

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

## BOARD OF EDUCATION

### CSBA Professional Governance Standards

*Adopted by the Santa Maria Joint Union High School District April 11, 2001*

#### THE BOARD

School districts and county offices of education are governed by boards, not by individual trustees. While understanding their separate roles, the board and superintendent work together as a “governance team.” This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

#### **To operate effectively, the board must have a unity of purpose and:**

- Keep the district focused on learning and achievement for all students.
- Communicate a common vision.
- Operate openly, with trust and integrity.
- Govern in a dignified and professional manner, treating everyone with civility and respect.
- Govern within board-adopted policies and procedures.
- Take collective responsibility for the board’s performance.
- Periodically evaluate its own effectiveness.
- Ensure opportunities for the diverse range of views in the community to inform board deliberations.

#### THE INDIVIDUAL TRUSTEE

In California’s public education system, a trustee is a person elected or appointed to serve on a school district or county board of education. Individual trustees bring unique skills, values and beliefs to their board. In order to govern effectively, individual trustees must work with each other and the superintendent to ensure that a high quality education is provided to each student.

#### **To be effective, an individual trustee:**

- Keeps learning and achievement for *all* students as the primary focus.
- Values, supports and advocates for public education.
- Recognizes and respects differences of perspective and style on the board and among staff, students, parents and the community.
- Acts with dignity, and understands the implications of demeanor and behavior.
- Keeps confidential matters confidential.
- Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- Understands the distinctions between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- Understands that authority rests with the board as a whole and not with individuals.



**Board of Trustee Action Plans**  
Santa Maria Joint Union High School District

- **Maximize Student Success**
- **Develop and Maintain a Districtwide Accountability System**
- **Enhance Student Support Services: Facilities, Technology, Safe, Clean, Nurturing Environment; Expand Food Services**
- **Foster Partnerships**
- **Manage Rapid District Growth**

## **RESPONSIBILITIES OF THE BOARD**

The primary responsibilities of the board are to set a direction for the district, provide a structure by establishing policies, ensure accountability and provide community leadership on behalf of the district and public education. To fulfill these responsibilities, there are a number of specific jobs that effective boards must carry out.

### **Effective boards:**

- Involve the community, parents, students and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students.
- Adopt, evaluate and update policies consistent with the law and the district's vision and goals.
- Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- Hire and support the superintendent so that the vision, goals and policies of the district can be implemented.
- Conduct regular and timely evaluations of the superintendent based on the vision, goals and performance of the district, and ensure that the superintendent holds district personnel accountable.
- Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal health of the district.
- Ensure that a safe and appropriate educational environment is provided to all students.
- Establish a framework for the district's collective bargaining process and adopt responsible agreements.
- Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT BOARD OF EDUCATION

**Regular Meeting  
August 3, 2021**

English: <https://www.youtube.com/channel/UCvPYs34lm9h0dAwgfi-gDGg>

Spanish: <https://www.youtube.com/channel/UCvP0f03ekQDsiYfv6OFfbfg>

Mixteco: <https://www.youtube.com/channel/UCviEi9hvcQI96poD0PDiSIA>

**5:00 p.m. Closed Session/6:30 p.m. General Session**

*The Santa Maria Joint Union High School District mission is,  
“We prepare all learners to become productive citizens and college/career ready by  
providing challenging learning experiences and establishing high expectations for achievement.”*

*This meeting is being conducted pursuant to Executive Order N-29-20 issued by California Governor Gavin Newsom on March 17, 2020. Consistent with these orders the Board room will not be open to the public for this meeting. Any or all Board members may attend the meeting by phone or videoconference platform. Archives of meetings are available on the District’s website at [www.smjuhsd.k12.ca.us](http://www.smjuhsd.k12.ca.us).*

*The District is committed to swiftly resolving any requests for reasonable modification or accommodation for individuals with disabilities who wish to observe the meeting, please contact Tammy Rhine at (805) 922-4573, extension 4202 by 5:00 p.m. on August 2, 2021.*

If you would like to address the SMJUHS Board of Education at the August 3, 2021 meeting for either open or closed session items, see the options for participation below.

1. In writing: Submit your comment via email and list the agenda item page and number or reference if you wish to leave a public comment, limited to 250 words or less, to the Assistant to the Superintendent, Tammy Rhine, by 5:00 p.m. on August 2, 2021. The email address is [SMJUHS-D-Public-Comment@smjuhsd.org](mailto:SMJUHS-D-Public-Comment@smjuhsd.org).

2. By phone: If you would like to make a comment by phone, please call 805-922-4573, extension 4202 and state your name and phone number. Someone will return your phone call to take your public comment over the phone. Request for addressing the Board by phone must be received by 5:00 p.m. on August 2, 2021. Please note: The time limit to address the Board may not exceed two minutes. The Board is not required to respond to the Public Comment.

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## I. OPEN SESSION

### A. Call to Order

**II. ADJOURN TO CLOSED SESSION**

Note: The Board will consider and may act upon any of the following items in closed session. They will report any action taken publicly at the end of the closed session as required by law.

- A. Certificated and Classified Personnel Actions** – Government Code § 54957. The Board will be asked to review and approve hiring, transfers, promotions, evaluations, terminations, and resignations as reported by the Assistant Superintendent, Human Resources. *Appendix A*
  - B. Conference with Labor Negotiators** – The Board will be provided a review of negotiations with the Faculty Association (California Teachers Association) and the California School Employees Association (CSEA).
  - C. Conference with Legal Counsel regarding Anticipated Litigation** – Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2): four matters.
  - D. Potential Threat to Public Services or Facilities Pursuant to Government Code §54957(a)** – Consultation with District legal counsel
  - E. Public Employee Performance Evaluation** – Government Code § 54957, subd. (b)(1) Title: Superintendent
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**III. RECONVENE IN OPEN SESSION**

- A. Call to Order/Flag Salute**
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**IV. ANNOUNCE CLOSED SESSION ACTIONS** – Antonio Garcia, Superintendent

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**V. REPORTS**

- A. Superintendent’s Report**
  - B. Board Member Reports**
-

**VI. PRESENTATIONS**

- A. School Opening Plan Fall 2021**
- B. Energy/Solar Plan**

**VII. ITEMS SCHEDULED FOR ACTION**

**A. GENERAL**

- 1. Approval of Tentative Agreement for Classified Bargaining Unit regarding the negotiation of a new bargaining unit job description. – Appendix C**

Resource Person: Kevin Platt, Asst. Superintendent Human Resources; Joni McDonald, Director Classified Human Resources

The District and the California School Employees Association (CSEA) have reached a tentative agreement regarding the negotiation of a new bargaining unit job description. The Tentative Agreement dated June 28, 2021, will take effect upon approval by both parties. (see Appendix C)

**\*\*\* IT IS RECOMMENDED THAT** the Board of Education approve the Agreement with the Classified Bargaining Unit as presented.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**A Roll Call Vote is Required:**

Dr. Garvin \_\_\_\_\_  
Dr. Karamitsos \_\_\_\_\_  
Ms. Perez \_\_\_\_\_  
Mr. Palera \_\_\_\_\_  
Ms. Lopez \_\_\_\_\_

- 2. Approval of Classified Bargaining Unit Tentative Agreement regarding waiving transfer process (Article 10.2) for positions funded by AB86. – Appendix D**

Resource Person: Kevin Platt, Asst. Superintendent Human Resources; Joni McDonald, Director Classified Human Resources

The District and the California School Employees Association (CSEA) have reached a tentative agreement regarding waiving transfer process (Article 10.2) for positions funded by AB86.

The Tentative Agreement dated June 28, 2021, will take effect pending approval by both parties. (see Appendix D)

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve the Agreement with the Classified Bargaining Unit as presented.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**3. Board Policies – First Reading – INFORMATION ONLY – Appendix F**

Resource Person: Kevin Platt, Asst. Superintendent Human Resources

The following board policies/regulations are presented for first reading. The policies/regulations will be on the next board agenda for approval. For descriptions and board policies please see Appendix F.

BP/AR 1312.3	Community Relations - Uniform Complaint Procedures
BP/AR 4030	Personnel - Nondiscrimination in Employment
BP/AR 4119.11	Personnel - Sexual Harassment
AR 4119.12	Personnel - Title IX Sexual Harassment Complaint Procedures
BP/AR 5145.3	Students - Nondiscrimination/Harassment
BP/AR 5145.7	Students - Sexual Harassment
AR 5145.71	Students - Title IX Sexual Harassment Complaint Procedures

**4. Realignment of Management Salary Schedule**

Resource Person: Kevin Platt, Asst. Superintendent Human Resources; Joni McDonald, Director Classified Human Resources

The district administration met to consider and evaluate the realignment of the management employees' salary schedule. The administration is recommending realignment of 1 position as follows effective for the 2021/22 school year.

Current Classification	Current Range	Recommended Classification	Recommended Range
Transportation Manager	5A	Transportation Manager II	8B

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve recommendations of the administration to realign the management salary schedule as presented effective July 1, 2021.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin \_\_\_\_\_  
 Dr. Karamitsos \_\_\_\_\_  
 Ms. Perez \_\_\_\_\_  
 Mr. Palera \_\_\_\_\_  
 Ms. Lopez \_\_\_\_\_

**B. INSTRUCTION**

**1. Public Hearing to Consider Scope, Purpose and Other Factors Related to Adoption of Independent Study Policy** (Education Code section 51747 (a) and (b), 5 CCR 11701)

Resource Person: John Davis, Asst. Superintendent of Curriculum & Instruction

When setting policy regarding independent study, the governing board must consider, in a public hearing, the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of pupils or adult education students. This public hearing is reserved for the governing board to receive and consider comments on these matters.

**A public hearing is required.**

1. Open Public Hearing
2. Take Public Comments
3. Close Public Hearing

**2. Adoption of Board Policy Regarding Independent Study and Waiver of Second Reading** (Education Code section 51747 (a) and (b), 5 CCR 11701) – **Appendix H**

Resource Person: John Davis, Asst. Superintendent of Curriculum & Instruction

Board Policy 9310 provides for a first and second reading of a proposed or revised policy. The Board is asked to waive the second reading and immediately adopt the proposed policy related to independent study in order to comply with Assembly Bill 130 related to Independent Study. AB 130 requires the District to adopt a revised Independent Study policy prior to the first student instructional day in order to receive state funding.

<b>Board Policy</b>	<b>Description</b>
<b>BP 6158</b>	<p><b>Independent Study</b></p> <p>Policy updated to reflect <b>NEW LAW (AB 130, 2021)</b> which requires all districts, for the 2021-22 school year, to offer independent study to meet the educational needs of students unless a waiver is obtained and to adopt policy with specified components in order to generate apportionment for independent study. Policy updates the minimum period of time permitted for independent study to be three consecutive school days, requires an evaluation to determine if the student should continue in independent study if the student fails to make satisfactory educational progress, and requires that content be aligned to grade level standards including the requirement for high schools to offer access to all courses offered by the district for graduation and approved as creditable for A-G admission criteria. Policy also updated to include the requirement for live interaction and/or synchronous instruction based on grade level, tiered reengagement strategies for students not generating attendance for a specified period of time, expeditious transition for students whose families wish to return to in-person instruction, notice to parents/guardians of specified information, the provision of a student-parent-educator conference, upon request, prior to enrollment and/or disenrollment, and the keeping of additional records including documentation of each student’s participation in live</p>



	<p>interaction and synchronous instruction on each school day, as applicable. Policy updated to include material formerly in the AR regarding requirements for independent study and written agreements as well as new requirements regarding the same, including that written agreements must include a detailed statement of academic and other supports that will be provided to address the needs of particular students, that the agreement may be signed electronically as specified, and that, for the 2021-22 school year, the written agreement must be signed no later than 30 days after the first day of instruction. Policy updated to include material formerly in the AR regarding course-based independent study and to generally align the requirements of course-based independent study with the requirements for general independent study.</p>
<p><b>AR 6158</b></p>	<p><b>Independent Study</b></p> <p>Regulation updated to reflect <b>NEW LAW (AB 130, 2021)</b> which includes, adding definitions for "live interaction," "student-parent-educator conference" and "synchronous instruction," the requirement for all districts for the 2021-22 school year to offer independent study to meet the educational needs of students unless the district has obtained a waiver, that independent study may be offered to students whose health would be put at risk by in-person instruction as determined by the parent/guardian, the assurance of access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work, and the documentation of each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable. Material regarding requirements for independent study, written agreements and course-based independent study moved to BP.</p>

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve the Board Policies as presented in Appendix H.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

- Dr. Garvin \_\_\_\_\_
- Dr. Karamitsos \_\_\_\_\_
- Ms. Perez \_\_\_\_\_
- Mr. Palera \_\_\_\_\_
- Ms. Lopez \_\_\_\_\_

**3. Approval of Board Policy – Appendix I**

Resource Person: John Davis, Asst. Superintendent of Curriculum & Instruction

Board Policy 0415 needs board approval to include it as part of the Significant Disproportionality policy review for Special Education.

Board Policy	Description
BP 0415 Equity	This <b>new</b> policy addresses the district’s recognition and response to the unique barriers facing historically underserved and underrepresented student populations. Policy expresses the district’s intent to proactively identify class and cultural biases as well as practices that impede equal access to opportunities for all students. Policy also presents examples of strategies to promote equity in district programs and activities.

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve Board Policy 0415 as presented in Appendix I.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**4. Consolidated Application 2021-2022**

Resource Person: John Davis, Asst. Superintendent of Curriculum & Instruction

The Santa Maria Joint Union High School District is requesting that the Board of Education approve the 2021-22 Consolidated Application for Funding Categorical Aid Programs.

The 2021-22 Consolidated Application includes the following categories and the focus of their funding:

- Title I: Improving the academic achievement of the disadvantaged
- Title II–A: Teacher and Principal Training and Recruiting

- Title III: English Learners
- Title IV-A: Student Support

These funds provide a wide array of instructional and supportive services to support student success in our district.

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve the 2021-22 Consolidated Application for Funding Categorical Aid Programs as presented.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**5. Quarterly Report on Williams Uniform Complaints**

Resource Person: John Davis, Asst. Superintendent of Curriculum & Instruction

Pursuant to Education Code Section 35186, the governing board of a school district must conduct a public hearing to report the quarterly report that was submitted in July 2021 on the Williams Uniform Complaints for the months of April-June 2021. Each school site has reported that there have been no complaints in the general subject areas of Textbooks and Instructional Materials, Teacher Vacancy or Misassignments, Facilities Conditions or Valenzuela/CAHSEE Intensive Instruction and Services.

**A public hearing is required.**

1. Open Public Hearing
2. Take Public Comments
3. Close Public Hearing

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve the 2021-22 Consolidated Application for Funding Categorical Aid Programs as presented.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**C. BUSINESS**

**1. 2021-2022 Budget Revisions – Appendix G**

Resource Person: Yolanda Ortiz, Asst. Superintendent of Business Services

Education Code § 42127 (h) specifies that within 45 days of the State Adopted Budget, the district shall make available for public review any revision in revenues and expenditures, and the Governing Board take action for approval.

On July 12, 2021, Governor Newsom signed into law the State’s 2021-22 budget. In comparison to the Governor’s May Revise, the final budget increases Local Control Funding Formula (LCFF) revenue with a 15% concentration grant augmentation. Additional items in the final state budget include a new program for A-G completion and elimination of cash deferrals. Other adjustments included in the 45-day budget revision include a third round of Elementary and Secondary School Emergency Relief (ESSER) III federal funds, a “buy down” of the State Unemployment Rate from 1.23% to .50%, and an increase to the Lottery funding projection as announced by the California Department of Education on July 19<sup>th</sup>.

Additional details of the proposed revisions for the District are presented as Appendix G.

**\*\*\* IT IS RECOMMENDED THAT** the Board of Education approve the revision to the 2021-2022 Budget as shown in Appendix G.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**2. REJECT BID: CTE/AG FARM FENCE INSTALLATION (PROJECT #21-375)**

Resource Person: Yolanda Ortiz, Asst. Superintendent of Business Services

The administration opened bids on June 17, 2021 for the CTE/AG FARM FENCE INSTALLATION (PROJECT #21-375). The bid recap and administrative recommendation follows:

BIDDER	BASE BID
Valley Fencing	\$472,100.00

After review of the one (1) bid received by administration, Valley Fencing was determined to be the apparent low bidder; however, the bid amount was substantially over the budgeted amount for the project.

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education reject the bid for the CTE AG FARM FENCE INSTALLATION (PROJECT #21-375) from the single and only bidder, Valley Fencing, as the bid amount of \$472,100.00 was substantially over the budgeted amount for the project.

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**3. APPROVE RESOLUTION: CTE & AG FARM TERMINATION OF LEASES & QUIT CLAIM DEED (PROJECT #11-102.1)**

Resource Person: Yolanda Ortiz, Asst. Superintendent of Business Services

The administration has been working with Vernon Edwards Constructors, Inc. (VEC), in connection with the CAREER TECHNICAL EDUCATION CENTER & AGRICULTURE FARM CONSTRUCTION (PROJECT #11-102.1). Because the contract relied on the Lease/Leaseback method of construction, and because construction is now complete, counsel recommends that the Site and Facilities

Leases be terminated, and a Quit Claim Deed be filed, conveying all of the Developer's rights, title and interest in the project to the District.

\*\*\* **IT IS RECOMMENDED THAT** the Board of Education approve Resolution 01 - 2021-2022 to Accept Agreement for Termination of Leases and file a Quit Claim Deed for the CTE & AG FARM (PROJECT #11-102.1).

**Moved** \_\_\_\_\_ **Second** \_\_\_\_\_

**A Roll Call Vote is Required:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

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**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT**  
**RESOLUTION NUMBER 01 - 2021-2022**

**RESOLUTION TO ACCEPT**  
**AGREEMENT FOR TERMINATION OF LEASES**  
**AND QUIT CLAIM DEED**

**WHEREAS**, Santa Maria Union High School District ("District") and Vernon Edwards Constructors Inc. ("Developer") entered into a Facilities Lease, dated as of April 19, 2018, ("Facilities Lease") and a Site Lease, dated as of June 21, 2018, ("Site Lease") for the construction of certain improvements by the Developer at the Career Technical Education Center and Agriculture Farm ("Project"), located at 1280 Founders Avenue, Santa Maria, CA 93455 as described in Exhibit A hereto, incorporated herein ("Project Site"); and

**WHEREAS**, under the terms of the Site Lease the District leased a portion of the Project Site to the Developer for the construction of the Project; and

**WHEREAS**, under the terms of the Facilities Lease the District leased back the Project from the Developer and is obligated to make lease payments to the Developer for the lease of the Project; and

**WHEREAS**, the District has paid its Project obligations in full which were secured by the lease payments payable under the Facilities Lease by making its final lease payment to the Developer, and the District has paid all other amounts due or to become due with respect to the Facilities Lease; and

**WHEREAS**, upon such payment in full, title to the Project leased under the Facilities Lease is to vest in the District, and the Facilities Lease and the Site Lease are to terminate immediately upon such payment; and

**WHEREAS**, the District and the Developer desire to unconditionally terminate the Facilities Lease, which pertains to the Project Site and to concurrently unconditionally terminate the related Site Lease, which also pertains to the Project Site; and

**WHEREAS**, the District and the Developer agree that the District has fulfilled its obligations under the Facilities Lease and that fee title to the Project and the Project Site leased thereby is to vest in the District;

**NOW, THEREFORE**, the Governing Board of the Santa Maria Union High School District hereby finds, determines, declares, orders, and resolves as follows:

**Section 1.** The above recitals are true and correct.

**Section 2.** The District hereby accepts and approves the Termination Agreement and Quit Claim Deed terminating the Facilities Lease and the Site Lease and conveying all of Developer's right, title and interest in the Project Site and the Project to the District.

**Section 3.** The District does hereby accept all of Developer's right, title and interest in the Project Site and the Project remised, released, quitclaimed and conveyed to the District by the Termination Agreement and Quit Claim Deed.

**Section 4.** The Superintendent and or his designees are authorized to take all steps and sign all documents necessary to effect the intent of this resolution, including but not limited to the Termination Agreement and Quit Claim Deed and the Certificate of Acceptance of the real property and facilities located in Santa Barbara County, California, as more particularly described in the Termination Agreement and Quit Claim Deed.

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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President/Clerk/Secretary of the Board of Education  
Santa Maria Union High School District

**VIII. CONSENT ITEMS**

**\*\*\* IT IS RECOMMENDED THAT the Board of Education approve the following consent items as presented.**

*All items listed are considered to be routine and may be enacted by approval of a single roll call vote. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon request of any member of the board and acted upon separately.*

**Moved \_\_\_\_\_ Second \_\_\_\_\_**

**Roll Call Vote:**

Dr. Garvin	_____
Dr. Karamitsos	_____
Ms. Perez	_____
Mr. Palera	_____
Ms. Lopez	_____

**A. Approval of Minutes**

Regular Board Meeting – June 8, 2021 meeting  
 Regular Board Meeting – June 15, 2021 meeting

**B. Approval of Warrants for the Month of June 2021**

Payroll	\$8,222,968.20
Warrants	<u>2,798,596.31</u>
<b>Total</b>	<b><u>\$11,021,564.51</u></b>

**Approval of Warrants for the Month of July 2021**

Payroll	\$2,848,016.02
Warrants	<u>5,484,870.18</u>
<b>Total</b>	<b><u>\$8,332,886.20</u></b>

**C. Approval of Contracts**

COMPANY/ VENDOR	DESCRIPTION OF SERVICES	AMOUNT/ FUNDING	RESOURCE PERSON
Leadership Associates	Addendum to Extend Advisory and Consultant Services through Dec 2021	N/A	Yolanda Ortiz



**REGULAR MEETING**  
**August 3, 2021**

Laura Mooiman	Presenter for Admin Advance	\$750/ General	Yolanda Ortiz
First Christian Church	Facility Rental for Staff Professional Development Days on August 9 and 11, 2021.	\$1,925/ General	Yolanda Ortiz
Formative	Renewal for teaching and assessment solution used for acting on live student responses and tracking student growth over-time to standards.	\$47,427/ ELO Grant	John Davis
Community Health Centers	(4) Clinicians; (1) Part-time Adolescent Psychiatrist, (2) Family Navigators, (2) Care Coordinators through June 2022	\$650,000/ ELO Grant	John Davis
Maxim Healthcare	Speech & Language Pathologist for Special Education for Extended School Year (20-21)	\$10,500/ Special Ed	John Davis
Maxim Healthcare	Speech & Language Pathologist Assistant for Special Education for Extended School Year (20-21)	\$5,600/ Special ed	John Davis
Maxim Healthcare	Speech & Language Pathologist for PVHS for 2021/22 school year	\$130,500/ Special Ed	John Davis
SBCEO (Carla Benchoff)	Professional Development for Newcomer Teachers for 2021/2022 school year	\$6,400/ Title III	John Davis
SBCEO (Carla Benchoff)	Professional Development for Bilingual Instructional Assistants for 2021/2022 school year	\$6,890/ Title III	John Davis
PIQE	Parent Engagement Program for the period 9/30/21 through 11/18/21	\$10,000/ LCAP 2.2	John Davis
Study Smart Tutors, Inc.	Tutoring for ELD Supplemental Instructional After School Program	\$59,000/ Title III	John Davis
United Foundation	English Learner Parent Virtual Academy	\$40,900/ Title III	John Davis
Fighting Back Santa Maria Valley	Homeless Services	\$150,000/ Title I LCAP 4.12	John Davis
SBCEO (Lauren Aranguren)	Professional Development for District Staff and Stakeholders related to Mathematics Program Development and Curriculum Selection	\$47,100/ LCAP 1.1	John Davis

UCSB Regents	EAOP Program	\$255,000/ LCAP 4.5	John Davis
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D. Facility Report – **Appendix B**

E. Safe School Plans

The California Constitution guarantees California children the right to attend public schools that are safe, secure, and peaceful. Districts and schools and their personnel are responsible for creating learning environments that are safe and secure. The Safe School Plans are site plans which must be board approved. The duration of the plans is from July 1, 2021 to June 30, 2022. Safe School Plans are updated annually and are available for review at the District Office.

F. Obsolete Equipment – **Appendix E**

Education Code §17545 and 17546 allows the district to dispose of personal property belonging to the district that is unsatisfactory, no longer necessary (obsolete), or unsuitable for school use. The district administration is requesting authorization to dispose of obsolete items in the list below in compliance with government regulations. If an auction is warranted, the district will conduct an auction via the internet by and through its representative RT Auctions. Notices of items for sale at auction will be posted in no less than three public places within the District, including the District’s website at <http://www.smjuhsd.k12.ca.us>

G. Authorization to Utilize NASPOVP-California for District-wide Purchases of Hewlett Packard Inc. (HPI) Toners, Printers and various Peripherals for the length of the contract through July 31, 2022

Section 10299 of the Public Contract Code provides an alternative for obtaining supplies, furniture, and equipment, whereby notwithstanding Section 20111 and 20112 of the Public Contract Code, “school districts may, without competitive bidding, utilize contracts, master agreements, multiple award schedules... established by the department [DGS] for the acquisition of information technology, goods, and services.” Section 10299 further authorizes state and local agencies to “contract with suppliers awarded the contracts without further competitive bidding.” The district administration recommends that district-wide purchases of HP computer and technology equipment be made utilizing the provisions of the Public Contract Code that allow purchasing from a NASPOVP-California - National Association of State Procurement Officials Value Point - California Agreement - Addendum #7-15-70-34-001 – from Master Agreement MNNVP-133, utilizing Sehi Computer Products, Inc. as the servicing vendor, through July 31, 2022.

- H. Authorization to Utilize NASPOVP California for District-wide Purchases of Lenovo Computer and Technology Equipment and Services for the length of the Contract through July 31, 2022

Section 10299 of the Public Contract Code provides an alternative for obtaining supplies, furniture, and equipment, whereby notwithstanding Section 20111 and 20112 of the Public Contract Code, “school districts may, without competitive bidding, utilize contracts, master agreements, multiple award schedules... established by the department [DGS] for the acquisition of information technology, goods, and services.” Section 10299 further authorizes state and local agencies to “contract with suppliers awarded the contracts without further competitive bidding.” The district administration recommends that district-wide purchases of Lenovo computer and technology equipment and services be made utilizing the provisions of the Public Contract Code that allow purchasing from a NASPOVP-California – National Association of State Procurement Officials Value Point – California Agreement - Addendum #7-15-70-34-007 – from Master Agreement MNWNC-117, utilizing Lenovo (United States) Inc., as the servicing vendor. through July 31, 2022.

- I. Notice of Completion

The following projects were substantially complete. To file the necessary Notice of Completion forms with the County of Santa Barbara, the Acceptance of Substantial Completion needs to be formally accepted by the Board of Education.

- 1) ERHS EMERGENCY FIELD POWER OUTAGE, #21-374 with Smith Mechanical Electrical & Plumbing, Contractor. Substantial Completion on May 10, 2021.
- 2) PVHS SUMMER 2021 BLDG 300 CARPET INSTALLATION, #21-366, with Floor It, Inc., Contractor. Substantial Completion on July 20, 2021.
- 3) PVHS HVAC DIFFUSER, #21-368 with Smith Mechanical Electrical & Plumbing, Contractor. Substantial Completion on July 13, 2021.
- 4) SMHS BLDG 240 TRUSS REINFORCEMENT AND HVAC UPGRADE, #21-332, Smith Mechanical Electrical & Plumbing, Contractor. Substantial Completion on July 9, 2021.
- 5) ERHS FIELD TURF REPLACEMENT, #21-361 with FieldTurf USA, Inc., Contractor. Substantial Completion on July 9, 2021.

- J. APPROVAL TO CONTRACT WITH TOM LITTLE INSPECTIONS FOR INSPECTOR OF RECORD SERVICES PHASE 2 MODERNIZATION AT ERNEST RIGHETTI HIGH SCHOOL. PROJECT #18-280.

The proposal submitted by Thomas Little Inspections for the Phase 2 Modernization is not to exceed \$309,000.00.

- K. APPROVAL TO CONTRACT WITH MILLENNIUM INSPECTION FOR ABATEMENT OVERSIGHT FOR THE SITE LOCATION OF AT ERNEST RIGETTI HIGH SCHOOL PHASE 2 MODERIZATION. PROJECT #18-280.

The proposal submitted by Millennium will include oversight and monitoring services during the asbestos and lead-related construction activities. Contract is not to exceed \$80,930.00.

- L. Purchase Orders

<b>PO #</b>	<b>Vendor</b>	<b>Amount</b>	<b>Description/Funding</b>
PO22-00086	CIO SOLUTIONS	\$68,736	Extreme Works Network/General Fund
PO22-00117	CREATIVE BUS SALES	\$72,790.34	Dodge Promaster Van/General Fund
BPO22-00690	LOZANO SMITH ATTORNEYS AT LAW	\$250,000	Legal Services/General Fund
BPO22-00589	GOLD STAR FOODS INC.	\$75,000	Food Service Supplies/Fund 13
PO22-00132	CENGAGE LEARNING	\$70,062.50	Geometry Support Program/In Person Instruction (IPI)
BPO22-00753	SYSCO FOOD SERVICES	\$1,700,0000	Food Service Supplies/Fund 13
BPO22-00754	PRODUCERS DAIRY FOODS	\$275,000	Food Service Supplies/Fund 13
BPO22-00755	OCEAN CITIES PIZZA	\$190,000	Food Service Supplies/Fund 13
PO22-00188	DEERE & COMPANY	\$238,887.47	LCAP
BPO22-00756	EDNA'S BAKERY	\$120,000	Food Service Supplies/Fund 13

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**IX. REPORTS FROM EMPLOYEE ORGANIZATIONS**

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**X. OPEN SESSION PUBLIC COMMENTS**

If you would like to address the SMJUHSD Board of Education at the August 3, 2021 meeting for either open or closed session items, see the options for participation below.

1. In writing: Submit your comment via email and list the agenda item page and number or reference if you wish to leave a public comment, limited to 250 words or less, to the Assistant to the Superintendent, Tammy Rhine, by 5:00 p.m. on August 2, 2021. The email address is [SMJUHSD-Public-Comment@smjuhsd.org](mailto:SMJUHSD-Public-Comment@smjuhsd.org).

2. By phone: If you would like to make a comment by phone, please call 805-922-4573, extension 4202 and state your name and phone number. Someone will return your phone call to take your public comment over the phone. Request for addressing the Board by phone must be received by 5:00 p.m. on August 2, 2021. Please note: The time limit to address the Board may not exceed two minutes. The Board is not required to respond to the Public Comment.

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**XI. FUTURE ITEMS FOR BOARD DISCUSSION**

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**XII. NEXT MEETING DATE**

Unless otherwise announced, the next regular meeting of the Board of Education will be held on September 14, 2021. Closed session begins at 5:30 p.m. Open session begins at 6:30 p.m. The meeting will be held at the District Support Services Center.

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**XIII. FUTURE REGULAR BOARD MEETINGS FOR 2021**

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October 12, 2021

November 9, 2021

December 14, 2021

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**XIV. ADJOURN**

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CLASSIFIED PERSONNEL ACTIONS						
	Action	Assignment	Site	Effective	Pay Rate	Hours
	Employ	Accompanist	RHS	8/11/21	15/B	4
	Employ	Instructional Assistant-Spec Ed II	SMHS	8/11/21	15/A	6
	Employ	Lead District Maintenance	DO	7/20/21	34/A	8
	Transfer	Instructional Assistant-Spec Ed I	SMHS to RHS	8/11/21	13/E	5.5
	Resign	Instructional Assistant-Spec Ed I	RHS	6/23/21	13/E	5.5
	Resign	Instructional Assistant-Spec Ed	PVHS	7/26/21	15/C	6
	Employ	Instructional Assistant-Spec Ed II	SMHS	8/11/21	15/A	6.5
	Employ	Instructional Assistant-Spec Ed I	RHS	8/11/21	13/A	5.5
	Promote	Staff Secretary	RHS	8/4/21	18/E	8
	Resign	Instructional Assistant-Spec Ed II	SMHS	7/22/21	15/E	6
	Change in Assignment	Food Service Worker I	RHS	8/9/21	9/C	3.5 to 4
	Retire	Instructional Assistant-Spec Ed II	SMHS	6/10/21	15/E	6
	Out of Class	Warehouse Worker/Delivery Driver	DO	7/2/21	18/D	8
	Out of Class	Warehouse Worker/Delivery Driver	DO	6/14/21	18/E	8
	Employ	Administrative Assistant II - SSC	DO	7/12/21	24/A	8
	Leave Without Pay	Instructional Assistant-Spec Ed II	SMHS	8/11/21 - 6/8/21	15/E	6
	Promote	Fiscal Services Manager II	DO	8/1/21	M/1	8
	Promote	Administrative Assistant IV - School Site	PVHS	7/14/21	28/B	8
	Retire	Maintenance Worker I	SMHS	7/30/21	21/E	8
	Promote	Attendance Technician	SMHS	8/3/21	20/B	8
	Change in Assignment	Intervention Lab Specialist	RHS	8/10/21	22/E	8
	Resign	Library Assistant	RHS	7/27/21	14/A	8
	Employ	Student Data Specialist	RHS	7/26/21	22/A	8
	Change in Assignment	Campus Security Assistant II	DHS	8/10/21	17/C	6 to 7.5
	Resign	Accompanist	SMHS	7/21/21	15/D	4/wk
	Employ	Grounds Maintenance I	PVHS	7/6/21	16/A	8
	Employ	Instructional Assistant-Spec Ed II	RHS	8/11/21	15/A	6.5
	Change in Assignment	Food Service Worker I	RHS	8/9/21	9/E	4 to 5.5
	Resign	Instructional Assistant-Spec Ed II	SMHS	7/31/21	15/E	6
	Resign	Instructional Assistant-Spec Ed I	SMHS	8/3/21	13/C	5.5
	Retire	Executive Assistant to Superintendent	DO	9/29/21	C/E	8
	Employ	Multilingual Translator-Interpreter	DO	8/3/21	26/A	8
	Resign	Instructional Assistant-Spec Ed I	PVHS	7/31/21	13/D	5.5

CLASSIFIED PERSONNEL ACTIONS						
	Action	Assignment	Site	Effective	Pay Rate	Hours
	Resign	Instructional Assistant-Spec Ed I	SMHS	6/10/21	13/D	5.5
	Employ	Student Data Specialist	PVHS	8/2/21	22/A	8
	Promote	Administrative Assistant II - School Site	RHS	7/22/21	24/B	8
	Retire	Campus Security Officer	DHS	6/30/21	19/E	7.25
	Promote	Administrative Assistant II - School Site	RHS	7/22/21	24/B	8
	Promote	School Support Secretary	SMHS	7/28/21	16/E	8
	Transfer	Instructional Assistant - Spec Ed II	PVHS to RHS	8/11/21	15/C	6
CERTIFICATED PERSONNEL ACTIONS						
	Action	Assignment	Site	Effective	Salary	FTE
	Column Advance	English	SMHS	2021-22	3/IV	1.0
	Employ/Prob 1	School Psychologist	PVHS	8/2/21	13/V 10 days10%	1.0
	Retire	International Language/French	PVHS	6/11/21	30/V	1.0
	Change in Assignment	Physical Education	RHS	2021-22	16/V	1.0
	Resign	Physical Education	PVHS	7/9/21	7/IV	1.0
	Change in Assignment	EL Specialist	SMHS	2021-22	3/IV	1.0
	Employ/Intern	English	PVHS	8/9/21	2/II	1.0
	Employ/Prob 1	Business	PVHS	8/9/21	3/I	1.0
	Employ/Intern	Special Education Mild/Mod	RHS	8/9/21	1/III	1.0
	Employ/Temp	English	RHS	8/9/21	1/IV	1.0
	Employ/Prob 1	English	RHS	8/9/21	3/III	1.0
	Column Advance	Social Science	PVHS	2021-22	2/III	1.0
	Employ/Prob 1	Physical Education	PVHS	8/9/21	6/V	1.0
	Employ/Prob 1	Physical Education	SMHS	8/9/21	6/V	1.0
	Transfer	School Counselor	RHS	8/2/21	18/V +5	1.0
	Transfer	International Language/French	PVHS	2021-22	18/V	0.8
	Employ/Temp	School Counselor	PVHS	8/2/21	1/IV	1.0
	Change in Assignment	Athletic Director	SMHS	8/2/21	9/V +5, 5%	1.0
	Employ	English	SMHS	8/9/21	1/IV	1.0
	Employ/Prob 1	Special Education Mild/Mod	RHS	8/9/21	6/II	1.0
	Employ/Temp	Agriculture	RHS	8/9/21	2/V	1.0
	Transfer	Business	SMHS	8/9/21	17/IV	1.0
	Resign	English	RHS	6/11/21	9/V	1.0
	Employ/Prob 1	ISI	PVHS	8/9/21	6/IV	1.0
	Employ/Prob 1	Science	SMHS	8/9/21	2/III	1.0
	Employ/Prob 1	Special Education Mild/Mod	PVHS	8/9/21	5/V	1.0

CERTIFICATED PERSONNEL ACTIONS						
	Action	Assignment	Site	Effective	Salary	FTE
	Employ/Prob 1	Science	SMHS	8/9/21	4/IV	1.0
	Employ/Prob 1	English	RHS	8/9/21	4/V	1.0
	Column Advance	Special Education Mild/Mod	RHS	2021-22	7/V	1.0
	Employ/Prob 1	English	SMHS	8/9/21	1/III	1.0
	Employ/Prob 1	Residential Commercial Construction	CTE Center	8/9/21	6/I	1.2
	Employ/Prob 1	Social Science	PVHS	8/9/21	3/IV	1.0
	Resign	Dean of Special Education	RHS	6/30/21	26/2	1.0
	Employ/Prob 1	Math	SMHS	8/9/21	1/IV	1.0
	Employ/Prob 1	School Counselor	SMHS	8/2/21	6/IV +5	1.0
	Employ/Intern	Math	SMHS	8/9/21	1/I	1.0
	Column Advance	Science	PVHS	2021-22	2/IV	1.0
	Employ/Prob 1	Social Science	PVHS	8/9/21	1/III	1.0
	Employ/Prob 1	Special Education TLC II	SMHS	8/9/21	4/IV	1.0
	Column Advance	Physical Education	SMHS	2021-22	4/V	1.0
	Employ/Prob 1	Social Science	SMHS	8/9/21	6/V	1.0
	Employ/Temp	Math	SMHS	8/9/21	6/IV	1.0
	Employ/Prob 1	Math	RHS	8/9/21	3/V	1.0
	Employ/Temp	School Counselor	SMHS	8/2/21	6/IV +5	1.0
	Employ/Temp	School Counselor	RHS	8/2/21	3/IV +5	1.0
	Employ/Prob 1	Social Science	SMHS	8/9/21	1/IV	1.0
	Employ/Prob 1	Math	PVHS	8/9/21	TBD	1.0
	Employ/Temp	ISI	PVHS	8/9/21	TBD	1.0
	Transfer	Special Education Coordinator	RHS	8/2/21	6/V +7	1.0
	Employ/Intern	Special Education Mild/Mod	PVHS	8/9/21	1/II	1.0
	Employ/Intern	Special Education Mild/Mod	SMHS	8/9/21	1/III	1.0
	Employ/Intern	Special Education Mild/Mod	SMHS	8/9/21	1/III	1.0
	Employ/Temp	School Counselor	PVHS	8/2/21	1/IV	1.0
	Employ/Prob 1	English	RHS	8/9/21	3/V	1.0
	Change in Assignment	ISI	SMHS	2021-22	TBD	1.0
	Employ/STSP	Science	RHS	8/9/21	1/II	1.0
COACHING PERSONNEL ACTIONS						
Name	Action	Assignment	Site	Effective	District	ASB/Booster



## Appendix B

# SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT FACILITIES REPORT

## June and July 2021 and Coronavirus Activities

### 1. Santa Maria High School Construction Projects

#### SMHS Reconstruction – Rachlin Partners

- Increment 1, Phase 1 - 50 Classroom and Administration Building: Activities occurring this period include continuation of excavation, grading, compaction and installation of underground utility infrastructure, rebar footing cages, concrete pours, and structural steel. New work includes the installation of metal decking and steel stud framing. [\(Photos\)](#)
- Increment 2, Phase (To Be Determined) - Administration Building Conversion to Classrooms: DSA approval of plans and specifications was received June 3, 2021. As relocation of administrative staff to the 50 Classroom building cannot occur until the completion of construction in April of 2023, further activities related to negotiations of a Gross Maximum Price amendment will be postponed until approximately December 2022.

#### SMHS Proposition 39 - HVAC Replacement Bldg. 240 – Ravatt-Albrecht Architects

- Roof truss web supports were replaced. The old HVAC units were removed, and new units installed on the roof. All HVAC powered and connected to Metasys Building Management System. Construction is complete. Final contracts close out activities are underway. [\(Photo\)](#)

#### SMHS 4 Portable Classrooms – Rachlin Partners

- The 4 portable classrooms have been placed and construction remains on schedule for completion August 6, 2021.

### 2. Ernest Righetti High School Construction Projects

#### ERHS Maintenance and Operations Building – Rachlin Partners

- Bids were received June 3, 2021. The Board approved the award to Vernon Edwards Constructors at its June 15, 2021, meeting. Construction access commenced July 8, 2021. Activities occurring this period include mobilization, fencing, initial grading, and trenching. Construction is scheduled to complete in April 2022.

#### ERHS Phase 2 Improvements – Rachlin Partners

- Bids were received June 2, 2021. The Board approved the award to RSH Construction at its June 15, 2021, meeting. Construction access commenced July 12, 2021. Activities occurring this period include mobilization and interior demolition. Construction is scheduled to complete in April 2023. [\(Photos\)](#)

#### ERHS Turf Replacement – Support Services

- Construction began June 14, 2021 and completed July 9, 2021. Contract closeout activities are underway. [\(Photos\)](#)

### **3. Pioneer Valley High School Construction Projects**

#### **PVHS 3 New Modular Classrooms – Rachlin Partners**

- Adjustments to draft plans based on the May meetings with site staff have been completed and are being forwarded by the Architect to two modular vendors for second reviews and cost estimate proposals the week of July 26, 2021. Responses are expected to be returned by late August. District and Architect evaluations will occur in early September, and if found acceptable, final designs will commence and a project schedule will be established.

#### **PVHS Relocate 86 HVAC Diffusers – Support Services**

- Construction commenced June 14, 2021, and completed July 13, 2021. Project closeout activities are underway.

#### **PVHS Electrical Bus Duct Repair – Support Services**

- A question arose regarding whether all the buss duct sections would be replaced or only the damaged portion. The complete assembly will be replaced. There remains a question regarding the labor to replace the entire assembly. District staff and the electrical consultant are reviewing questions and contract. The site work schedule will be established after the current issue is addressed.

#### **PVHS Carpet Replacement 300 Building – Support Services**

- Work commenced June 10, 2021, and completed July 9, 2021. Project closeout activities are underway.

### **4. Career Technical Education Center**

#### **C2004 & H2016 Career Technical Education (CTE) Center/Ag Farm – 19six Architects**

- Lease, Leaseback documentation and contract closeout activities continue.

### **5. District Wide and Support Services Center**

#### **District Wide Project Closeout – Support Services**

- Closeout of legacy projects continues:
  - SMHS #03-105496 Construction of Classroom Building, Special Education Building: Verification forms indicating that installation is complete remain under review at the DSA.
  - SMHS #03-102635 Alteration to Graphic Arts/Restroom bldg. 320 and 320A; Industrial Arts bldg. 500; Home Economics bldg. 210: DSA continues reviews of Change Order #7.
  - ERHS #03-105187, Alterations to 3 classroom Buildings (C, D, and E): The evaluation of Change Order #3 continues under review by the Architect and consultant.
  - SMHS #03-103743 Gym Renovation: The consultant is working with the Architect and DSA inspector to determine scope of reviews and testing needed to close unsubmitted Change Orders.

**SSC 2021 Paving SSC– Flowers and Associates**

- Construction related to the SSC parking lot is now anticipated to commence in late July 2021.

**District Wide Roof Repairs 2021 SMHS and PVHS – Support Services**

- Construction commenced June 14, 2021. A delay associated with the availability of metal edge cap has been overcome with the material now scheduled to be received by the contractor on July 29, 2021. Final installation work expected to begin August 2 and be complete by August 6, 2021.

**SSC Purchasing Office Reconfiguration – Ravatt-Albrecht Architects**

- Construction plans and specifications submitted to the City of Santa Maria on May 17, 2021 remain under review. The city planner visited the SSC site in June to review the proposed scope. The District is awaiting final comments from the City. A project schedule will be provided upon completion of the review by the City.

**SSC Second Story Office Reconfiguration – Ravatt-Albrecht Architects**

- The design package is nearing completion. Final details related to an existing water heater and technology rack relocation are under review. It is now anticipated the package will be submitted to the City of Santa Maria in mid-August 2021. A project schedule will be provided upon completion of the review by the City.

**SSC Tire Room Reconfiguration – Ravatt-Albrecht Architects**

- The design package is nearing completion. Final details related to fire wall requirements are under review. It is now anticipated the package will be submitted to the City of Santa Maria in mid-August 2021. A project schedule will be provided upon completion of the review by the City.

Gary Wuitschick  
Director – Support Services

## Maintenance & Operations

### SMHS

- Cleared the southeast campus storm drain clean-out and performed campus debris clean-up.
- Continued progress towards completion of the Art Gallery landscape project. **(Photo)**
- Performed inventory and identification of irrigation water backflow devices.
- Performed weekly grooming and cleaning of stadium sports turf.
- Completed monthly routine professional pest control services.
- Supported campus recycle cardboard collection program.
- Repaired Gate 21 and installed a timer for time scheduled operations.
- Performed gopher control best practices to safely and efficiently maintain a near zero gopher population.
- Reinforced lunch distribution canopies used during breakfast and lunch distribution.
- Completed quarterly fertilizer application to campus turf areas.
- Performed routine landscape maintenance in areas A, B, and C.
- Installed fiberglass-reinforced plastic (FRP) wall panels in Industrial Arts restrooms.
- Performed repairs on portable classroom entry ramps 635-641 that included new kick panels and painting.
- Completed solar powered lighting system installation in Maintenance Department storage containers.
- Painted the small gymnasium north wall and classrooms 338, 339, 635, 636, 637, 638, 639, 640, and 641.
- Performed repairs to campus public address system at south campus.
- Completed repair on security camera system Wilson Gymnasium north exterior.
- Performed inspections and testing of campus wide emergency systems including AED, eyewash stations, emergency showers, emergency lighting, and the fire alarm system.
- Repaired restroom fixtures in the following locations: 100 Building student, 100 Building staff, 362 staff, 900 Portable, and maintenance shop.
- Completed preventive maintenance on custodian cleaning equipment: automatic floor scrubbers (2 units), Kaivac restroom cleaning equipment (4 units).
- Performed preventive maintenance on HVAC systems: 100's (18 units), 230's (6 units), 240's (8 units documentation only on new units), 330's (6 units), 600's (2 units).
- Repaired HVAC: classrooms 242, 250, 355, 360, 820, 904.
- Modified truck mounted box interior lighting to work via generator or 120-volt building connection.
- Performed weekly test operation of four ADA chair lifts and one passenger elevator.
- Installed updated and new athletic banners at Wilson Gymnasium.
- Retrofitted portable classrooms 601-608 HVAC controls to Metasys Building Management System.
- Performed Covid-19 related additional cleaning tasks.
- Prepared for summer staff movement with the delivery of packing boxes to several classrooms.
- Removed obsolete equipment from classrooms 257, 338, 450, 614, 618, 625, 638, 640.
- Scrubbed and recoated floors in Wilson Gymnasium lobby and office, classrooms 338 and 339.
- Performed regular delivery of PPE to requested areas and predetermined stations.
- Provided support of school event and civic center use activities: SMHS Class of 2021 Graduation, DHS Class of 2021 Graduation, SMHS Senior Honors Night, AP Testing, Counseling meetings, MMEP ELA Academy, SMHS Ethnic and Gender Studies Event, Catholic Charities food distribution, SMHS retirees luncheon, SMHS diploma distribution, SMHS FFA Awards, 2021 Senior Gala, SMHS FFA State Conference, Las Comadres recognition, SMHS baseball games, SMHS softball games, SMHS girls' soccer, SMHS track meet, SMHS boys' basketball, SMHS girls' basketball, SMHS Cheerleading tryouts, and SMHS Wrestling. **(Photo)**
- Preventive work hours - 59
- Routine work hours - 495
- Total work orders completed - 496
- Event setup hours - 765

Ken Groppetti  
Plant Manager

## REGULAR MEETING

August 3, 2021

### PVHS

- Removed windscreen around varsity softball field and installed new fence slats. (Photo)
- Stored high jump and pole vault mats in athletic storage.
- Applied herbicide to several areas of campus for weed abatement.
- Prepared gymnasium planter boxes for ornamental fencing. (Photo)
- Repaired chain link fence at southwest entrance to the stadium.
- Painted marquee frame, fire lane curbs, circle drive curb, and the stadium concession trim. (Photo)
- Pulled power and communication cable through new conduit and connected power to the stadium electrical boxes on the turf. (Photo)
- Hosted Arc Flash training for affected maintenance and operations employees.
- Installed chair rail wall in the health office.
- Patched holes and painted offices 708 and 713 in Administration as well as the cafeteria concession room.
- Installed the HDMI cable for the computer projector in classroom 554.
- Set up an office for the Dean of Students.
- Assisted the new drama teacher in sorting and cleaning the drama classroom and storage.
- Transported carpet and adhesive from Support Services Center to the 300 Building carpet replacement project.
- Relocated assistant principal's office in the Administration Building.
- Replaced a wheel on a rolling cart for kitchen staff.
- Replaced damaged window blinds in classroom 214.
- Replaced the paper towel dispenser in the library staff restroom and a soap dispenser in Performing Arts Center boys' restroom.
- Secured a loose sink in Culinary Arts classroom and adjusted the water pressure.
- Replaced natural gas ignitor on the pool heater.
- Replaced the VELCRO strip used to hold skirting on the graduation stage.
- Cleaned and adjusted the campus security cameras.
- Investigated and repaired the extension mechanism on the west bleachers in the gymnasium.
- Replaced a damaged thermostat in the 400 Building west hallway.
- Assembled a new desk for classroom 322.
- Closed Panther Drive for graduation. Provided traffic control and facilities setup for graduation.
- Installed iron fencing around gymnasium planter boxes. (Photo)
- Installed new carpet in 300 Building second story.
- Replaced roofs on classrooms 608 and 610. (Photo)
- Relocated the translator workstation from the Library Building to the Administration Building.
- Relocated the Food Services Director to Support Services Center.
- Delivered air purifiers to classrooms.
- Removed computer tables from six classrooms and delivered to Support Services Center.
- Distributed COVID-19 cleaning towels and collection bags to all classrooms.
- Provided support of school event and civic center use activities: senior awards night, ASB student council banquet, Senior Gala, FFA Banquet, boys' & girls' basketball, freshman athletic orientation, volleyball, ERHS water polo match, ERHS girls' basketball CIF championship game, junior academic awards and graduation.
- Preventive work order hours – 4
- Routine work hours – 363
- Total work orders completed – 231
- Event setup hours - 299

Dan Mather  
Plant Manager

REGULAR MEETING  
August 3, 2021

**ERHS**

- Completed grounds and stadium preparation for graduation. (Photos)
- Replaced plantings in the Administration entry planter. (Photo)
- Cleaned and replanted the planter in the front drive at DHS. Cleared dead shrubs and replanted along Clark Avenue. (Photo)
- Completed gopher control.
- Applied herbicide campus wide.
- Repaired leaking irrigation pipes and failed control valves at ERHS practice field and DHS north field.
- Applied temporary parking stripes on the outdoor volleyball courts for graduation parking.
- Diagnosed a communication problem with the emergency telephone in the 800 Building elevator.
- Installed CMU cap on the block wall at the library.
- Investigated a power problem with the football stadium lights. Replaced power feeders and balanced the power load.
- Replaced classroom lighting drivers in four classrooms in the 800 Building.
- Patched and painted classrooms 503, 504 and 628.
- Completed monthly inspections: fire extinguisher, AEDs, emergency lights, and eye wash stations.
- Prepared for modernization: removed salvageable items from classrooms: Smartboards, pencil sharpeners, computer projectors, fire extinguishers, clocks, and hand sanitizers.
- Installed Cyberlock cores in the 600-portable classroom doors and prepared for installation post modernization.
- Inspected, lubricated, and adjusted doors in the following Buildings: 100, 200, 300, 600 and 800.
- Completed semi-annual preventive maintenance HVAC inspections in the following Buildings: 300, 400, 500, cafeteria, and Administration.
- Completed quarterly cleaning and inspection of classroom ventilation cassettes in the 800 Building classrooms.
- Set up graduation and provided traffic control.
- Moved several classrooms for modernization, new teachers, and room transfers.
- Completed stadium new turf installation.
- Completed tennis court resurfacing. (Photo)
- Provided support of school event and civic center use activities: ELPAC testing, CSEA lunch distribution, incoming freshman testing, AP testing, military signing, Graduation setup and teardown, staff luncheon, senior awards, volleyball, basketball, FFA banquet, yearbook distribution, Cheerleading meeting, weekly COVID-19 testing for athletics.
- Preventive work order hours – 136 (0 DHS)
- Routine work order hours –385 (includes 5 DHS)
- Total work orders completed – 230 (includes 22 DHS)
- Event setup hours – 410 (includes 3 DHS)

Danny Sheridan  
Plant Manager

**Graffiti & Vandalism**

- |        |    |     |
|--------|----|-----|
| • DHS  | \$ | 0   |
| • ERHS | \$ | 0   |
| • SMHS | \$ | 130 |
| • PVHS | \$ | 175 |

Reese Thompson  
Director – Facilities and Operations

## Photo Gallery – Major Projects



SMHS 50-Classroom Building – Concrete Pour in Progress. Agriculture Science Building in the Background



SMHS 50-Classroom Building – Preparing the Ground Floor for Concrete



SMHS 50-Classroom Building – More Than 1,000 of Yards of Concrete Create the First Floor





SMHS 50-Classroom Building – View from the Third Floor with Ethel Pope Auditorium and the Santa Maria Inn Behind



SMHS 240 Science Building – New HVAC Units are Craned into Place



ERHS Modernization – Contractor Laydown Area and Fencing are Set in Place



ERHS Modernization – 21<sup>st</sup> Century Classrooms Begin with Demolition of Interiors



ERHS Turf Placement - Alphabet Soup on the Track Will Become Field Numbers



ERHS Turf Placement - Completed Field Dons The Big "R"

## Photo Gallery – Maintenance & Operations



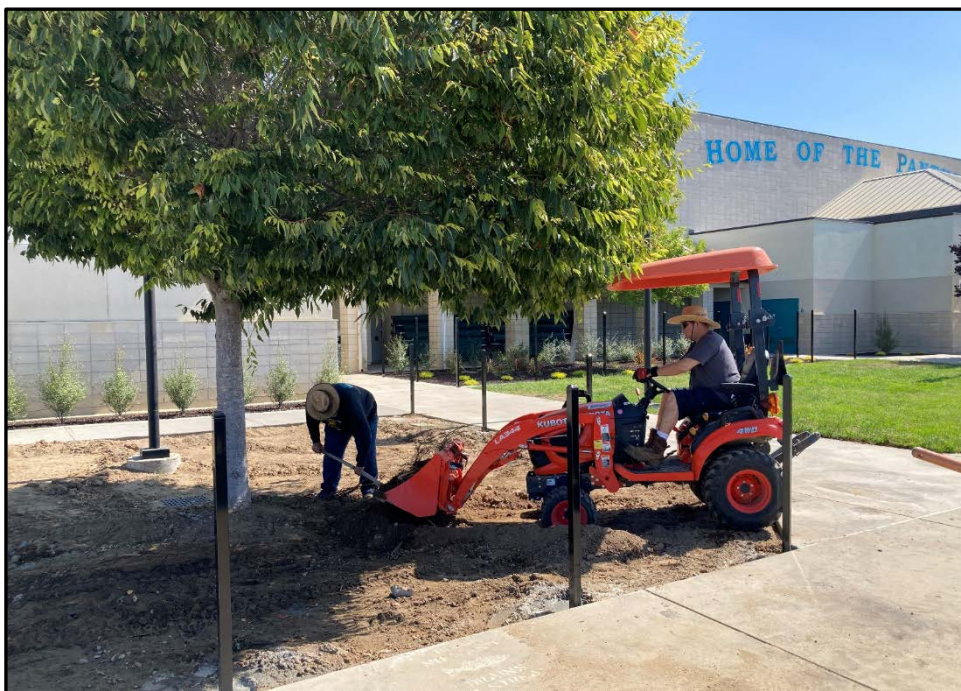
SMHS – Nelson Frutos levels the walkway in the Art Gallery Landscape Project



PVHS – Nick Canaan and Nelson Frutos Align Chairs for Graduation



PVHS –José Gamino Installs Privacy Slats in the Softball Outfield Fence to Provide a Windscreen



PVHS – Greg Gentile and Matt Schlereth Prepare the Gymnasium Planters for Fencing and New Ground Cover



PVHS – Ernest Paz Repaints the Curbs for Fire Lanes and Unloading Zones



PVHS – Andy Freitas and Del Ward Prepare to Pull Communications and Power Wire into the Stadium Field



PVHS - Fencing is Installed at the Gymnasium to Protect the Campus Planters



PVHS - Classroom 608 and 610 Receive New Roofs



PVHS – The M & O Crew Transports a Work Station to a New Location, one of Many Summer Moves



ERHS – Bernie Rayner and Leo Avila Set up Chairs for Graduation



REGULAR MEETING  
August 3, 2021



ERHS – Preparation for the Big Graduation Surprise Begins – Fireworks!!!



ERHS - Joseph Campos and Lorenzo Mendez Replant the School Entrance Landscape



DHS - Juan Rodriguez Revises the Irrigation in the Front Planter



ERHS - Final Steps of Refinishing the Tennis Courts

**REGULAR MEETING**  
**August 3, 2021**

**APPENDIX C**

**Approval of Tentative Agreement for  
Classified Bargaining Unit regarding the  
negotiation of a new bargaining unit  
job description**

**TENTATIVE AGREEMENT**  
between the  
**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT**  
and the  
**CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION**  
**AND ITS CENTRAL COAST CHAPTER #455**

June 28, 2021




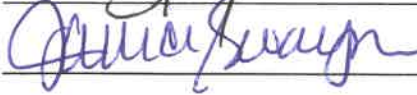
The following reflects the full and complete agreement of the California School Employees Association and its Central Coast Chapter #455 (hereinafter "Association") and the Santa Maria Joint Union High School District (hereinafter "District") regarding the negotiation of a new bargaining unit job description.

1. A new bargaining unit job description has been created and is attached to this Agreement:

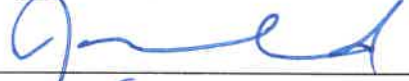

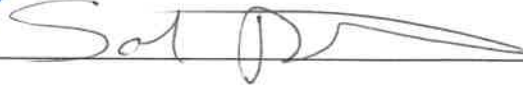
Speech - Language Pathology Assistant (Salary Range 28)

Tentatively agreed to this 28<sup>th</sup> day of June 2021. This Tentative Agreement shall become final and binding upon the parties with ratification by the membership of the Association (pursuant to Association Policy 610 and if required by that Policy) and adoption by the Santa Maria Joint Union High School District Board of Education.

FOR THE ASSOCIATION:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR THE DISTRICT:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **SPEECH-LANGUAGE PATHOLOGY ASSISTANT**

### **BASIC FUNCTION:**

Under the supervision of an Assistant Principal and with the guidance of a credentialed Speech Therapist, provide speech therapy services to identified students in accordance with Individualized Education Program (IEP) goals; perform a variety of duties in support of student case management services; maintain records and documentation on students; perform related duties as assigned.

### **REPRESENTATIVE DUTIES:**

- Provide student speech therapy services according to Individual Education Program (IEP) goals and treatment plans developed by Speech Therapist. **E**
- Assist Speech Therapist with conducting speech-language screenings and assessments using appropriate prescribed techniques and devices; confer with Speech Therapist regarding student progress. **E**
- Document student progress toward IEP goals and objectives by preparing records, logs, goal sheets or other means of documentation. **E**
- Provide assistance to educational staff as a case management team member through consultation, training, and individual and group activities; provide input into the development of IEP goals and objectives for assigned students. **E**
- Prepare therapy materials and equipment for use during therapy such as picture cards, worksheets, charts, audio equipment and computerized therapy applications and devices. **E**
- Adapt or modify instructional materials as determined by student needs for teacher use in the classroom, monitor use of augmentative alternate communication devices. **E**
- Inspect, maintain, and operate augmentative alternate communication devices and equipment; assist Speech Therapist in the research and selection of appropriate devices, software and equipment as assigned, train students, parents and staff in use of devices. **E**
- Observe and control behavior and interaction of students according to approved procedures; report significant student behavior and behavioral patterns; utilize positive restraint techniques according to established procedures as necessary. **E**
- Attend IEP meetings with a Speech Therapist to provide information as requested; maintain confidentiality of sensitive and privileged information. **E**
- Perform a variety of student case management support duties such as maintaining records, files and preparing reports related to assigned students, schedule appointments for students as necessary. **E**
- Operate a variety of office equipment including a computer, tablet and assigned Software.
- Attend a variety of meetings, workshops, and in-service trainings to maintain current knowledge of developments in the field of Speech-Language Pathology. **E**

**KNOWLEDGE OF:**

Speech and Language Development theories and practices.  
Language, articulation, and hearing disorders.  
Methods and techniques of individual and group speech therapy.  
Principles of child development and behavior.  
Operation and maintenance of augmentative alternate communication devices and equipment.  
Phonetics.  
Record keeping and report preparation techniques.  
Safe practices in classroom activities.  
Laws, rules, and regulations related to assigned program and activities.  
Technical aspects of field of specialty.  
Correct English usage, grammar, spelling, punctuation, and vocabulary.  
Oral and written communication skills.  
Interpersonal skills using tact, patience, and courtesy.  
Operation of office equipment including a computer and assigned software.

**ABILITY TO:**

To provide specialized speech and language services for students, as permitted by license.  
Assist with conducting speech-language screenings and assessments.  
Maintain records and prepare reports related to assigned students and activities.  
Observe and manage behavior of students according to approved procedures.  
Observe health and safety regulations.  
Understand and follow oral and written instructions.  
Communicate effectively both orally and in writing.  
Operate and maintain augmentative alternate communication devices and equipment.  
Establish and maintain effective relationships with those contacted in the course of work.  
Maintain confidentiality of sensitive and privileged information.  
Demonstrate tact and the use of good judgement.

**EDUCATION AND EXPERIENCE:**

An Associates degree with a major in Speech and Language Pathology Assistant.  
Six months of field experience working with individuals with speech and language disabilities in a structured environment, supervised by and ASHA-certified speech and language pathologist.

**LICENSES AND OTHER REQUIREMENTS**

Registration with the State of California Department of Consumer Affairs Board of Speech-Language Pathology and Audiology.

**WORKING CONDITIONS:  
ENVIRONMENT:**

Driving a vehicle to conduct work.  
Classroom and school site environment.

**PHYSICAL ABILITIES:**

Sitting or standing for extended periods of time; walking.  
Bending at the waist, kneeling, or crouching to assist students.  
Lifting and carrying equipment.  
Hearing and speaking to exchange information and provide assistance to students.  
Seeing to read assignments and to monitor student activities.  
Dexterity of hands and fingers to operate specialized equipment and standard office equipment.  
Reaching overhead and above shoulders to reach supplies.

6/14/2021  
SMJUHSD  
Range 28

**REGULAR MEETING**  
**August 3, 2021**

**APPENDIX D**

**Approval of Tentative Agreement for  
Classified Bargaining Unit regarding  
waiving transfer process (Article 10.2)  
for positions funded by AB86**



**TENTATIVE AGREEMENT**  
between the  
SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT  
and the  
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION  
AND ITS CENTRAL COAST CHAPTER #455


June 28, 2021

The following reflects the full and complete agreement of the California School Employees Association and its Central Coast Chapter #455 (hereinafter "Association") and the Santa Maria Joint Union High School District (hereinafter "District") regarding waiving transfer process (Article 10.2) for positions funded by AB86.

1. The parties agree that multiple CSEA positions funded from AB86 monies will be posted and hired for the 2021-2022 school year only.
2. For all positions posted as indicated in #1 above, the language in Article 10.2 of the Collective Bargaining Agreement will be waived. No transfer applicants will be considered prior to posting.
3. All other terms and conditions of the 2019-2022 Collective Bargaining Agreement remain in full effect.
4. In the event special funding for these positions is made available or extended beyond the 2021-2022 school year, CSEA and the District agree to meet and re-negotiate this agreement.

Tentatively agreed to this 28<sup>th</sup> day of June 2021. This Tentative Agreement shall become final and binding upon the parties with ratification by the membership of the Association (pursuant to Association Policy 610 and if required by that Policy) and adoption by the Santa Maria Joint Union High School District Board of Education.

Dated: 6.28.21

By:   
\_\_\_\_\_  
Joni McDonald  
For Santa Maria Joint Union High School  
District

Dated: 6/28/21

By:   
\_\_\_\_\_  
Tami Contreras  
For CSEA Central Coast Chapter #455

Dated: 6/28/2021

By:   
\_\_\_\_\_  
Carlos Lopez  
For California School Employees Association

**REGULAR MEETING**  
**August 3, 2021**

## **APPENDIX E**

### **OBSOLETE EQUIPMENT LIST**

**Authorization for Sale of Obsolete Equipment and Vehicles - Appendix E  
August 3, 2021**

<b>Tag #</b>	<b>Asset Category</b>	<b>Description</b>	<b>Serial #</b>
27410	APPL/FOOD SVC	Frigidaire 24" Dishwasher	TH40688272
13800	AV EQUIP	DVD/VCR	491-67266411
002532	AV EQUIP	TV	MC81050708
	AV EQUIP	SMARTBOARD	
	AV EQUIP	3 MONITORS	
	AV EQUIP	STEREO	850099
	AV EQUIP	DVD/VCR	556496
	AV EQUIP	OVERHEAD PROJECTOR	18170551
	AV EQUIP	DVD/VCR	283636
	AV EQUIP	DVD/VCR	989978
23482	AV EQUIP	ELMO DOCUMENT CAMERA	456778
24167	AV EQUIP	DVD/VHS RECORDER	A36E70194U0600
25271	AV EQUIP	ELMO DOCUMENT CAMERA	975
25413	AV EQUIP	Smart Board 680	M2-C84134
28771	AV EQUIP	ELMO DOCUMENT CAMERA	6382
28772	AV EQUIP	ELMO DOCUMENT CAMERA	6443
32476	AV EQUIP	ELMO DOCUMENT CAMERA	1360686
33877	AV EQUIP	ELMO DOCUMENT CAMERA	1404477
	AV EQUIP	3M PROJECTOR	18168497
	AV EQUIP	3M PROJECTOR	80026112
	AV EQUIP	3M PROJECTOR	80026178
	AV EQUIP	3M PROJECTOR	18169597
	AV EQUIP	DVD PLAYER	2111457
	AV EQUIP		973812
	AV EQUIP	DVD/VCR	D06361217
11600	COMP EQUIP	PRINTER	CNBGH59353
29233	COMPUER	DELL ALL IN ONE	35QNX12
13272	COMPUTER	Imac	
21743	COMPUTER	Imac	
21995	COMPUTER	DELL HARD DRIVE 755	
28291	COMPUTER	DELL COMPUTER	
28311	COMPUTER	DELL 9030	BY52Z12
28644	COMPUTER	DELL ALL IN ONE	CHKCD42
29113	COMPUTER	DELL ALL IN ONE	16WQW12
29122	COMPUTER	DELL ALL IN ONE	F28TY12
29123	COMPUTER	DELL ALL IN ONE	16PSW12
29124	COMPUTER	DELL ALL IN ONE	16KPW12
29126	COMPUTER	DELL ALL IN ONE	16LQW12
29127	COMPUTER	DELL ALL IN ONE	16GQW12
29128	COMPUTER	DELL ALL IN ONE	16BQW12
29129	COMPUTER	DELL ALL IN ONE	H3WKDY1
29130	COMPUTER	DELL ALL IN ONE	64WKDY1
29131	COMPUTER	DELL ALL IN ONE	24WKDY1
29132	COMPUTER	DELL ALL IN ONE	F3WKDY1
29133	COMPUTER	DELL ALL IN ONE	65WKDY1

**Authorization for Sale of Obsolete Equipment and Vehicles - Appendix E  
August 3, 2021**

29134	COMPUTER	DELL ALL IN ONE	H4WKDY1
29135	COMPUTER	DELL ALL IN ONE	15WKDY1
29136	COMPUTER	DELL ALL IN ONE	14WKDY1
29137	COMPUTER	DELL ALL IN ONE	D4WKDY1
29138	COMPUTER	DELL ALL IN ONE	C2WKDY1
29139	COMPUTER	DELL ALL IN ONE	C4WKDY1
29140	COMPUTER	DELL ALL IN ONE	B3WKDY1
29141	COMPUTER	DELL ALL IN ONE	B4WKDY1
29142	COMPUTER	DELL ALL IN ONE	85WKDY1
29143	COMPUTER	DELL ALL IN ONE	55WKDY1
29144	COMPUTER	DELL ALL IN ONE	94WKDY1
29145	COMPUTER	DELL ALL IN ONE	83WKDY1
29146	COMPUTER	DELL ALL IN ONE	G3WKDY1
29147	COMPUTER	DELL ALL IN ONE	44WKDY1
29148	COMPUTER	DELL ALL IN ONE	73WKDY1
29149	COMPUTER	DELL ALL IN ONE	16CQW12
29150	COMPUTER	DELL ALL IN ONE	16VRW12
29151	COMPUTER	DELL ALL IN ONE	16NPW12
29152	COMPUTER	DELL ALL IN ONE	16JQW12
29153	COMPUTER	DELL ALL IN ONE	16GSW12
29154	COMPUTER	DELL ALL IN ONE	16SRW12
29155	COMPUTER	DELL ALL IN ONE	16QPW12
29156	COMPUTER	DELL ALL IN ONE	169SW12
29157	COMPUTER	DELL ALL IN ONE	16HRW12
29158	COMPUTER	DELL ALL IN ONE	16RQW12
29159	COMPUTER	DELL ALL IN ONE	15FSW12
29160	COMPUTER	DELL ALL IN ONE	16TPW12
29161	COMPUTER	DELL ALL IN ONE	165PW12
29162	COMPUTER	DELL ALL IN ONE	16JRW12
29163	COMPUTER	DELL ALL IN ONE	16QRW12
29164	COMPUTER	DELL ALL IN ONE	16BSW12
29176	COMPUTER	DELL ALL IN ONE	FWPQY12
29188	COMPUTER	DELL ALL IN ONE	28JZV12
29190	COMPUTER	DELL ALL IN ONE	28PIW12
29192	COMPUTER	DELL ALL IN ONE	27ZZV12
29193	COMPUTER	DELL ALL IN ONE	28WYV12
29194	COMPUTER	DELL ALL IN ONE	28LOW12
29195	COMPUTER	DELL ALL IN ONE	2890W12
29196	COMPUTER	DELL ALL IN ONE	FWBPY12
29198	COMPUTER	DELL ALL IN ONE	288ZV12
29232	COMPUTER	DELL ALL IN ONE	
30255	COMPUTER	DELL HARD DRIVE 380	
31465	COMPUTER	DELL ALL IN ONE	8XLWR52
31732	COMPUTER	DELL ALL IN ONE	533SL02
31733	COMPUTER	DELL ALL IN ONE	533NL02
32257	COMPUTER	DELL ALL IN ONE	52SHSD2
32259	COMPUTER	DELL ALL IN ONE	53IKSD2

**Authorization for Sale of Obsolete Equipment and Vehicles - Appendix E  
August 3, 2021**

32264	COMPUTER	DELL ALL IN ONE	52VKSD2
32265	COMPUTER	DELL ALL IN ONE	52WJSD2
32270	COMPUTER	DELL ALL IN ONE	52THSD2
32277	COMPUTER	DELL ALL IN ONE	52WKSD2
32282	COMPUTER	DELL ALL IN ONE	52SLSD2
33868	COMPUTER	DELL ALL IN ONE	B22CCP2
	COMPUTER	DELL PC	SB17941
	COMPUTER	SMARTSLATE	
	COMPUTER	DELL OPTIPLEX 9010	31 ct
25233	COMPUTER	Optiplex 990	2fztvr1
25336	COMPUTER	Optiplex 990	JSFCKS1
25393	COMPUTER	Dell Latitude E6520	G29QBS1
25860	COMPUTER	OPTIPLEX 9010 AIO	5MF1TW1
26496	COMPUTER	Optplex 3011 AIO	531PL02
26497	COMPUTER	Optplex 3011 AIO	534NL02
26498	COMPUTER	Optplex 3011 AIO	533NL02
26500	COMPUTER	Optplex 3011 AIO	532NL02
26502	COMPUTER	Optplex 3011 AIO	532SL02
26504	COMPUTER	Optplex 3011 AIO	533SL02
26505	COMPUTER	Optplex 3011 AIO	531NL02
26506	COMPUTER	Optplex 3011 AIO	534PL02
26508	COMPUTER	Optplex 3011 AIO	530TL02
26509	COMPUTER	Optplex 3011 AIO	534SL02
26510	COMPUTER	Optplex 3011 AIO	532TL02
26511	COMPUTER	Optplex 3011 AIO	534TL02
26512	COMPUTER	Optplex 3011 AIO	535NL02
26714	COMPUTER	OptiPlex 9010 AIO	T12KHDX1
26715	COMPUTER	OptiPlex 9010 AIO	T12DKDX1
26717	COMPUTER	OptiPlex 9010 AIO	T12DJDX1
26722	COMPUTER	OptiPlex 9010 AIO	T12FKDX1
26725	COMPUTER	OptiPlex 9010 AIO	T12HHDX1
26733	COMPUTER	OptiPlex 9010 AIO	T12LKDX1
26735	COMPUTER	OptiPlex 9010 AIO	T12KJDX1
26737	COMPUTER	OptiPlex 9010 AIO	T12CHDX1
26741	COMPUTER	OptiPlex 9010 AIO	T12NHDX1
26791	COMPUTER	OptiPlex 9010 AIO	CR868Y1
26867	COMPUTER	Dell Precision T1700	98K88Y1
29103	COMPUTER	Optiplex 3030 AIO	28RZV12
09115	COMPUTER EQUIP	SCANNER	9253007001
	COMPUTER EQUIP	MONITOR	110627H0402375
	COMPUTER EQUIP	ARUBA WIRELESS ACCESS Pt	AL0047823
	COMPUTER EQUIP	ARUBA WIRELESS ACCESS Pt	AL0054768
33892	COMPUTER EQUIP	BRETFORD X36M CORE CART	201804238963
29883	COMPUTERS	Optiplex 3030 AIO	935TS52
29884	COMPUTERS	Optiplex 3030 AIO	935ZS52
29885	COMPUTERS	Optiplex 3030 AIO	935VS52
29886	COMPUTERS	Optiplex 3030 AIO	937XS52

**Authorization for Sale of Obsolete Equipment and Vehicles - Appendix E  
August 3, 2021**

29887	COMPUTERS	Optiplex 3030 AIO	938TS52
29888	COMPUTERS	Optiplex 3030 AIO	936QS52
29889	COMPUTERS	Optiplex 3030 AIO	936WS52
29890	COMPUTERS	Optiplex 3030 AIO	936RS52
29891	COMPUTERS	Optiplex 3030 AIO	936XS52
29892	COMPUTERS	Optiplex 3030 AIO	935WS52
29893	COMPUTERS	Optiplex 3030 AIO	936TS52
29894	COMPUTERS	Optiplex 3030 AIO	937SS52
29895	COMPUTERS	Optiplex 3030 AIO	936YS52
29896	COMPUTERS	Optiplex 3030 AIO	937QS52
29897	COMPUTERS	Optiplex 3030 AIO	938XS52
29898	COMPUTERS	Optiplex 3030 AIO	934SS52
29900	COMPUTERS	Optiplex 3030 AIO	934ZS52
29904	COMPUTERS	Optiplex 3030 AIO	936SS52
29905	COMPUTERS	Optiplex 3030 AIO	938YS52
29906	COMPUTERS	Optiplex 3030 AIO	934WS52
29907	COMPUTERS	Optiplex 3030 AIO	935YS52
29973	COMPUTERS	Dell Optiplex 9030	GXV9S52
29974	COMPUTERS	Dell Optiplex 9030	GXTGS52
29975	COMPUTERS	Dell Optiplex 9030	GXTLS52
29976	COMPUTERS	Dell Optiplex 9030	GXTNS52
29978	COMPUTERS	Dell Optiplex 9030	GXVNS52
29979	COMPUTERS	Dell Optiplex 9030	GXTKS52
29980	COMPUTERS	Dell Optiplex 9030	GXVFS52
29983	COMPUTERS	Dell Optiplex 9030	GXVHS52
29984	COMPUTERS	Dell Optiplex 9030	GXVDS52
29985	COMPUTERS	Dell Optiplex 9030	GXVCS52
29986	COMPUTERS	Dell Optiplex 9030	GXTHS52
29990	COMPUTERS	Dell Optiplex 9030	GXVJS52
31466	COMPUTERS	Optiplex 3030 AIO	8XQWR52
31468	COMPUTERS	Optiplex 3030 AIO	8XJXR52
31474	COMPUTERS	Optiplex 3030 AIO	8X5WR52
33556	COMPUTERS	OptiPlex 7440	6PYRCH2
33591	COMPUTERS	Optiplex 3030 AIO	HFW7JH2
33593	COMPUTERS	Optiplex 3030 AIO	HFWBJH2
33594	COMPUTERS	Optiplex 3030 AIO	HFW8JH2
33862	COMPUTERS	Optiplex 3050	B21FCP2
33863	COMPUTERS	Optiplex 3050	B229CP2
33864	COMPUTERS	Optiplex 3050	B22DCP2
33865	COMPUTERS	Optiplex 3050	B21GCP2
33866	COMPUTERS	Optiplex 3050	B228CP2
33867	COMPUTERS	Optiplex 3050	B22BCP2
33868	COMPUTERS	Optiplex 3050	B22CCP2
	COPIER	COIN OPERATED COPIER	11258130
	FAX	BROTHER FAX2820	U61325B9N813249
	GROUNDS	ROTOTILLER	7225-15-02
27327	GROUNDS EQUIP	Shindaiwa Trimmer	T16311006244

**Authorization for Sale of Obsolete Equipment and Vehicles - Appendix E  
August 3, 2021**

00157	MACH/TOOLS	JOINTER	
09047	MACH/TOOLS	Scrubber	5400000002482ju
26276	MACH/TOOLS	COMPACT DRILL/DRIVER KIT	338642
22791	MONITOR	SHARP MONITOR	812885672
22842	MONITOR	MONITOR	
	MONITOR	MONITOR	CN-0N2DXX7461
13244	MONITOR	Dell UltraSharp 17" Flat LCD	54G-AC1X
12354	PRINTER	HP LAZER JET 150	
	PRINTER	PRINTER	
	PRINTER	PRINTER	CN7534R03T
	PRINTER	HP SCANJET	
	PRINTER	HP LASERJET MFP M477	
11413	PRINTER	HP LaserJet 4300	CNGY425448
23530	SCANNER	HP SCANJET G4010	CN992A614C
00418	VEHICLES	2005 EZ GO CART	
14070	VEHICLES	2001 Dodge 3/4 Ton Utility Truck	3B6KC26Z41M584536

**REGULAR MEETING  
August 3, 2021**

## **APPENDIX F**

### **Board Policies Presented For First Reading**



Board Policy	Description
<p><b>BP/AR 1312.3</b></p>	<p><b>Uniform Complaint Procedures</b></p> <p>Policy updated to reflect the relationship between the state uniform complaint procedures (UCP) and <b>NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)</b> regarding Title IX complaints of sexual harassment. Policy also reflects <b>NEW STATE REGULATIONS (Register 2020, No. 21)</b> which limit the applicability of the UCP for complaints regarding special education and child nutrition programs, add procedures for addressing complaints regarding health and safety deficiencies in license-exempt California State Preschool Programs (CSPP), and delete the referral of complaints of fraud to the California Department of Education (CDE). The list of programs subject to the UCP revised and reorganized to more directly reflect CDE's 2020-21 Federal Program Monitoring (FPM) instrument.</p> <p>Regulation updated to provide optional language stating that the compliance officer for purposes of the UCP will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment. Section on "Notifications" reflects CDE's 2020-21 FPM instrument which requires additional content for the annual notification to students, parents/guardians, employees, and others. Regulation also updated to reflect <b>NEW STATE REGULATIONS (Register 2020, No. 21)</b> which (1) clarify that for complaints related to the local control and accountability plan (LCAP) the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP, (2) designate the final written decision as the "investigation report" and specifies required components for that report, (3) change the timeline for filing an appeal to CDE from 15 calendar days to 30 calendar days, (4) expand the basis upon which an appeal may be filed, (5) require the district to submit specified documents to CDE within 10 days after the district has been notified that an appeal has been filed, (6) require the district to investigate and address any allegations that CDE determines were not addressed in the district's investigation, (7) require CDE to issue a written decision regarding an appeal within 60 days of CDE's receipt of the appeal unless extended by written agreement or documentation by CDE of exceptional circumstances, and (8) authorize either party to request reconsideration by the Superintendent of Public Instruction or designee within 30 days of the appeal decision. Section on "Health and Safety Complaints for License-Exempt Preschool Programs" reflects a requirement of new state regulations to include in the annual UCP notification a list of which district programs are licensed or exempt from licensing.</p>

<p><b>BP/AR 4030</b></p>	<p><b>Nondiscrimination in Employment</b></p> <p>Policy and regulation updated to clarify applicability of the policy to nonemployees providing services to the district pursuant to a contract. Policy reflects <b>NEW STATE REGULATIONS (Register 2018, No. 20)</b> which add a definition of national origin and make it an unlawful employment practice to inquire into or discriminate against an employee on the basis of immigration status. Policy also reflects <b>NEW LAW (SB 1300)</b> which (1) prohibits districts from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or release the right to file a claim against the district for unlawful acts in the workplace, including sexual harassment, and (2) provides that a district may be responsible for any harassment (not just sexual harassment) of employees by nonemployees if the district knows or should have known of the conduct and failed to take action. Regulation revises section on "Measures to Prevent Discrimination" to reflect a requirement, formerly in BP, to post the California Department of Fair Employment and Housing (DFEH) poster on workplace discrimination and harassment and to add the requirement to post the DFEH poster on the rights of transgender employees. Regulation also reflects <b>NEW LAW (SB 1300)</b> which authorizes training on bystander intervention.</p> <p>Regulation also updated to reflect <b>NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)</b> which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, rather than the complaint procedures detailed in this regulation.</p>
<p><b>BP/AR 4119.11</b></p>	<p><b>Sexual Harassment</b></p> <p>Policy updated to clarify that, in some instances, it may be necessary to concurrently review a sexual harassment complaint under both the Title IX sexual harassment complaint procedures and the district's procedure reflecting state law, as described in AR 4030 - Nondiscrimination in Employment, in order to meet the applicable timelines. Policy also adds the requirement to provide supportive measures to the respondent as well as the complainant.</p> <p>Regulation updated to add section on "Definitions," including the federal definition of sexual harassment for purposes of applying the Title IX complaint procedures. Section identifying the Title IX Coordinator(s) moved and revised to reference CSBA's AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Section on</p>

	<p>"Notifications" adds federal requirement to disseminate the district's sexual harassment policy and procedures, along with the name and contact information of the Title IX Coordinator, by posting them in a prominent location on the district's web site and including them in any handbook provided to employees or employee organizations. New section on "Complaint Procedures" references the applicable procedures and the responsibility of the district to take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.</p>
<p><b>AR 4119.12</b></p>	<p><b>Title IX Sexual Harassment Complaint Procedures</b></p> <p>Regulation updated to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under state law pursuant to AR 4030 - Nondiscrimination in Employment and thus the two procedures should be implemented concurrently in order to meet the applicable timelines. Regulation also updated to clarify that the applicability of the Title IX sexual harassment complaint procedures is limited to conduct that allegedly occurs in an education program or activity over which the district exercises control; revise the timeframe for concluding the complaint process from 45 to 60 days; reflect the right to pursue civil law remedies; and add the requirement to maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.</p>
<p><b>BP/AR 5145.3</b></p>	<p><b>Nondiscrimination/Harassment</b></p> <p>Policy updated to reflect law prohibiting discrimination based on medical condition and to reflect <b>NEW LAW (AB 34, 2019)</b> which requires the district, starting in the 2020-21 school year, to post its nondiscrimination policies, and specified state and federal laws regarding discrimination, bullying, and harassment, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.</p> <p>Regulation updated to reflect <b>NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)</b> which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures.</p>
<p><b>BP/AR 5145.7</b></p>	<p><b>Sexual Harassment</b></p> <p>Policy updated to clarify that, in some instances, it may be necessary to concurrently review a sexual harassment complaint under both the Title IX sexual harassment complaint procedures and the district's uniform complaint procedures (UCP) in order to meet the applicable timelines. Policy also adds the requirement to provide supportive measures to the respondent as well as the complainant.</p>

	<p>Regulation updated to add section on "Definitions," including the federal definition of sexual harassment for purposes of applying the Title IX complaint procedures. Section identifying the Title IX Coordinator(s) moved and revised to reference CSBA's AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Section on "Notifications" adds requirement to notify students and parents/guardians that the district does not discriminate on the basis of sex and that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education; deletes requirement to provide contact information of the Title IX Coordinator to employees, bargaining units, and job applicants which is addressed in AR 4119.11/4219.11/4319.11 - Sexual Harassment; and reflects <b>NEW LAW (AB 34, 2019)</b> which requires districts to post the definition of sex discrimination and harassment in a prominent location on the district's web site.</p>
<p><b>AR 5145.71</b></p>	<p><b>Title IX Sexual Harassment Complaint Procedures</b></p> <p>Regulation updated to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under the district's UCP and thus the two procedures should be implemented concurrently in order to meet the applicable timelines. Regulation also updated to clarify that the applicability of the Title IX sexual harassment complaint procedures is limited to conduct that allegedly occurs in an education program or activity over which the district exercises control; add optional language providing that an employee must forward a report of sexual harassment to the Title IX Coordinator within one day, consistent with AR 5145.7 - Sexual Harassment; revise the timeframe for concluding the complaint process from 45 to 60 days to align with requirements of the UCP; reflect the right to appeal the district's decision to the California Department of Education consistent with the UCP or to pursue civil law remedies; and add the requirement to maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.</p>

## **Uniform Complaint Procedures**

The Board of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

### **Complaints Subject to UCP**

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

1. After School Education and Safety programs (Education Code 8482-8484.65)
2. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)  
(cf. 6178 - Career Technical Education)
3. Compensatory education (Education Code 54400)  
(cf. 6171 - Title I Programs)
4. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
5. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)
6. Reasonable accommodation to a lactating student (Education Code 222)  
(cf. 5146 - Married/Pregnant/Parenting Students)

7. Accommodations for pregnant and parenting students (Education Code 46015)

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

8. Student fees (Education Code 49010-49013) (cf. 3260 - Fees and Charges)

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

9. Local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

10. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

11. School safety plans (Education Code 32280-32289)

(cf. 0450 - Comprehensive Safety Plan)

12. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

(cf. 0420 - School Plans/Site Councils)

13. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

14. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)

(cf. 6152 - Class Assignment)

15. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)

16. Migrant education (Education Code 54440-54445)

17. Regional occupational centers and programs (Education Code 52300-52334.7)

(cf. 6178.2 – Regional Occupational Center/Program)

18. Physical education instructional minutes (Education Code 51210, 51222, 51223)

(cf. 6142.7 - Physical Education and Activity)

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

20. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate.

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.(cf. 5125 - Student Records)

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 3580 - District Records)

### Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency. (5 CCR 4611)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)

3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

(cf. 3555 – Nutrition Program Compliance)

6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

(cf. 3555 – Nutrition Program Compliance)

7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)



**Policy SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT**

**Presented for First Reading: August 3, 2021**

**Uniform Complaint Procedures**

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

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

**Compliance Officer(s)**

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

- (cf. 5145.3 - Nondiscrimination/Harassment)

- (cf. 5145.7 - Sexual Harassment)

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

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for

investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

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

### Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1) In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint must be filed no later than one year from the date the alleged violation occurred
4. A statement that, in the case of a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, a UCP complaint must be filed no later than six months from the date

of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. 0460 - Local Control and Accountability Plan)  
(cf. 3260 - Fees and Charges)

6. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision, referred to as an investigation report, will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

9. A statement that the complainant has a right to appeal the district's investigation report to CDE for programs within the scope of the UCP by filing a written appeal, including a copy of the original complaint and the district's investigation report, within 30 days of receiving the district's investigation report

10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

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

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

### Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. (Education Code 49013, 52075)
3. A UCP complaint shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination, who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

5. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

6. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action and may not be possible. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### Mediation

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

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

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

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

### Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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

#### Timeline for Investigation Report

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

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's investigation report at the same time it is provided to the complainant.

#### Investigation Report

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
  3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600
  4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
  5. Procedures to be followed for initiating an appeal to CDE

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

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the investigation report shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the investigation report shall also include a notice to the complainant that:



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

### Corrective Actions

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

(cf. 5137 - Positive School Climate)

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference

3. Education regarding the impact of the conduct on others

4. Positive behavior support

5. Referral to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law (cf. 6145 - Extracurricular and Cocurricular Activities)

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

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

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

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including as least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

## **Nondiscrimination in Employment**

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4111/4211/4311 - Recruitment and Selection)

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

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

The district shall not inquire into any employee's immigration status nor discriminate against any employee on the basis of immigration status, unless there is clear and convincing evidence that it is necessary to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment

(cf. 4151/4251/4351 - Employee Compensation)

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

2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

- a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

(cf. 4033 - Lactation Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

- b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

- c. Requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

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

- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

(cf. 4032 - Reasonable Accommodation)

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign any document that releases the employee's right to file a claim against the district or to disclose information about harassment or other unlawful employment practices. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative

regulation. Complaints concerning sexual harassment as defined by Title IX of the Education Amendments of 1972 (“Title IX”), shall be processed under Administrative Regulation 4119.12 – Title IX Sexual Harassment Complaint Procedures.

For purposes of Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(cf. 4119.12 - Title IX Sexual Harassment Complaint Procedures)

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118/4218 - Dismissal/Suspension/Disciplinary Action)

Policy SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

**Nondiscrimination in Employment**

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4032 - Reasonable Accommodation)

The district designates the individuals(s), or position(s) identified below as its compliance officer for nondiscrimination in employment (Discrimination and Equity Compliance Officer) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The compliance officer may be contacted at:

Kevin R. Platt  
Assistant Superintendent of Human Resources  
Discrimination and Equity Compliance Officer  
Santa Maria Joint Union High School District  
560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
kplatt@smjuhsd.org

**Title IX Coordinator**

The district designates the individuals(s), or position(s) identified below as its Title IX Coordinator for complaints involving personnel to coordinate the district's efforts to comply with Title IX of the Education Amendments of 1972 ("Title IX"), to answer inquiries regarding the district's Title IX policies and to oversee, investigate and/or resolve sexual harassment complaints involving employees that meet the definition of Title IX sexual harassment. The Title IX Coordinator for complaints involving personnel may be contacted at:

Salvador (Sal) Reynoso  
Director of Certificated Human Resources  
Title IX Coordinator  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
sreynoso@smjuhsd.org

(cf. 4119.12 - Title IX Sexual Harassment Complaint Procedures)

### Complaint Procedure

Any other complaint by an employee, volunteer, person who serves in unpaid internship or other limited-duration program to gain unpaid work experience, volunteer, independent contractor, or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Reporting and Receipt of Complaint:** A complainant may inform a direct supervisor, another supervisor, the compliance officer, or the Superintendent. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint. When the subject conduct meets the definition of sexual harassment under Title IX (as defined in the accompanying Board policy), the employee may also contact Title IX Coordinator.

The complainant may file a written complaint in accordance with this procedure, or may first attempt to resolve the situation informally with their supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the compliance officer and/or Title IX Coordinator, as appropriate, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11- Sexual Harassment)

(cf. 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedure)

2. **Investigation Process:** The compliance officer shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The compliance officer shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The compliance officer shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The compliance officer shall inform the complainant



that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580- District Records)

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

If the compliance officer determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the compliance officer should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out their investigation or to protect employee safety, the compliance officer may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The compliance officer also shall determine whether interim or supportive measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The compliance officer shall ensure that such interim or supportive measures do not constitute retaliation.

3. **Written Report on Findings and Corrective Action:** No more than 20 business days after receiving the complaint, the compliance officer shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the compliance officer shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Board of Trustees:** The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report of the compliance officer's findings.

The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board may uphold the Superintendent or designee's decision without hearing the complaint or it may schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. If the Board holds a hearing, the Board shall render its decision within 10 working days after the hearing.

At any point during the investigative process, the compliance officer, Superintendent or designee, or Board of Trustees may determine it is useful to utilize an investigator who is not a District employee in investigating complaints under this regulation. To the extent practicable, the investigator shall complete any investigation within the timelines identified in this regulation. However, if the investigator needs additional time, the compliance officer shall notify the parties and explain the reasons for the time extension.

(cf. 1312.1– Request for A Review Of Complaints Concerning District Personnel)  
(cf. 9321 - Closed Session Purposes and Agendas)

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

(cf. 4119.12 - Title IX Sexual Harassment Complaint Procedures)

#### Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

#### Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation against district employees, volunteers, persons who serve in unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, independent contractors, and job applicants, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are

pregnant, have a related medical condition, or are recovering from childbirth  
(Government Code 12950; 2 CCR 11013, 11023, 11049)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the compliance officer's contact information by: (5 CCR 4960; 34 CFR 100.6, 106.9)

a. Including them in each announcement, bulletin, or application form that is used in employee recruitment

b. Posting them in all district schools and offices, including staff lounges and other prominent locations

c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113- District and School Web Sites)

(cf. 4211/4211/4311 - Recruitment and Selection)

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)

a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return

b. Sending a copy via email with an acknowledgment return form

c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies

d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session

e. Any other way that ensures employees receive and understand the policy

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

4. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior.

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

5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made.

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

(cf. 1240- Volunteer Assistance)

(cf. 4131- Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law.
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

## **Sexual Harassment**

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Board of Trustees is committed to providing a safe work environment that is free of harassment and intimidation. The Board of Trustees prohibits sexual harassment of district employees. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation.

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

(cf. 4030 - Nondiscrimination in Employment)

### **Sexual Harassment Under District Policy**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

(cf. 4030 - Nondiscrimination in Employment)

### **Sexual Harassment Under Title IX**

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972 ("Title IX"), sexual harassment is defined as any of the following forms of

conduct that occurs in an education program or activity in which the district exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

Sexual assault means actual or intentional physical sexual acts against a person without consent that may include: rape, rape and seduction, sodomy, lewd and lascivious acts, oral copulation, sexual penetration, sexual battery, and sexual assault, as defined under Education Code 48900(n) and Penal Code 261, 266c, 286, 288, 288a, 289 and 243.4.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (34 U.S.C. 12291(a)(10).)

Domestic violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws. (Ed. Code, 48900, subd. (n).)

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. (34 U.S.C. 12291(a)(30).)

"Without consent" or "against that person's will" may include: force, duress, violence, fear of immediate harm, or one's inability to consent.

#### Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities may be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile environment for the complainant or victim of the conduct.

#### Prevention, Investigation and Correction

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and other to whom the policy may apply

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the

district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training. **[SEF1]**

When a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the principal, compliance officer and/or Title IX Coordinator shall inform them that the request may limit the district's ability to investigate the harassment or take other necessary action and the district may not be able to honor the request. If such a request can be honored, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the compliance officer and/or Title IX Coordinator will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students and staff. **[SEF2]**

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7- Employment Status Reports)

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

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)Legal Reference:

Policy SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021



## **Sexual Harassment**

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.<sup>[SEF1]</sup>

### **Compliance Officer**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with state and federal civil rights laws, as well as to oversee, investigate and/or resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The compliance officer(s) (Discrimination and Equity Compliance Officer) may be contacted at:

Kevin R. Platt  
Assistant Superintendent of Human Resources  
Discrimination and Equity Compliance Officer  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
kplatt@smjuhsd.org

(cf. 4030 – Nondiscrimination in Employment)

### **Title IX Coordinator**

The district designates the individuals(s), or position(s) identified below as its Title IX Coordinator for complaints involving employees to coordinate the district's efforts to comply with Title IX of the Education Amendments of 1972 ("Title IX"), to answer inquiries regarding the district's Title IX policies and to oversee, investigate and/or resolve sexual harassment complaints involving employees that meet the definition of Title IX sexual harassment and processed under AR 4119.12 – Title IX Sexual Harassment Complaint Procedures. The Title IX Coordinator for complaints involving employees may be contacted at:

Salvador (Sal) Reynoso  
Director of Certificated Human Resources  
Title IX Coordinator  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
sreynoso@smjuhsd.org

(cf. 4119.12 - Title IX Sexual Harassment Complaint Procedures)

## Reporting Allegations of Sexual Harassment

Any district employee who feels that they have been sexually harassed in the performance of their district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, the principal, a district administrator, the compliance officer, or Superintendent. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. When the subject conduct meets the definition of sexual harassment under Title IX (as defined above), the employee may also contact Title IX Coordinator. A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the compliance officer and/or Title IX Coordinator, as appropriate.

Once notified, the compliance officer and/or Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable and appropriate.

(cf. 4030 – Nondiscrimination in Employment)

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The compliance officer and/or Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

## Complaint Processes

If the alleged conduct is sexual in nature but does not meet the definition of sexual harassment under Title IX, the complaint or allegation shall be investigated or otherwise resolved in accordance with law and district procedures specified in AR 4030 – Nondiscrimination in Employment. This determination shall be made by the Title IX Coordinator and/or compliance officer.

(cf. 4030 - Nondiscrimination in Employment)

## Title IX Complaints:

If the alleged conduct, if taken to be true, meets the definition sexual harassment under Title IX (as defined above), the complaint or allegation shall be investigated or otherwise resolved in accordance with the procedures outlined in Title IX and AR 4119.12 - Title IX Sexual Harassment Complaint Procedures. If a complaint does not rise to the level of sexual harassment under Title IX, it may need to be formally dismissed pursuant to Title IX and AR 4119.12. If dismissed pursuant to AR 5145.71, the compliance officer may determine that an investigation is still required and appropriate pursuant to AR 1312.3 or other applicable board policies.

(cf. 4119.12 – Title IX Sexual Harassment Complaint Procedures)

## Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 4030- Nondiscrimination in Employment)  
(cf. 5145.7- Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees or employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation in the workplace and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including the district's obligation to conduct an effective workplace investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious
8. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

The Superintendent or designee shall retain for at least two years the records of any sexual harassment training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024) For requirements of Title IX training and record keeping, see AR 4119.12.

#### Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

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

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)

5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

Santa Maria Joint Union HSD | AR 4119.12 Personnel

**Title IX Sexual Harassment Complaint Procedures**

Title IX Coordinator

The district designates the individual(s), or position(s) identified below as its Title IX Coordinator for complaints involving employees to coordinate the district's efforts to comply with Title IX of the Education Amendments of 1972 ("Title IX"), to answer inquiries regarding the district's Title IX policies and to oversee, investigate and/or resolve sexual harassment complaints involving employees that meet the definition of Title IX sexual harassment and processed under AR 4119.12 – Title IX Sexual Harassment Complaint Procedures. The Title IX Coordinator for complaints involving employees may be contacted at:

Salvador (Sal) Reynoso  
Director of Certificated Human Resources  
Title IX Coordinator  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455

(805) 922-4573  
sreynoso@smjuhsd.org

Sexual Harassment Under Title IX

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 ("Title IX") alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Sexual assault means actual or intentional physical sexual acts against a person without consent that may include: rape, rape and seduction, sodomy, lewd and lascivious acts, oral copulation, sexual penetration, sexual battery, and sexual assault, as defined under Education Code 48900(n) and Penal Code 261, 266c, 286, 288, 288a, 289 and 243.4.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (34 U.S.C. 12291(a)(10).)

Domestic violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws. (Ed. Code, 48900, subd. (n).)

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. (34 U.S.C. 12291(a)(30).)

"Without consent" or "against that person's will" may include: force, duress, violence, fear of immediate harm, or one's inability to consent.

The district shall respond to allegations of sexual harassment that, if true, meet the definition of sexual harassment under Title IX, when the alleged conduct occurs in the school's education program or activity, and against a person in the United States. "Education program or activity" includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

All sexual harassment complaints or allegations that do not meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

#### Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall promptly meet with the complainant. The Title IX Coordinator shall listen to the complainant's concerns, inform the complainant of the process for filing a formal complaint and right to file or not file a formal complaint, and the process for filing a formal complaint. (34 CFR 106.44) The Title IX



Coordinator shall also discuss supportive measures with the complainant and explain that supportive measures will be available regardless of whether a formal complaint is filed.

A "formal complaint" under Title IX means a document filed by a complainant (who must be the victim of the alleged conduct) or signed by a district Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the district's educational program or activity.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations where not doing so would be considered deliberately indifferent, for instance when a safety threat exists. In such cases, the Title IX Coordinator does not become a party to the investigation, however they shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant-victim to discuss the availability of supportive measures, which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Supportive measures shall be designed to restore or preserve equal access to the district's educational program or activity without unreasonably burdening the other party, protect the safety of all parties or the district's educational environment, and deter sexual harassments. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44) Supportive measures, including those detailed herein, shall also be offered to the respondent upon receipt of a formal complaint.

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

### Administrative Leave and Emergency Removal from School

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity. The district is prohibited from disciplining a student for alleged sexual harassment under Title IX until a full Title IX investigation has been completed. (106.44 subd. (a).) However, on an emergency basis a student may be removed, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

### Mandatory and Discretionary Dismissals of Title IX Complaints

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proven. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity, did not occur against a person in the United States, or wherein the complainant was not participating in the district's education program or activity at the time the complaint was filed. The Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by or enrolled in the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to both parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45) Both parties have the right to appeal a dismissal in accordance with the appeal procedures set forth below.

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, or on another appropriate basis, the allegations may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment or other district policies and procedures, as is deemed appropriate under the circumstances.

### Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process at any time prior to there being a determination or resolution reached, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Note that as part of an Informal Resolution, the Parties may agree upon discipline, without the need for an investigation. (Unofficial Regulations, pg. 1390.) This is an exception to the general rule, provided in 106.44 (a), that prohibiting the district from imposing discipline on a Respondent for sexual harassment until the full investigation process is completed.

#### Formal Complaint Process

##### Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties (complainant and respondent) with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. That the parties may have an advisor of their choice who may be, but is not required to be, an attorney, and that the parties and their advisor, if applicable, will have the ability to inspect and review evidence brought forth during the investigation
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice may also include the name of the investigator, facilitator of an informal process, and decision-maker and inform the parties that, if at any time a party has concerns

regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

If, during the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

### Investigation Procedures

During the investigation process, the district and/or district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and submission of written questions they would like asked

9. Send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review. The decision-maker, who shall not be the Title IX Coordinator or investigator assigned to the matter, shall afford each party 10 days to submit written, relevant questions that the party wants asked of any party or witness. The decision-maker shall provide each party with the answers, and allow for additional, limited follow-up questions from each party. If the decision-maker determines a question posed by one of the parties is not relevant and will not be asked, they will explain why the question was not asked.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

#### Written Decision

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint. The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

### Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the written decision or notice of dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

### Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

#### Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support

5. Referral of the student to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

#### Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. For formal complaints, the district shall maintain record of each Title IX investigations of sexual harassment, including any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

2. Where a Title IX allegation was reported, regardless of whether or not a formal complaint was filed, the district shall maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint, or why it is reasonable that no supportive actions were taken, why the district's response was not deliberately indifferent, and the measures taken that were designed to restore or preserve equal access to the education program or activity.

3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site. (34 CFR 106.45)

(cf. 1113 - District and School Web Sites)

(cf. 3580 - District Records)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021



## **Nondiscrimination/Harassment**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, national origin, immigration status, ethnicity, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7- Sexual Harassment)

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

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

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying

and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students, in accordance with the accompanying administrative regulation.

All student complaints concerning sexual harassment as defined by Title IX of the Education Amendments of 1972 ("Title IX"), shall be processed under Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures.

For purposes of Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include

suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21- Professional Standards)

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

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2- Freedom of Speech/Expression)

### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools. For requirements of Title IX training and record keeping, see AR 5145.71.

(cf. 3580 - District Records)

Presented for First Reading: August 3, 2021

**Nondiscrimination/Harassment**

**Compliance Officer**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital status, parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The compliance officer(s) (Discrimination and Equity Compliance Officer) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Kevin R. Platt  
Assistant Superintendent of Human Resources  
Discrimination and Equity Compliance  
Officer Santa Maria Joint Union High School  
District 2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573

**Title IX Coordinator**

The district designates the individuals(s), or position(s) identified below as its Title IX Coordinator for complaints involving students to coordinate the district's efforts to comply with Title IX of the Education Amendments of 1972 ("Title IX"), to answer inquiries regarding the district's Title IX policies and to oversee, investigate and/or resolve sexual harassment complaints by students that meet the definition of Title IX sexual harassment. The Title IX Coordinator for complaints involving students may be contacted at:

Steve Molina  
Director of Student Services  
Title IX Coordinator  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
smolina@smjuhsd.org

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

#### Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications.
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 1113 - District and School Web Sites)  
(cf. 5131.2 - Bullying)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
  - a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address
  - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

- c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
    - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
    - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
    - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
  - d. A link to the Title IX information included on the California Department of Education's (CDE) web site
- 5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
  - 6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
  - 7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

- 8. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

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

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

#### Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response plan to unlawful discrimination and harassment to students, parents/guardians, and the community

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that they knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

#### Process for Initiating and Responding to Complaints

Any student who feels that they have been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint. When the subject conduct meets the definition of sexual harassment under Title IX (as defined in the accompanying board policy), the student may also contact Title IX Coordinator.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer, Title IX Coordinator or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. When the alleged conduct meets the definition of Title IX, the Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the principal, compliance officer, or Title IX Coordinator shall begin the investigation in accordance with AR 1312.3 or AR 5145.71, as appropriate, and shall implement immediate interim or supportive measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim or



supportive measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, Title IX Coordinator or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)

### Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the bathroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable and appropriate, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity

status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of the student's gender identity and begin to treat the student consistent with the student's gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)  
(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)(cf 5125 - Student Records)\

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

## **Sexual Harassment**

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

### **Sexual Harassment Under District Policy**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Sexual harassment also includes nonconsensual touching and cyber sexual bullying, as defined and prohibited by the California Penal Code and Education Code.

"Nonconsensual touching," as defined in Penal Code 243.4, means touching another person's intimate part against that person's will. "Touch" means direct physical contact or contact through the clothing of either person. "Intimate part" means sexual organ, anus, groin, or buttocks of any person, or the breast of a female.

"Cyber sexual bullying," as defined in Education Code 48900(r)(2)(A)(iii), means electronic dissemination of or solicitation or incitement to electronically disseminate a sexually explicit image or recording, by a student to another student or to school personnel, that causes the student to be in fear of harm, or a substantially detrimental effect on the student's physical or mental health, or the student's ability to benefit from the educational environment.

### Sexual Harassment Under Title IX

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Sexual assault means actual or intentional physical sexual acts against a person without consent that may include: rape, rape and seduction, sodomy, lewd and lascivious acts, oral copulation, sexual penetration, sexual battery, and sexual assault, as defined under Education Code 48900(n) and Penal Code 261, 266c, 286, 288, 288a, 289 and 243.4.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (34 U.S.C. 12291(a)(10).)

Domestic violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws. (Ed. Code, 48900, subd. (n).)

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. (34 U.S.C. 12291(a)(30).)

"Without consent" or "against that person's will" may include: force, duress, violence, fear of immediate harm, or one's inability to consent.

### Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities may be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

[SEF1]

## Notice of District Policy on Sexual Harassment

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. The district shall also create a poster that notifies students of the district's sexual harassment policy and display the poster in a prominent and conspicuous location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, in each bathroom and locker room on campus. All district staff shall be trained regarding the policy.

### Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation



## Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7 - Employment Status Report)

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

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

## Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools. Record-keeping requirements for complaints that fall under Title IX are detailed in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

(cf. 3580 - District Records)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Policy SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

Santa Maria Joint Union HSD | AR 5145.7 Students

## **Sexual Harassment**

### **Compliance Officer**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with state and federal civil rights laws, as well as to oversee, investigate and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The compliance officer(s) (Discrimination and Equity Compliance Officer) may be contacted at:

Kevin R. Platt  
Assistant Superintendent of Human Resources  
Discrimination and Equity Compliance Officer  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
kplatt@smjuhsd.org

(cf. 1312.3 - Uniform Complaint Procedures)

### **Title IX Coordinator**

The district designates the individual(s), or position(s) identified below as its Title IX Coordinator for complaints involving students to coordinate the district's efforts to comply with Title IX of the Education Amendments of 1972 ("Title IX"), to answer inquiries regarding the district's Title IX policies and to oversee, investigate and/or resolve sexual harassment complaints by students that meet the definition of Title IX sexual harassment. The Title IX Coordinator for complaints involving students may be contacted at:

Steve Molina  
Director of Student Services  
Title IX Coordinator  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
smolina@smjuhsd.org

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

### **Reporting Allegations of Sexual Harassment**

Any student or parent/guardian who feels that the student is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who has experienced off-campus sexual harassment that has a continuing effect on campus is strongly encouraged to report the incident to the student's teacher, the principal, the compliance officer, or any other available school employee. When the subject conduct meets the definition of sexual harassment under Title IX (as defined in the accompanying board policy), the student may also contact Title IX Coordinator. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the compliance officer. When the subject conduct meets the definition of sexual harassment under Title IX, the employee may also contact Title IX Coordinator.

In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or the compliance officer. When the subject conduct meets the definition of sexual harassment under Title IX, the employee may also contact Title IX Coordinator. The employee shall take these actions, whether or not the alleged victim files a formal complaint or requests confidentiality.

The compliance officer and/or the Title IX Coordinator will be responsible for assessing a victim's request for confidentiality and will only initiate the Title IX Sexual Harassment Complaint Process - AR 5145.71 against the victim's wishes if doing so is not clearly unreasonable in light of the known circumstances.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

When a report or complaint of sexual harassment involves off-campus conduct, the principal, the compliance officer and/or the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If it is determined that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal, the compliance officer and/or the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures and/or Title IX.

If a complaint of sexual harassment is initially submitted to the principal, the principal shall, within two school days, forward the report or complaint to the compliance officer and/or the Title IX Coordinator, as appropriate, to initiate investigation of the complaint.

In any case of sexual harassment involving the principal, compliance officer, Title IX Coordinator or designee, or any other person to whom the incident would ordinarily be reported or filed, the report/complaint may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

The compliance officer and/or Title IX Coordinator shall offer interim or supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

## Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The compliance officer and/or the Title IX Coordinator shall contact the complainant (who is the victim of the alleged misconduct) and will determine, based on the allegations and how sexual harassment is defined under Title IX and district policy, whether the complaint should be processed in accordance with AR 1312.3 - Uniform Complaint Procedures or AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

If the alleged conduct is sexual in nature but does not meet the definition of sexual harassment under Title IX, the complaint or allegation shall be investigated or otherwise resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures.

If the alleged conduct, if taken to be true, meets the definition sexual harassment under Title IX (as defined in the accompanying board policy), the complaint or allegation shall be investigated or otherwise resolved in accordance with the procedures outlined in Title IX and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. If a complaint does not rise to the level of sexual harassment under Title IX, it may need to be formally dismissed pursuant to Title IX and AR 5145.71. If dismissed pursuant to AR 5145.71, the compliance officer may determine that an investigation is still required and appropriate pursuant to AR 1312.3 or other applicable board policies.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

When a report or complaint of sexual harassment involves off-campus conduct that was outside a district program or activity, the compliance officer and/or the Title IX Coordinator, or a designee who has consulted with the compliance officer and/or the Title IX Coordinator, shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the compliance office, the Title IX Coordinator or designee determines that a hostile environment may be created, the complaint shall be investigated and resolved, as is deemed appropriate under the circumstances. At a minimum, supportive measures will be offered to the victim.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

If sexual harassment is found following an investigation, the compliance officer and/or Title IX Coordinator, or designee in consultation with the compliance officer and/or Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Confidentiality

When a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer and/or the Title IX Coordinator or designee shall inform them that the request may limit the district's ability to investigate the harassment or take other necessary action and the district may not be able to honor the request. If such a request can be honored, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the compliance officer and/or the Title IX Coordinator will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 5125 - Student Records)

#### Response Pending Investigation

When an incident of sexual harassment is reported, the compliance officer and/or the Title IX Coordinator or designee, in consultation with the compliance officer and/or the Title IX Coordinator, shall determine whether interim and supportive measures are necessary during and pending the results of the investigation to stop the alleged discrimination and ensure that all students have access to the educational program and a safe school environment. Interim and supportive measures will be implemented on a case by case basis and shall be offered to both complainants and respondents, as appropriate. Any supportive measures adopted to address alleged sexual harassment, or related retaliation shall, be designed to preserve equal access to the district's educational program or activity without unreasonably burdening the other involved party. The supportive measures shall remain in place until the compliance officer and/or the Title IX Coordinator determines that they are no longer necessary.

Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, academic support, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. All supportive measures shall be implemented in accordance with law and Board policy. Such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities. Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

(cf. 5145.6 - Parental Notifications)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

3. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)

(cf. 1113 - District and School Web Sites)

4. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

5. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

6. Be included , along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

7. The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021

## **Title IX Sexual Harassment Complaint Procedures**

### Title IX Coordinator

The district designates the individual(s), or position(s) identified below as its Title IX Coordinator for complaints involving students to coordinate the district's efforts to comply with Title IX of the Education Amendments of 1972 ("Title IX"), to answer inquiries regarding the district's Title IX policies and to oversee, investigate and/or resolve sexual harassment complaints by students that meet the definition of Title IX sexual harassment. The Title IX Coordinator for complaints involving students may be contacted at:

Steve Molina  
Director of Student Services  
Title IX Coordinator  
Santa Maria Joint Union High School District  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
smolina@smjuhsd.org

### Sexual Harassment Under Title IX

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 ("Title IX") alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Sexual assault means actual or intentional physical sexual acts against a person without consent that may include: rape, rape and seduction, sodomy, lewd and lascivious acts, oral copulation, sexual penetration, sexual battery, and sexual assault, as defined under Education Code 48900(n) and Penal Code 261, 266c, 286, 288, 288a, 289 and 243.4.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (34 U.S.C. 12291(a)(10).)

Domestic violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws. (Ed. Code, 48900, subd. (n).)

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. (34 U.S.C. 12291(a)(30).)

"Without consent" or "against that person's will" may include: force, duress, violence, fear of immediate harm, or one's inability to consent.

The district shall respond to allegations of sexual harassment that, if true, meet the definition of sexual harassment under Title IX, when the alleged conduct occurs in the school's education program or activity, and against a person in the United States. "Education program or activity" includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

(cf. 1312.3 - Uniform Complaint Procedures)

#### Reporting and Filing a Formal Complaint of Sexual Harassment Under Title IX

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

(cf. 5145.7 - Sexual Harassment)

Upon receiving such a report, the Title IX Coordinator shall promptly meet with the complainant. The Title IX Coordinator shall listen to the complainant's concerns, inform the complainant of the process for filing a formal complaint and right to file or not file a formal complaint, and the process for filing a formal complaint. (34 CFR 106.44) The Title IX Coordinator shall also discuss supportive measures with the complainant and explain that supportive measures will be available regardless of whether a formal complaint is filed.

A "formal complaint" under Title IX means a document filed by a complainant (who must be the victim of the alleged conduct, or their parent/guardian) or signed by a district Title IX



Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the district's educational program or activity.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations where not doing so would be considered deliberately indifferent, for instance when a safety threat exists. In such cases, the Title IX Coordinator does not become a party to the case, however they shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant-victim to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Supportive measures shall be designed to restore or preserve equal access to the district's educational program or activity without unreasonably burdening the other party, protect the safety of all parties or the district's educational environment, and deter sexual harassments. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, academic support, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44) Supportive measures, including those detailed herein, shall also be offered to the respondent upon receipt of a formal complaint.

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

### Emergency Removal from School

The district is prohibited from disciplining a student for alleged sexual harassment under Title IX until a full Title IX investigation has been completed. (106.44, subd. (a).) However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student

or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student cannot modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

### **Mandatory and Discretionary Dismissals of Title IX Complaints**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proven. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity, did not occur against a person in the United States, or wherein the complainant was not participating in or attempting to participate in the educational program or activity at the time the complaint was filed. The Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.30(a), 34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45) Both parties have the right to appeal a dismissal in accordance with the appeal procedures set forth below.

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, or on another appropriate basis, the allegations may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures or other district policies and procedures, as is deemed appropriate under the circumstances.

### **Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process at any time prior to there being a determination or resolution reached,

and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.

2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Note that as part of an Informal Resolution, the Parties may agree upon discipline, including suspension or expulsion, without the need for an investigation. (Unofficial Regulations, pg. 1390.) This is an exception to the general rule, provided in 106.44 (a), that prohibiting the district from imposing discipline on a Respondent for sexual harassment until the full investigation process is completed.

#### Formal Complaint Process

##### Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties (complainant and respondent) with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. That the parties may have an advisor of their choice who may be, but is not required to be, an attorney, and that the parties and their advisor, if applicable, will have the ability to inspect and review evidence brought forth during the investigation
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice may also include the name of the investigator, facilitator of an informal process, and decision-maker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

If, during the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

### Investigation Procedures

During the investigation process, the district and/or district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and submission of written questions they would like asked
9. Send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review. The decision-maker, who shall not be the Title IX Coordinator or investigator assigned to the matter, shall afford each party 10 days to submit written, relevant questions that the party wants asked of any party or witness. The decision-maker shall provide

each party with the answers, and allow for additional, limited follow-up questions from each party. If the decision-maker determines a question posed by one of the parties is not relevant and will not be asked, they will explain why the question was not asked.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

### Written Decision

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint. The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

The written decision shall also comply with the requirements outlined in the Uniform Complaint Procedures for the issuance of an investigation report and appeal rights, as is necessary and required under the law.

(cf. 1312.3 – Uniform Complaint Procedures)

### Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the written decision or notice of dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Complainant may appeal the district's decision to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

## Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

## Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

### Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years, a record of the following: (34 CFR 106.45)

1. For formal complaints, the district shall maintain record of each Title IX investigations of sexual harassment, including any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

2. Where a Title IX allegation was reported, regardless of whether or not a formal complaint was filed, the district shall maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint, or why it is reasonable that no supportive actions were taken, why the district's response was not deliberately indifferent, and the measures taken that were designed to restore or preserve equal access to the education program or activity.

3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site. (34 CFR 106.45)

(cf. 1113 - District and School Web Sites)

(cf. 3580 - District Records)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

Presented for First Reading: August 3, 2021



REGULAR MEETING  
August 3, 2021

# **APPENDIX G**

**2021-2022**

**General Fund Budget**

**45-Day Revision**

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT  
2021/22 GENERAL FUND BUDGET 45-DAY REVISION

	2021/22 Adoption	Change/Difference		45 Day Revise
<b>Beginning Fund Balance</b>	<b>31,314,151</b>			<b>31,314,151</b>
<b>Revenues</b>				
LCFF	110,155,584	Concentration grant augment	2,385,953	112,541,537
Federal Revenues	4,547,331	ESSER III	9,797,514	14,344,845
State Revenues	8,674,174	A-G course completion	2,509,782	11,466,271
		Lottery	282,315	
Local Revenues	5,160,393			5,160,393
<b>Total Revenues</b>	<b>128,537,482</b>		<b>14,975,564</b>	<b>143,513,046</b>
<b>Expenditures</b>				
1xxx Certificated Salaries	49,281,591	LCFF Concentration grant augment	1,282,900	52,657,281
		A-G course completion	2,092,790	
2xxx Classified Salaries	19,384,008	LCFF Concentration grant augment	641,437	20,025,445
3xxx Employee Benefits	30,090,208	LCFF Concentration grant augment	461,615	30,487,113
		A-G course completion	416,988	
		UI Rate change	(481,698)	
4xxx Books & Supplies	8,714,684	ESSER III	9,334,522	18,228,632
		Lottery	171,100	
		Balance restricted programs	8,325	
5xxx Services & Other Operating	11,882,282	Balance restricted programs	5,047	11,887,328
6xxx Capital Outlay	4,030,469			4,030,469
Other Outgo - debt svc	3,368,101			3,368,101
Indirect Costs	(90,837)	Cafeteria Fund	428	(90,409)
<b>Total Expenditures</b>	<b>126,660,506</b>		<b>13,933,454</b>	<b>140,593,960</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,876,976</b>		<b>1,042,110</b>	<b>2,919,086</b>
Transfers In	403,000			403,000
Transfers Out	(375,000)			(375,000)
Other Financing Sources / (Uses)	-			
Encroachment Contributions	-			-
<b>Increase / (Decrease) in Fund Balance</b>	<b>1,904,976</b>		<b>1,042,110</b>	<b>2,947,086</b>
<b>Ending Fund Balance</b>	<b>33,219,127</b>		<b>1,042,110</b>	<b>34,261,237</b>
<b>Components of Ending Fund Balance</b>				
Revolving cash, stores, prepaid expense	175,886			175,886
Assigned: Cert. medical savings	712,059			712,059
Economic uncertainties (3%)	3,811,066	Incr due to increased expenditures	418,003	4,229,069
Restricted programs ending balance	5,851,120			5,851,120
Unappropriated amount, General Fund	22,668,996		624,107	23,293,103

**REGULAR MEETING**  
**August 3, 2021**

**APPENDIX H**

**BP/AR 6158**

**FOR BOARD APPROVAL**



**INDEPENDENT STUDY**

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

A student's participation in independent study shall be voluntary. (Education Code 51747, 51749.5)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three consecutive school days.

**General Independent Study Requirements**

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

**INDEPENDENT STUDY** (continued)

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6200 - Adult Education)*

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction

**INDEPENDENT STUDY** (continued)

2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

## **INDEPENDENT STUDY (continued)**

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

### **Master Agreement**

For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year



**INDEPENDENT STUDY** (continued)

6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

10. Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/ guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil, no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

**INDEPENDENT STUDY** (continued)

**Course-Based Independent Study**

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

*(cf. 4112.2 - Certification)*

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities for students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in Education Code 52060, completion of assignments, assessments, or other

**INDEPENDENT STUDY** (continued)

indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the student and, if the student is under age 18 years, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

*(cf. 5125 - Student Records)*

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

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

8. A student shall not be required to enroll in courses included in the course-based independent study program.
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.

**INDEPENDENT STUDY** (continued)

10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

11. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

*(cf. 3260 - Fees and Charges)*

13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
14. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

**Learning Agreement for Course-Based Independent Study**

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5

**INDEPENDENT STUDY** (continued)

2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.

**INDEPENDENT STUDY** (continued)

11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

However, for the 2021-22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

**Student-Parent-Educator Conferences**

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

**Records for Audit Purposes**

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study

**INDEPENDENT STUDY** (continued)

2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

*(cf. 3580 - District Records)*

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

**INDEPENDENT STUDY** (continued)

**Program Evaluation**

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

*(cf. 0500 - Accountability)*

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

*(cf. 6162.5 - Student Assessment)*

*Legal Reference: (see next page)*



**INDEPENDENT STUDY (continued)**

*Legal Reference:*

EDUCATION CODE

- 17289 Exemption for facilities
  - 41020 Audit guidelines
  - 41976.2 Independent study programs; adult education funding
  - 42238 Revenue limits
  - 42238.05 Local control funding formula; average daily attendance
  - 44865 Qualifications for home teachers and teachers in special classes and schools
  - 46200-46208 Instructional day and year
  - 46300-46307.1 Methods of computing average daily attendance
  - 46390-46393 Emergency average daily attendance
  - 46600 Interdistrict attendance computation
  - 47612-47612.1 Charter school operation
  - 47612.5 Independent study in charter schools
  - 48204 Residency
  - 48206.3 Home or hospital instruction; students with temporary disabilities
  - 48220 Classes of children exempted
  - 48340 Improvement of pupil attendance
  - 48915 Expulsion; particular circumstances
  - 48916.1 Educational program requirements for expelled students
  - 48917 Suspension of expulsion order
  - 49011 Student fees
  - 51225.3 Requirements for high school graduation
  - 51745-51749.6 Independent study programs
  - 52060 Local control and accountability plan
  - 52522 Adult education alternative instructional delivery
  - 52523 Adult education as supplement to high school curriculum; criteria
  - 56026 Individuals with exceptional needs
  - 58500-58512 Alternative schools and programs of choice
- FAMILY CODE
- 6550-6552 Authorization affidavits
- CODE OF REGULATIONS, TITLE 5
- 11700-11703 Independent study
- UNITED STATES CODE, TITLE 20
- 6301 Highly qualified teachers
  - 6311 State plans
- COURT DECISIONS
- Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

*Management Resources: (see next page)*

**INDEPENDENT STUDY (continued)**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Elements of Exemplary Independent Study

California Digital Learning Integration and Standards Guidance, April 2021

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

***Presented for Board Approval: August 3, 2021***

**INDEPENDENT STUDY**

**Definitions**

*Live interaction* means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

*Student-parent-educator conference* means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

*Synchronous instruction* means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

**Educational Opportunities**

For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction

*(cf. 6143 - Courses of Study)*

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel

*(cf. 5112.3 - Student Leave of Absence)*

5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

**INDEPENDENT STUDY** (continued)

6. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction

*(cf. 0420.4 - Charter School Authorization)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*  
*(cf. 6181 - Alternative Schools/Programs of Choice)*

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

*(cf. 5113 - Absences and Excuses)*

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

*(cf. 6146.1 - High School Graduation Requirements)*

**Equivalency**

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

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

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

**Eligibility for Independent Study**

Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.

**INDEPENDENT STUDY** (continued)

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

*(cf. 5111.1 - District Residency)*

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation. (Education Code 51745)

*(cf. 6159 - Individualized Education Program)*

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

*(cf. 6183 - Home and Hospital Instruction)*

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

*(cf. 6200 - Adult Education)*

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

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

*(cf. 6184 - Continuation Education)*

**INDEPENDENT STUDY** (continued)**Monitoring Student Progress**

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation.  
(Education Code 51747)

**Responsibilities of Independent Study Administrator**

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study

**INDEPENDENT STUDY** (continued)

6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

**Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

**INDEPENDENT STUDY** (continued)

9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

*(cf. 4131 - Staff Development)*

***Presented for Board Approval: August 3, 2021***



**APPENDIX I**

**BOARD POLICY 0415  
FOR BOARD APPROVAL**



## **SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT BOARD POLICY 0415: EQUITY**

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members is integral to the district's vision, mission, and goals. Addressing the needs of the most marginalized learners requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes.

In order to eradicate institutional bias of any kind, including implicit or unintentional biases and prejudices that affect student achievement, and to eliminate disparities in educational outcomes for students from historically underserved and underrepresented populations, the district shall proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, and impede equal access to opportunities for all students.

The Board shall make decisions with a deliberate awareness of impediments to learning faced by students of color and/or diverse cultural, linguistic, or socio-economic backgrounds. To ensure that equity is the intentional result of district decisions, the Board shall consider whether its decisions address the needs of students from racial, ethnic, and indigent communities and remedy the inequities that such communities experienced in the context of a history of exclusion, discrimination, and segregation. Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

The Board and the Superintendent or designee shall develop and implement policies and strategies to promote equity in district programs and activities, through measures such as the following:

1. Routinely assessing student needs based on data disaggregated by race, ethnicity, and socio-economic and cultural backgrounds in order to enable equity-focused policy, planning, and resource development decisions.
2. Analyzing expenditures and allocating financial and human resources in a manner that provides all students with equitable access to district programs, support services, and opportunities for success and promotes equity and inclusion in the district. Such resources include access to high-quality administrators, teachers, and other school personnel; funding; technology, equipment, textbooks, and other instructional materials; facilities; and community resources or partnerships.
3. Enabling and encouraging students to enroll in, participate in, and complete curricular and extracurricular courses, advanced college preparation programs, and other student activities such as Career Technical Education (CTE) Pathways.
4. Building a positive school climate that promotes student engagement, safety, and academic and other supports for students.

5. Adopting curriculum and instructional materials that accurately reflect the diversity among student groups.
6. Providing and/or collaborating with local agencies and community groups to ensure the availability of necessary support services for students in need.
7. Promoting the employment and retention of a diverse staff that reflects the student demographics of the community.
8. Providing district staff with ongoing, researched-based, professional learning and professional development on culturally responsive instructional practices.
9. Conducting program evaluations that focus on equity and address the academic outcomes and performance of all students on all indicators.

The Board shall regularly monitor the intent and impact of district policies and decisions in order to safeguard against disproportionate or unintentional impact on access to district programs and achievement goals for specific student populations in need of services.

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***For Board Approval: August 3, 2021***