200-3000	INSTRUCTIONAL BOOKS ROOM 6 LOTTERY		99.00
1043268	09/25/2023	PACIFIC GAS & ELECTRIC	01-0000-0-0000-7191-5809-200-2801	MODERNIZATIN LEGAL		172.50
1043269	09/25/2023	SAN LORENZO LUMBER	01-0000-0-0000-8100-5511-200-2801	PUMP HOUSE STREET LIGHT	29.16 9.43	38.59
1043270	09/25/2023	SANTA CRUZ SENTINEL	01-9009-0-1110-1000-4300-200-0PLL	GARDEN MATERIALS AND SUPPLIES		43.77
1043271	09/25/2023	STAPLES	01-0000-0-0000-7100-5900-200-2801	LEGAL NOTICE		137.60
			01-9009-0-1110-1000-4300-200-RM05	ROOM 5 MATERIALS AND SUPPLIES		47.14
Total Number of Checks					52	74,013.84

## Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	51	71,782.59
35	COUNTY SCHOOL FACILITIES	2	2,231.25

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

002 - Happy Valley Elementary School District

Generated for Paige Lynd (PLYND), Sep 25 2023 1:07PM

ESCAPE

ONLINE

Page 4 of 5

Checks Dated 09/01/2023 through 09/30/2023					
Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-O000-SSS-MMM	Comment	Expensed Amount
		Total Number of Checks	52		74,013.84
		Less Unpaid Tax Liability			.00
		Net (Check Amount)			74,013.84

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

002 - Happy Valley Elementary School District

Generated for Paige Lynd (PLYND), Sep 25 2023 1:07PM