

**AGENDA for the Joint Meeting of the  
Sierra County Board of Education  
and the  
Sierra-Plumas Joint Unified School District Governing Board**

November 12, 2024

5:00pm CLOSED Session

6:00pm Regular Session

**Meeting Location:**

*Loyalton: Sierra County Office of Education, Room 4, 109 Beckwith Rd, Loyalton CA 96118*

**Zoom for the public:**

*Link: <https://us02web.zoom.us/j/88390103833>*

*Phone dial-in: 669-900-9128 (Press \*6 to unmute)*

*Webinar ID: 883 9010 3833*

**Board Members:**

*Area 1: Patty Hall (Clerk) – phall@spjUSD.org*

*Area 2: Rhynie Hollitz – rhollitz@spjUSD.org*

*Area 3: Christina Potter (Vice President) – cpotter@spjUSD.org*

*Area 4: Kelly Champion (President) – kchampion@spjUSD.org*

*Area 5: Richard Jaquez – rjaquez@spjUSD.org*

*Any individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent(s) or designee in writing.*

*Any student or parent/guardian who wishes to have directory information or personal information, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes should contact the Superintendent(s) or designee in writing.*

*Public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting, will be made available at Sierra County Office of Education, Room 3, 109 Beckwith Road, Loyalton, CA, 96118, and posted with the online agenda at <http://www.sierracountyschools.org> (Government Code 54957.5).*

**A. CALL TO ORDER**

*Please be advised that this meeting will be recorded.*

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. PUBLIC COMMENT FOR CLOSED SESSION**

*At this time, the meeting opens for any public comments regarding the Closed Session item(s).*

**E. CLOSED SESSION**

*The Board will move into Closed Session to discuss the following item(s):*

1. Government Code 54956.9

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

Number of potential cases: two (2)

2. Government Code 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator(s) for the Board: James Berardi, County Superintendent  
Sean Snider, District Superintendent

Employee Organizations:

Unrepresented Employees:

District Superintendent  
Sierra-Plumas Teachers' Association  
Classified Employees  
Confidential Employees  
Administrative Employees

3. Government Code 54956.8  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 105 Beckwith St, Loyalton CA 96118  
Sierra COE Negotiator: James Berardi, Superintendent  
Party with whom Sierra COE is Negotiating: City of Loyalton  
Under Negotiation: Price and Terms of Payment

**F. RETURN TO OPEN SESSION and ADJOURN FOR BREAK**

**G. 6:00PM – RECONVENE**

**H. FLAG SALUTE**

**I. REPORT OUT FROM CLOSED SESSION**

**J. BOARD ORGANIZATION**

1. Proposal to move the meeting in December from Friday, December 13<sup>th</sup>, to Tuesday, December 17<sup>th</sup>
2. Board Goals and Planning

**K. INFORMATION ITEMS**

1. Superintendent Reports

**COUNTY—SCOE**

None

**DISTRICT—SPJUSD**

- a. California Assessment of Student Performance and Progress (CAASPP) report for 2023-2024\*\*
  - b. Career Technical Education (CTE) report for 2023-2024\*\*
  - c. Facilities update
2. Business Report
    - a. Second Month SPJUSD Enrollments for the 2024-2025 School Year\*\*
  3. SPTA Report
  4. Committee/Board Member Reports
  5. Public Comment – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

**L. CONSENT CALENDAR**

1. Approval of minutes for the Regular Joint Meeting held October 08, 2024\*\*
2. Approval of Board Report-Checks Dated 10/01/2024 through 10/31/2024
  - a. SCOE\*\*
  - b. SPJUSD\*\*
3. Approval to surplus E-Waste
  - a. SCOE\*\*
  - b. SPJUSD\*\*

4. Approval of the following SPJUSD personnel items:
  - a. Assignment of Cara Bowling, 2024-2025 8<sup>th</sup> Grade Boys Basketball, Loyalton High School
  - b. Assignment of Alyson Ceresola, 2024-2025 7<sup>th</sup> Grade Girls Basketball, Loyalton High School
  - c. Assignment of Allison Rogge, 2024-2025 8<sup>th</sup> Grade Girls Basketball, Loyalton High School

#### **M. ACTION ITEMS**

##### **1. New Business**

##### **COUNTY—SCOE**

None

##### **DISTRICT—SPJUSD**

- a. Award of contract to the lowest responsive responsible bidder for the Downieville School Roof Project, Contract No. 2025-014D
- b. Approval of MOU with Toddler Towers Inc. for the Expanded Learning Opportunity Program (ELO-P), Contract No. 2025-015D\*\*
- c. Approval of contract with J. Soon Consulting for a Cafeteria Program Review, Contract No. 2025-016D\*\*

#### **BOARD POLICIES AND BYLAWS**

Board Bylaw 9310: "The Superintendent or designee shall develop and present a first reading at a public Board meeting and action may be taken on the proposed policy. The Board may require additional readings if necessary."

##### **Batch from September 10<sup>th</sup> – Second Reading**

- d. 0410—Nondiscrimination in District Programs and Activities^^
- e. 1312.3—Uniform Complaint Procedures^^
- f. 4030—Nondiscrimination in Employment^^
- g. 4033—Lactation Accommodation^^
- h. 4119.11~4219.11~4319.11—Sex Discrimination and Sex-Based Harassment^^
- i. 5145.3—Nondiscrimination/Harassment^^
- j. 5145.7—Sex Discrimination and Sex-Based Harassment^^
- k. 5146—Married/Pregnant/Parenting Students^^

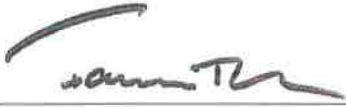
##### **Batch from October 8<sup>th</sup> – First Reading**

- l. 9010—Public Statements^^
- m. 9012—Board Member Electronic Communications^^
- n. 9220—Governing Board Elections
  1. Bylaw^^
  2. Exhibit – *NEW*^^
- o. 9223—Filling Vacancies^^
- p. 9320—Meetings and Notices\*\*
- q. 9323.2—Actions by the Board
  1. Bylaw^^
  2. Exhibit (1), *revisions*^^
  3. Exhibit (2), *DELETE*

## N. ADVANCED PLANNING

1. The next Regular Joint Board Meeting will be held on December 17, 2024, at Downieville School, 130 School St, Downieville CA 95936 at 6:00pm. If needed, Closed Session may be held before the Regular session beginning at 5:00pm. Zoom videoconferencing will be available for the public.
2. Suggested Agenda Items

## O. ADJOURN



James Berardi,  
County Superintendent



Sean Snider,  
District Superintendent

\*\* enclosed

\* handout

^^ prior meeting handout

James Berardi, County Superintendent – [jberardi@spjUSD.org](mailto:jberardi@spjUSD.org)

Sean Snider, District Superintendent – [ssnider@spjUSD.org](mailto:ssnider@spjUSD.org)

Kristie Jacobsen, Executive Assistant to the Superintendents – [kjacobson@spjUSD.org](mailto:kjacobsen@spjUSD.org)

Randy Jones, Director of Business Services/CBO – [rjones@spjUSD.org](mailto:rjones@spjUSD.org)

Office: 530-993-1660 x0

Email [schoolinfo@spjUSD.org](mailto:schoolinfo@spjUSD.org) to be added to the agenda email list.



# CAASPP 2023-2024

## SPJUSD CAASPP RESULTS

### CAASPP: ALL THE WAYS WE ASSESS LEARNING

- Smarter Balanced Assessments
  - ELA, MATH, CAST (California Science Test)
- ELPAC
  - English Language Proficiency Assessment of California
- CAA
  - California Alternate Test (ELA, Math, Science)
- CSA
  - California Spanish Assessment
- PFT
  - Physical Fitness Test of California

## WHO TESTS

- **ELA & Math:** All students, grades 3-8, and grade 11
- **CAST:** All 5th, 8th, and one year in high school when students finish science pathway
- **ELPAC:** All students, grades 3-12 until they are redesignated out of English language support services
- **PFT:** All students in grades 5, 7, and 9

## WHY WE TEST: ELA, Math, Science

The purpose of the Smarter Balanced Summative Assessments is to assess student knowledge and skills in English language arts/literacy, mathematics, science, and English language, as well as how much students have improved since the previous year (student growth). These measures help identify and address gaps in knowledge or skills early on so students get the support they need for success in higher grades and become ready for college or a career.

## HOW WE USE RESULTS

- To support students over time
- To identify gaps in learning so our instruction can focus on needs
- To have another piece of data to help guide instruction and support student learning



## TOTAL PARTICIPANTS BY GRADE LEVEL

**89.5% PARTICIPATION  
RATE FOR ELA**

Reporting Categories	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	All Grades
Number of Students Enrolled <sup>i</sup>	29	26	34	31	23	27	30	200
Number of Students Tested <sup>i</sup>	28	21	33	30	22	26	19	179
Number of Students With Scores <sup>i</sup>	28	21	33	30	22	26	19	179

**90.5% PARTICIPATION  
RATE FOR MATH**

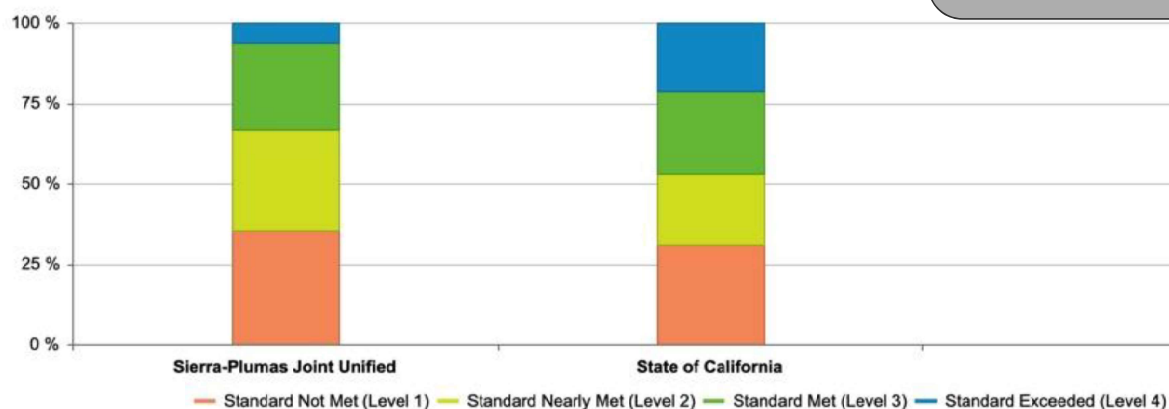
Reporting Categories	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	All Grades
Number of Students Enrolled <sup>i</sup>	29	26	34	31	23	27	30	200
Number of Students Tested <sup>i</sup>	28	23	33	30	22	26	19	181
Number of Students With Scores <sup>i</sup>	28	23	33	29	22	26	19	180

# SPJUSD COMPARED TO STATE IN ELA

## ENGLISH LANGUAGE ARTS/LITERACY

▼ Data Detail - All Students (accessible data)

2023–24 Achievement Level Distribution - All Grades



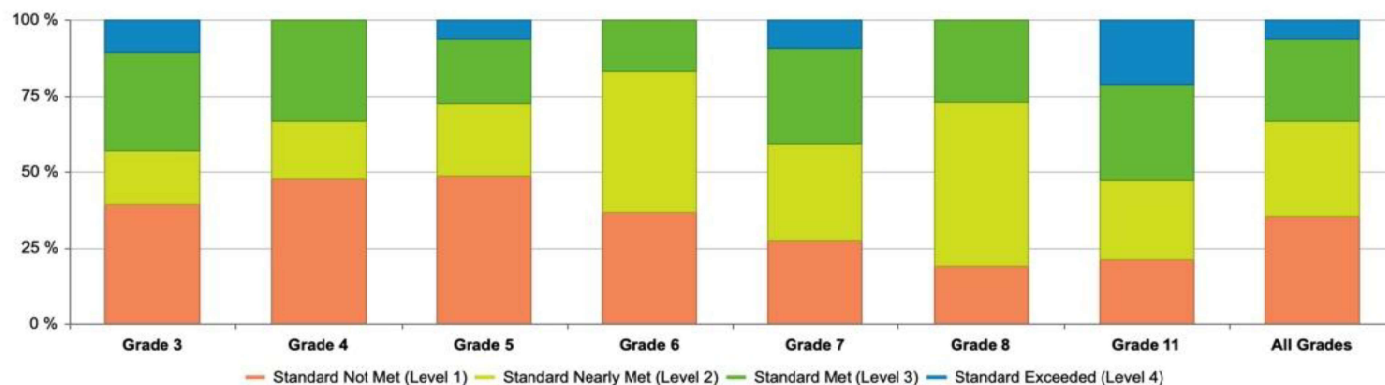
**SPJUSD = 32.97%**  
**CA = 47.04%**

# SPJUSD BY GRADE LEVEL: ELA

## ENGLISH LANGUAGE ARTS/LITERACY

▼ Data Detail - All Students (accessible data)

Achievement Level Distribution



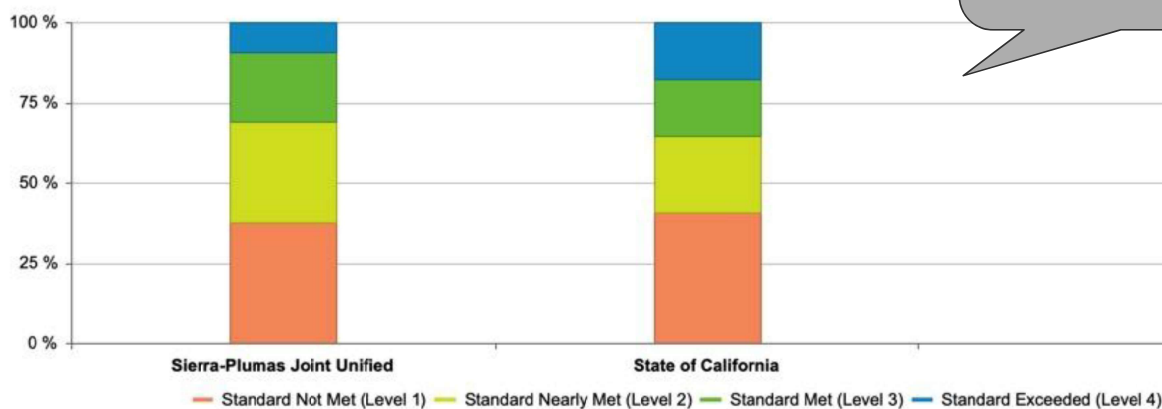
**WE SEE THE GREATEST NEED IN THE AREA OF READING & WRITING WITH OVER 21% BELOW STANDARD IN READING AND OVER 40% AT BELOW STANDARD IN WRITING**

# SPJUSD COMPARED TO STATE IN MATH

## MATHEMATICS

▼ Data Detail - All Students (accessible data)

2023–24 Achievement Level Distribution - All Grades



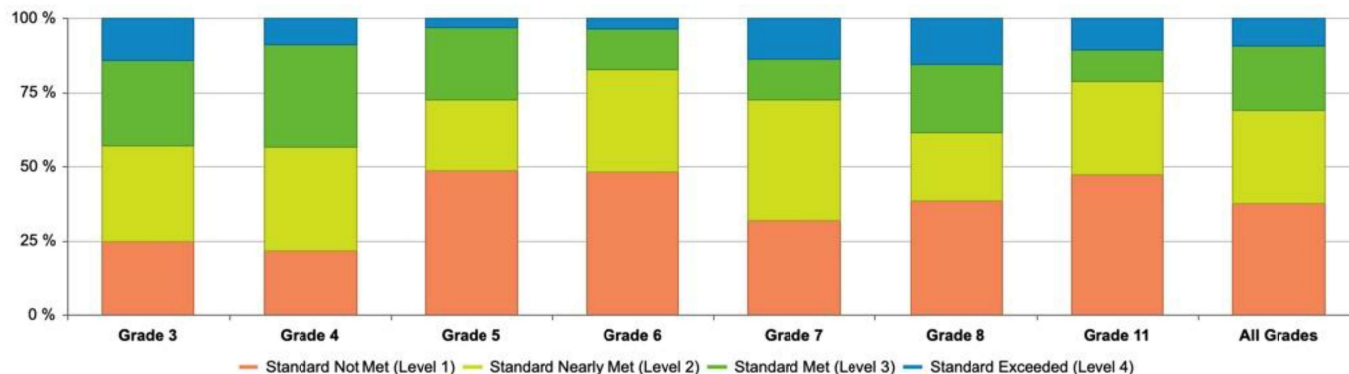
SPJUSD=31.11%  
CA = 35.54%

# SPJUSD BY GRADE LEVEL: MATH

## MATHEMATICS

▼ Data Detail - All Students (accessible data)

Achievement Level Distribution



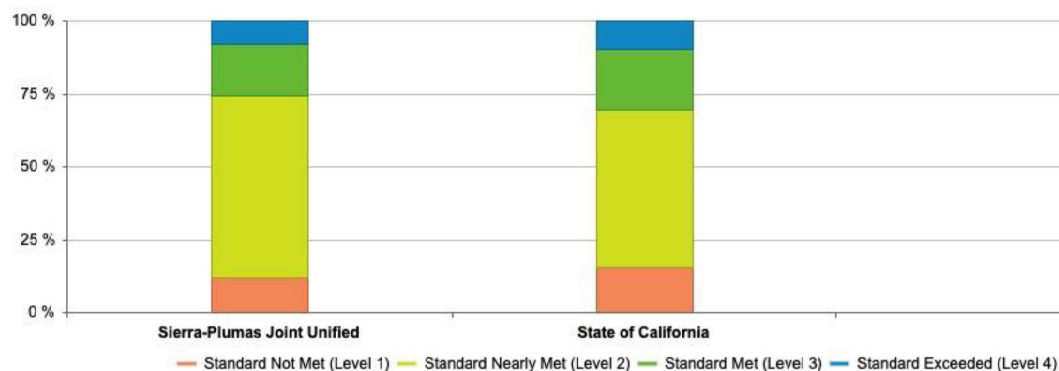
WE SEE THE GREATEST NEED IN THE AREA OF CONCEPTS & PROCEDURES AND PROBLEM-SOLVING WITH OVER 30% AT BELOW STANDARD

# SPJUSD COMPARED TO STATE IN SCIENCE

## SCIENCE

▼ Data Detail - All Students (accessible data)

2023-24 Achievement Level Distribution - All Grades



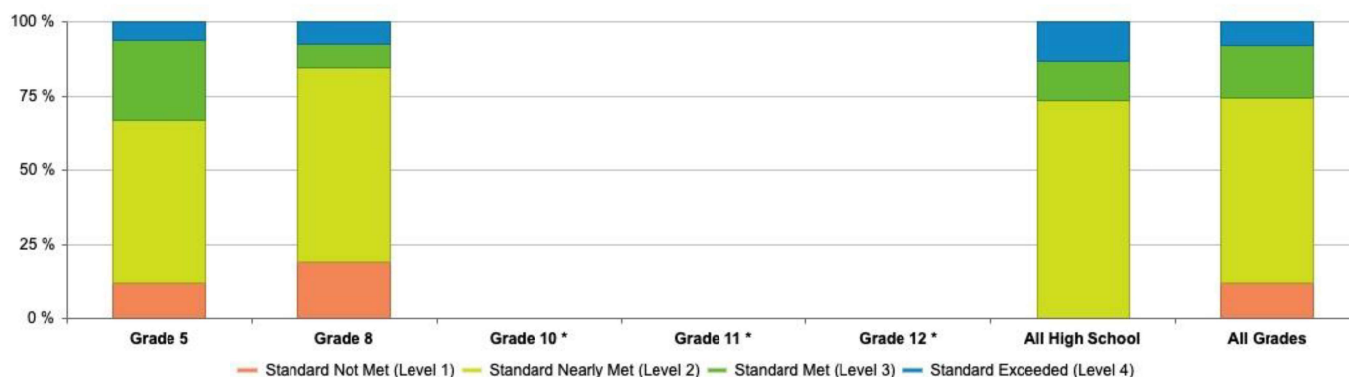
SPJUSD = 25.68%  
CA = 30.70%

# SPJUSD BY GRADE LEVEL: SCIENCE

## SCIENCE

▼ Data Detail - All Students (accessible data)

Achievement Level Distribution



WE SEE THE GREATEST  
NEED IN THE AREA OF LIFE  
SCIENCES WITH OVER 50%  
BELOW STANDARD

# SPJUSD COMPARED TO STATE IN ELPAC SCORES

SPJUSD = 38.09% 3 & 4  
(8 out of 21 students)  
CA = 47.41% 3 & 4

## Percentage of Students at Each Performance Level

### Overall Performance

Reporting Categories	Sierra-Plumas Joint Unified	State of California
Mean Scale Score	N/A	N/A
Level 4 Percentage of students by grade for level	9.52%	14.63%
Level 3 Percentage of students by grade for level	28.57%	32.78%
Level 2 Percentage of students by grade for level	33.33%	28.67%
Level 1 Percentage of students by grade for level	28.57%	23.93%

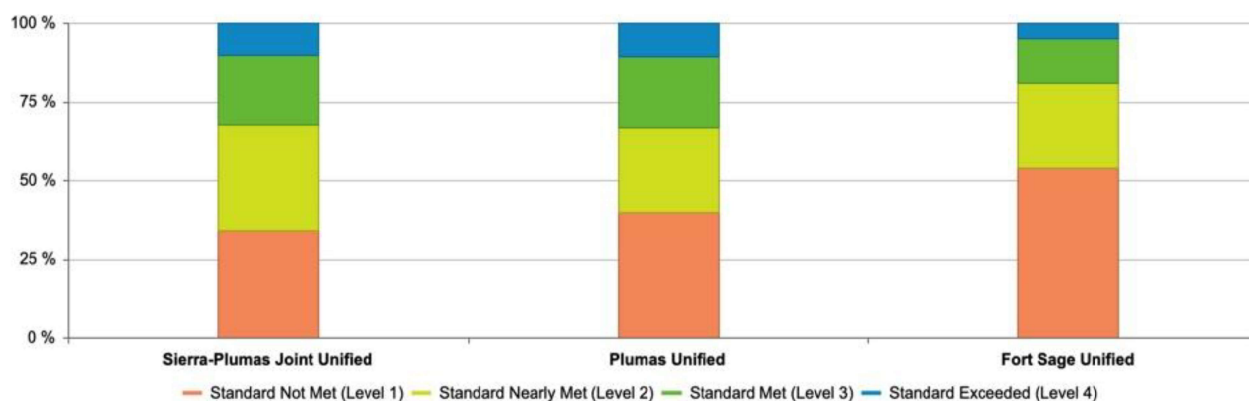
The sum of the achievement level percentages may not add to 100% due to rounding.

# SPJUSD COMPARED TO SIMILAR DISTRICTS: ELA

## ENGLISH LANGUAGE ARTS/LITERACY

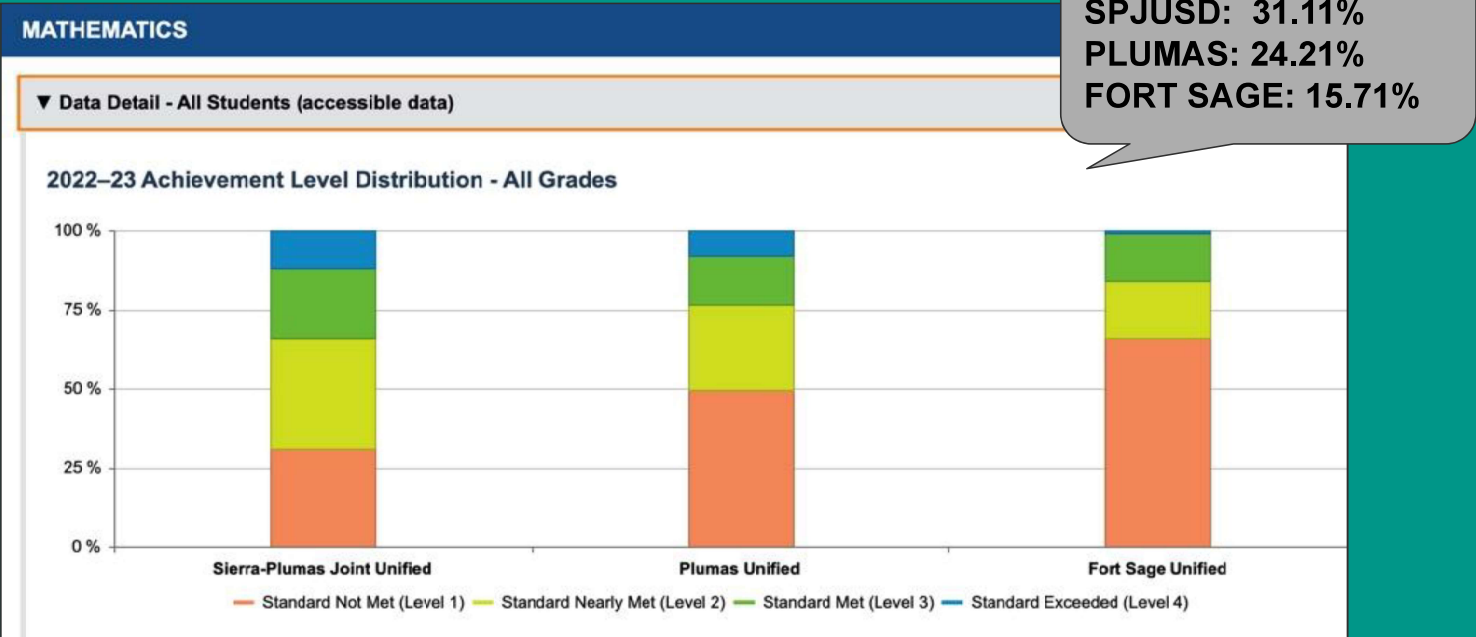
### ▼ Data Detail - All Students (accessible data)

#### 2022-23 Achievement Level Distribution - All Grades

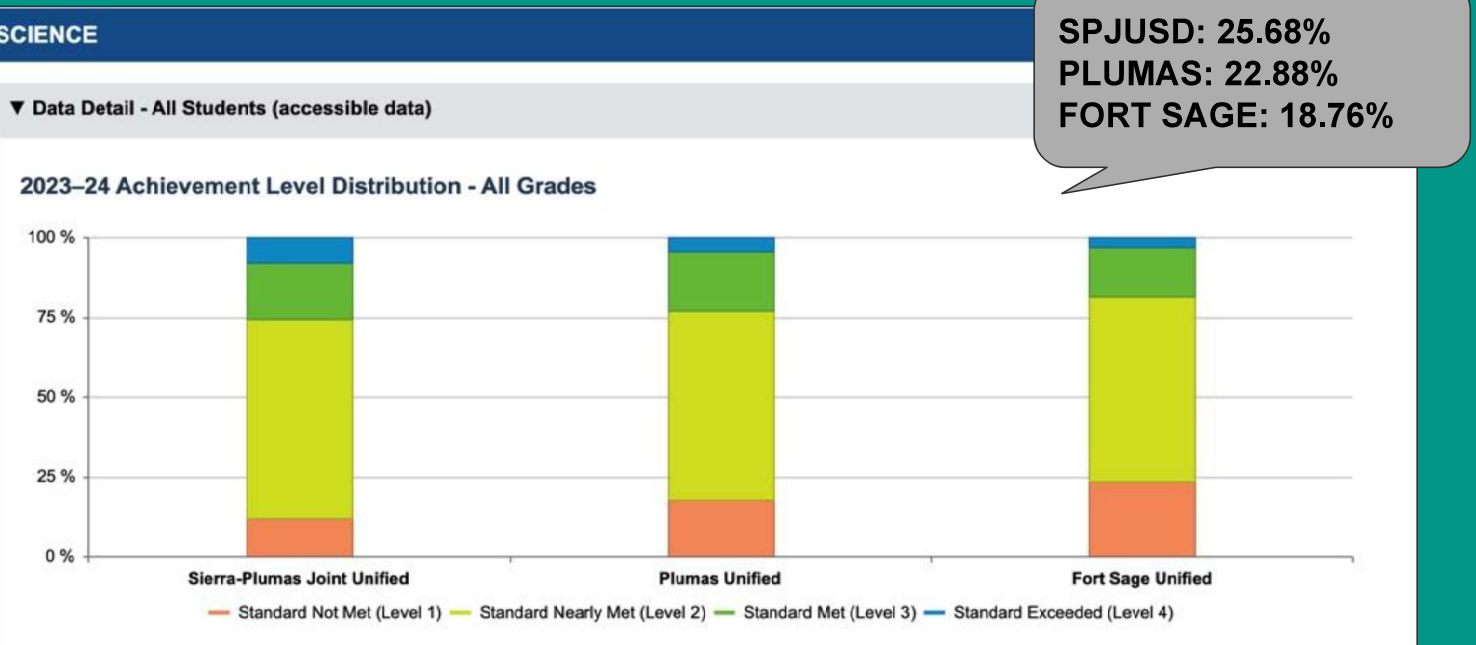


SPJUSD: 32.97%  
PLUMAS: 37.58%  
FORT SAGE: 19.17%

# SPJUSD COMPARED TO SIMILAR DISTRICTS: MATH



# SPJUSD COMPARED TO SIMILAR DISTRICTS: SCIENCE





# TAKEAWAYS

- WHILE SCORES IN CERTAIN GRADE LEVELS IMPROVED, AS A WHOLE, WE STILL HAVE WORK TO DO
- AS A WHOLE (GRADES 3-12 AND ALL SCHOOLS) LOWER THAN STATE AVERAGE IN ELA, MATH, AND SCIENCE (BETWEEN APPROX. 5%-10%)
- WE ARE ACHIEVING HIGHER IN MATH AND SCIENCE THAN OUR NEIGHBOR SCHOOL DISTRICTS WITH SIMILAR DEMOGRAPHICS
- THE NUMBER OF STUDENTS WHO OPTED OUT OF THE CAASPP ASSESSMENTS INCREASED AT THE 11TH GRADE LEVEL (30%)

<https://caaspp-elpac.ets.org/caaspp/Default>

# NEXT STEPS TO ADDRESS CHALLENGES

- ALL SCHOOLS ARE USING STEP-UP-TO-WRITING TO ADDRESS WRITING NEEDS ACROSS THE CURRICULUM
  - TRAINING HAS BEEN ONGOING, AND CURRICULUM IS BEING USED AT EACH GRADE LEVEL ACROSS THE DISTRICT
- CONTRACT WITH TNTP TO WORK ON DISTRICT-WIDE LITERACY IMPROVEMENT ACROSS THE CURRICULUM
- NEED TO ADOPT MATH CURRICULUM GRADES, K-12 AND BE TRAINED IN COHORT GROUPS WITH SAME CURRICULUM (K-5, 6-8, 9-12)
- CONTINUE TO ANALYZE ABSENTEEISM DATA TO DETERMINE ITS IMPACT ON ACADEMIC ACHIEVEMENT
- INCREASE COMMUNICATION TO FAMILIES IN ORDER TO HAVE THE 95% PARTICIPATION RATE
- SCHOOL-WIDE STRATEGIES TO LIFT TIER 1 INSTRUCTION AND LITERACY

# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

## CTE REPORT, FALL 2024

### Trends in Course and Pathway Completion

#### % of Seniors graduating with a Pathway completion at LHS

All Graduating Seniors						
	2020 (27)	2021 (24)	2022 (17)	2023 (21)	2024 (22)	2025 (27) Predicted
Percent of Graduating Seniors who are Completers of the <u>Agriscience</u> Pathway and the <u>Construction Trades</u> and <u>Engineering Design</u> Pathways combined	40%	58%	65%	76%	63%	59%

#### # / % of Graduates Completing a CTE Pathway at LHS

Pathway	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
Agriscience	46%	18%	12/21 57%	11/22 50%	9/28 32%
Construction Trades	42%	41%	6/21 28.5%	8/22 36%	10/28 36%
Engineering Design)	N/A	N/A	N/A 12 Students in Mechatronics 1 (Intro. Course)	N/A 5 Students in Mechatronics 2 (Concentrator Course)	2/28 07%

\*All CTE Pathways are currently offered at LHS only.

#### The Future of CTE Across the District:

- EMT Basic offered through Adult Education to seniors (Sierra Strong Grant)
- Medical CTE Course exploration through Paxton/Patterson at DHS (Sierra Strong)
- CTE Course offerings through online platform PEAK/FuelED
- Apprenticeship and paid work experience in Elementary Education (Sierra Strong)
- Exploring a Spring "Careers in Medicine" Institute through EPHC
- Lost Engineering Technology due to loss of 1 FTE for 2024-2025. Hoping to re-enstate the pathway for 2025-2026 at LHS
- Need to implement CTE Pathways at DHS for equity

## ENROLLMENT BY SCHOOL MONTH - 2024-2025

**\*\*As of 10/22/2024**

	<b>Downieville Elementary</b>	<b>Loyalton Elementary</b>	<b>Downieville Jr High</b>	<b>Loyalton Jr High</b>	<b>Downieville Sr High</b>	<b>Loyalton Sr High</b>	<b>Sierra Pass Continuation</b>	<b>Long-Term ISP/SDC</b>	<b>TOTAL</b>
<b>Ending 2023-2024</b>	27	193	10	41	12	114	6	included in site #	403
<b>1st Day 2024-2025</b>	28	200	10	47	9	122	3	included in site #	419

	<b>Month</b>									
<b>September</b>	1	27	203	10	47	9	123	3	included in site #	422
08/21/24-09/13/24										
<b>October</b>	2	27	203	10	47	9	119	5	included in site #	420
09/16/24-10/11/24										
<b>November</b>	3								included in site #	0
10/14/24-11/08/24										
<b>December</b>	4								included in site #	0
11/12/24-12/06/24										
<b>January</b>	5								included in site #	0
12/09/24-01/17/25										
<b>February</b>	6								included in site #	0
01/21/25-02/14/25										
<b>March</b>	7								included in site #	0
02/18/25-03/14/25										
<b>April</b>	8								included in site #	0
03/18/25-04/11/25										
<b>May</b>	9								included in site #	0
04/14/25-05/09/25										
<b>June</b>	10								included in site #	0
05/13/25-06/06/25										

2023-2024	SPJUSD	SCOE	Washoe
P1 ADA	358.58	0.74	13.34
P2 ADA	357.90	0.74	13.37
Annual	358.02	0.74	13.33

Long-Term ISP	
DES	0
LES	4
DHS	0
LHS	5

2022-2023	SPJUSD	SCOE	Washoe
P1 ADA	354.53	0.70	13.50
P2 ADA	351.20	0.70	12.97
Annual	352.11	0.70	13.46



3. Government Code 54956.8  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 105 Beckwith St, Loyalton CA 96118  
Sierra COE Negotiator: James Berardi, Superintendent  
Party with whom Sierra COE is Negotiating: City of Loyalton  
Under Negotiation: Price and Terms of Payment

F. RETURN TO OPEN SESSION at 6:04pm and ADJOURN FOR BREAK

G. 6:15PM – RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

*HALL: Each item was for discussion only. No action was taken.*

J. INFORMATION ITEMS

1. Correspondence

- a. Letter from the California Department of Education approving the 2024-2025  
SCOPE and SPJUSD Budgets and Local Control Accountability Plan (LCAP)

2. Superintendent Reports

**COUNTY—SCOPE**

- a. Conference updates

*BERARDI: Recently attended a County Superintendents Conference – great place for networking, learning about new rules and regulations, and advocacy work. Sending GRIFFIN and MESCHERY to a Curriculum and Instruction Conference through the County Superintendents group. Plans for continued advocacy work at the State Capitol with a focus on rural schools/districts including issues with electric buses.*

- b. E-Bus Project

*BERARDI: Major issue with electric buses not working properly, so working to get law changed requiring use of electric buses, particularly in rural areas. Scheduling a ride-along in Loyalton for elected officials in the winter so they can experience the cold the students and drivers are experiencing. There are also charging issues including batteries not charging in time for regular routes plus extracurriculars.*

**DISTRICT—SPJUSD**

- c. Update on Superintendent's goals for 2024-2025

*Overview by SNIDER.*

- d. Facilities Projects update

*SNIDER: Downieville School Roof Bid Notice is out. Bids due November 12<sup>th</sup>. Girls Softball Field Community Meeting held September 18<sup>th</sup> and about 15 people were there. Discussed immediate need for this year where the girls can have exclusive access. Long-term idea discussed for a sports complex in the future. Next step will be a meeting with the Little League President and a board member to discuss a possible MOU for next year to allow exclusive access for the girls to use one of the little league fields next year. Looking at turning one of our own fields into a practice field for Little League to offer as a*

*trade and alternative. There was more concern than support voiced for the proposed sketches of a new softball field, mainly the potential water issues.*

3. Business Report

- a. Necessary Small School Funding Model  
*JONES gave an overview of how this works.*
- b. Account Object Summary-Balance from 07/01/2024 to 09/30/2024
  - 1. SCOE
  - 2. SPJUSD
- c. First Month SPJUSD Enrollments for the 2024-2025 School Year

4. Staff Reports

- a. SCOE  
*SELPA—BETHKE: Attended the State Special Education Directors meeting last week in Sacramento. Compliance heavy, presentations on legislation that is about to pass or has passed through, and discussions on Early Childhood. As BERARDI mentioned, these are great opportunities for networking to help with ideas for solving different issues that come up.*  
*ADULT ED—JACKSON: None*  
*STUDENT IMPROVEMENT—MESCHERY: California Dashboard should be released late November or early December. In Differentiated Assistance we are focused on Chronic Absenteeism. Working with Placer COE, monthly meetings. TNTP training for Literacy. Administering practice SAT sessions, and offering an In-House SAT session this year. For State Testing we are using practice and interim assessments. Attending Instructional Leadership Institute next week.*
- b. SPJUSD  
*LES—ARMSTRONG: Bike Rodeo tomorrow, each grade level gets half an hour. Thank you to Mr. McIntosh for the band program for 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> graders. Wild Things assembly October 21<sup>st</sup>.*  
*LHS—GRIFFIN: Lots of games in sports since we last met. Homecoming was a super success! FRC helped sponsor the Grizzly Ranch Retreat for 9<sup>th</sup> graders and they host a Career Fair. FFA 9<sup>th</sup> graders have already gone to Greenhand. Our seniors have gone to the library at UNR to start on their projects. Soft lockdown last week and we learned a lot. College Night this week. Picture Day on Friday. Attending Instructional Leadership Institute next week as well.*  
*DES & DHS—BERARDI: Our bus driver was out for a few days, so we used the school vehicles to shuttle kids that normally ride the bus. The cook has been out as well, so myself and the facility guy, Shawn, have been taking care of breakfast and lunch those days. Picture day last week. Environmental Science class went to the Devils Post Pile, learn about Sierra County. Today the 11<sup>th</sup> & 12<sup>th</sup> graders went to UNR for campus visit. College Night October 10<sup>th</sup>. Sky Watch program supported by a grant from NASA. Soccer practice on Tuesday as long as weather permits. Misita TK/K/1<sup>st</sup> grade pumpkin patch field trip on the 16<sup>th</sup>. Parent-Teacher and Booster Club meetings on the 17<sup>th</sup>. FNL Disneyland trip coming up the 17<sup>th</sup>-21<sup>st</sup>. Wild Things assembly October 21<sup>st</sup> after Loyalton. Mrs. Edwards class going to Science Museum in Reno.*

*Halloween Carnival on the 25<sup>th</sup>. Law Enforcement to hold a meeting at the school in the near future to talk about dealing with bears around Downieville. Fish and Game will be visiting the school as well to talk about job careers.*

5. SPTA Report

*PRESIDENT—PETTERSON: None*

6. Committee/Board Member Reports

*HOLLITZ: Budget Committee meeting last week. Pleased with the way the Budget Committee is functioning. Looking at revenue enhancements, small schools formula and looking at grants to enhance facilities.*

*CHAMPION: Next Budget Committee meeting at the end of this month. CSBA asked districts to oppose AB 2088. That bill was vetoed. AB 2316 signed—takes effect in 2027—banning certain dyes in foods in schools. Attended a County Board conference in Monterey. Appointed to committee to help plan the next event. Also trying to get appointed to the Legislative Analyst committee. Learning differences between County Boards and District Boards. Thank you to the administrative staff for the work they put into the board packets and preparing for the meetings.*

7. Public Comment

*MEGAN MESCHERY—Sierra Schools Foundation: Annual Golf Tournament turned out great. Raised a nice chunk of change for Senior Project grants which are up and running right now. Winter grant cycle coming up in December for teachers to apply. We are honored to work with the district and help support the music teacher position as well.*

K. CONSENT CALENDAR

1. Approval of minutes for the Regular Joint Meeting held September 10, 2024
2. Approval of Board Report-Checks Dated 09/01/2024 through 09/30/2024
  - a. SCOE
  - b. SPJUSD
3. Approval of Quarterly Report on Williams Uniform Complaints for the quarter ending 09/30/2024
  - a. SCOE
  - b. SPJUSD
4. Approval to surplus E-Waste for SCOE and SPJUSD
5. Approval of the following SPJUSD personnel items:
  - a. Assignment of Carlie Sheridan, 2024-2025 JV Volleyball Coach, Loyalton High School
  - b. Resignation for Faith Edwards, 2024-2025 Advisor Friday Night Live Kids, Downieville K-6
  - c. Assignment of Katrina Bosworth, 2024-2025 Advisor Friday Night Live Kids, Downieville K-6
  - d. Resignation for Katrina Bosworth, 2024-2025 Advisor Club Live, Downieville 7-8

*HOLLITZ/HALL*

*5/0*

## L. ACTION ITEMS

### 1. New Business

#### **COUNTY & DISTRICT**

##### ***PUBLIC HEARING—Textbooks and Instructional Materials***

- a. Public Hearing *opened at 7:29pm* to receive comments on the sufficiency of textbooks and instructional materials for Transitional Kindergarten through 12<sup>th</sup> grade in each subject and to assure that they are aligned with the state standards adopted pursuant to Ed Code 60605 or 60605.8. Also meet the reporting and sufficiency requirements contained in Ed Code 60119. *Closed at 7:30pm with no comment.*
- b. Adoption of Resolution No. 25-004C, Sufficiency of Textbooks or Instructional Materials, SCOE  
*HALL/POTTER*  
*5/0*
- c. Adoption of Resolution No. 25-004D, Sufficiency of Textbooks or Instructional Materials, SPJUSD  
*HALL/HOLLITZ*  
*5/0*
- d. Adoption of REVISED Resolution No. 25-003C, Adopting the Gann Limit, SCOE  
*HALL/HOLLITZ*  
*5/0*
- e. Adoption of REVISED Resolution No. 25-003D, Adopting the Gann Limit, SPJUSD  
*HALL/POTTER*  
*5/0*
- f. Adoption of the Unaudited Actuals for the Fiscal Year Ending June 30, 2024  
*HOLLITZ/HALL*  
*5/0*
  1. SCOE
  2. SPJUSD

#### **DISTRICT—SPJUSD**

- g. Approval of REVISED Assignments to Teach Core Subjects out of Credential Authorization for the 2024-2025 school year  
*HALL/POTTER*  
*5/0*
- h. Approval of agreement with the Foundation for California Community Colleges on behalf of the California College Guidance Initiative (CCGI), Contract No. 2025-009D  
*HOLLITZ/HALL*  
*Aye – 3*  
*No – 1 (JAQUEZ)*  
*Abstention – 1 (CHAMPION)*
- i. Authorization to enter a Memorandum of Understanding with the Corporation for Education Network Initiatives in California (CENIC) for the Broadband Infrastructure Grant (BIG) project at Loyalton Elementary School, Contract No. 2025-011D  
*HALL/JAQUEZ*  
*5/0*



- j. Approval of contract with Martin Earthworks to complete scope of Broadband Infrastructure Grant (BIG) project at Loyalton Elementary School, Contract No. 2025-013D  
*HALL/POTTER*  
5/0
- k. Presentation of Veregy's response to the RFQ for CALSHAPE and Energy Efficiency Projects at Downieville School
- l. Approval of contract with Veregy Pacific, LLC, Contract No. 2025-012D  
*CHAMPION/HALL*  
5/0
- m. Approval of quote from Silver State International for diesel bus repairs  
*HALL/JAQUEZ*  
5/0
- n. Approval of Safe Schools Plan bi-annual review and revisions  
*HALL/POTTER*  
5/0

#### BOARD POLICIES AND BYLAWS

Board Bylaw 9310: "The Superintendent or designee shall develop and present a first reading at a public Board meeting and action may be taken on the proposed policy. The Board may require additional readings if necessary."

*CHAMPION motioned to postpone all policies to November. Second by HALL*  
5/0

#### **Batch from September 10<sup>th</sup> – Second Reading**

- o. 0410—Nondiscrimination in District Programs and Activities
- p. 1312.3—Uniform Complaint Procedures
- q. 4030—Nondiscrimination in Employment
- r. 4033—Lactation Accommodation
- s. 4119.11~4219.11~4319.11—Sex Discrimination and Sex-Based Harassment
- t. 5145.3—Nondiscrimination/Harassment
- u. 5145.7—Sex Discrimination and Sex-Based Harassment
- v. 5146—Married/Pregnant/Parenting Students

#### **New for October 8<sup>th</sup> – First Reading**

- w. 9010—Public Statements
- x. 9012—Board Member Electronic Communications
- y. 9220—Governing Board Elections
  - 1. Bylaw
  - 2. Exhibit – *NEW*
- z. 9223—Filling Vacancies
- aa. 9320—Meetings and Notices
- bb. 9323.2—Actions by the Board
  - 1. Bylaw
  - 2. Exhibit (1), *revisions*
  - 3. Exhibit (2), *DELETE*

M. ADVANCED PLANNING

1. The next Regular Joint Board Meeting will be held on November 12, 2024, at Sierra County Office of Education, Room 4, 109 Beckwith Rd, Loyalton CA 96118 at 6:00pm. If needed, Closed Session may be held before the Regular session beginning at 5:00pm. Zoom videoconferencing will be available for the public.

2. Suggested Agenda Items

*None*

N. ADJOURN

*CHAMPION adjourned the meeting at 9:00pm.*

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James Berardi,  
County Superintendent

---

Sean Snider,  
District Superintendent

---

Patty Hall, Clerk



**SIERRA COUNTY BOARD OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD  
Closed Session Reporting Form**

DATE: October 08, 2024

CLOSED SESSION BEGAN AT: 5:05 P.M.

**BOARD MEMBERS PRESENT:**

☒ Patty Hall ☒ Rhynie Hollitz ☒ Christina Potter ☒ Kelly Champion ☒ Richard Jaquez

**OTHERS PRESENT:**

- ☒ James Berardi, County Superintendent  
☒ Sean Snider, District Superintendent  
☒ Randy Jones, Director of Business Service/CBO  
☐ Carol Wieckowski, Evans, Wieckowski, Ward & Scofield LLP, Legal Counsel  
☐  
☐

**I. SESSION TOPIC(S):**

**Item #1—Government Code 54956.9**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

Number of potential cases: two (2)

**RESULT:**

- ☐ DIRECTION WAS GIVEN TO SUPERINTENDENT  
☒ THE CLOSED SESSION WAS FOR PURPOSES OF DISCUSSION ONLY. NO ACTION WAS TAKEN.  
☐ A ROLL CALL VOTE WAS TAKEN:  
HALL \_\_\_\_\_ HOLLITZ \_\_\_\_\_ POTTER \_\_\_\_\_ CHAMPION \_\_\_\_\_ JAQUEZ \_\_\_\_\_  
☐ A ROLL CALL VOTE WAS TAKEN IN OPEN SESSION:  
HALL \_\_\_\_\_ HOLLITZ \_\_\_\_\_ POTTER \_\_\_\_\_ CHAMPION \_\_\_\_\_ JAQUEZ \_\_\_\_\_

**Item #2—Government Code 54957.6**

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator(s) for the Board:

James Berardi, County Superintendent  
Sean Snider, District Superintendent

Employee Organizations:

Unrepresented Employees:

District Superintendent  
Sierra-Plumas Teachers' Association  
Classified Employees  
Confidential Employees  
Administrative Employees

**RESULT:**

- ☐ DIRECTION WAS GIVEN TO SUPERINTENDENT  
☒ THE CLOSED SESSION WAS FOR PURPOSES OF DISCUSSION ONLY. NO ACTION WAS TAKEN.  
☐ A ROLL CALL VOTE WAS TAKEN:  
HALL \_\_\_\_\_ HOLLITZ \_\_\_\_\_ POTTER \_\_\_\_\_ CHAMPION \_\_\_\_\_ JAQUEZ \_\_\_\_\_  
☐ A ROLL CALL VOTE WAS TAKEN IN OPEN SESSION:  
HALL \_\_\_\_\_ HOLLITZ \_\_\_\_\_ POTTER \_\_\_\_\_ CHAMPION \_\_\_\_\_ JAQUEZ \_\_\_\_\_

**SIERRA COUNTY BOARD OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD  
Closed Session Reporting Form**

Item #3—Government Code 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 105 Beckwith St, Loyalton CA 96118

Sierra COE Negotiator: James Berardi, Superintendent

Party with whom Sierra COE is Negotiating: City of Loyalton

Under Negotiation: Price and Terms of Payment

**RESULT:**

- ☐ DIRECTION WAS GIVEN TO SUPERINTENDENT
- ☒ THE CLOSED SESSION WAS FOR PURPOSES OF DISCUSSION ONLY. NO ACTION WAS TAKEN.
- ☐ A ROLL CALL VOTE WAS TAKEN:  
HALL \_\_\_\_\_ HOLLITZ \_\_\_\_\_ POTTER \_\_\_\_\_ CHAMPION \_\_\_\_\_ JAQUEZ \_\_\_\_\_
- ☐ A ROLL CALL VOTE WAS TAKEN IN OPEN SESSION:  
HALL \_\_\_\_\_ HOLLITZ \_\_\_\_\_ POTTER \_\_\_\_\_ CHAMPION \_\_\_\_\_ JAQUEZ \_\_\_\_\_

II. ENDED CLOSED SESSION AT 6:04 P.M. AND RETURN TO OPEN SESSION

PRESIDED BY:

Kelly Champion  
Kelly Champion, PRESIDENT

RECORDED BY:

Patty Hall  
Patty Hall, CLERK

## Checks Dated 10/01/2024 through 10/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00017203	10/14/2024	ALHAMBRA	11-4330	WATER SERVICE		33.46
00017204	10/14/2024	AMAZON CAPITAL SERVICES	01-4300	CLASS SUPPLIES	138.34	
				CLASSROOM SUPPLIES	119.37	
				FILE CABINET	75.05	
			01-4320	CLASSROOM DIVIDERS	117.61	450.37
00017205	10/14/2024	JAMES BERARDI	01-5200	MILEAGE		333.66
00017206	10/14/2024	DONALD BERGSTROM	01-5810	SPED/DO CLEANING	1,041.25	
			01-5899	SPED/DO CLEANING	446.25	1,487.50
00017207	10/14/2024	HEIDI BETHKE	01-5200	SELPA MEETING		49.00
00017208	10/14/2024	BURLINGTON ENGLISH INC.	11-5810	COURSES		576.00
00017209	10/14/2024	MICAH COHEN, MOT, OTR/L	01-5810	OCCUPATIONAL THERAPY SERVICES		3,702.95
00017210	10/14/2024	CURRENT ELECTRIC & ALARM	11-5810	ALARM SYSTEM		1,188.00
00017211	10/14/2024	EDWARDS, STEVENS AND TUCKER, LLP	01-5801	LEGAL FEES		1,592.50
00017212	10/14/2024	JULIE HAMMOND, DPT FEATHER RIVER PHYSICAL THERAPY	01-5810	PHYSICAL THERAPY SERVICES		1,568.40
00017213	10/14/2024	KELLI GROCK	01-5100	COUNSELING SERVICES	3,046.67	
			01-5810	COUNSELING SERVICES	2,083.33	5,130.00
00017214	10/14/2024	INTERMOUNTAIN DISPOSAL, INC.	11-5500	GARBAGE SERVICE		97.16
00017215	10/14/2024	LASSEN COUNTY OFFICE OF EDUCATION	01-5810	ADAPTIVE PE SERVICES		541.05
00017216	10/14/2024	LAUREN JONES BEHAVIORAL CONSULTANT	01-5810	BEHAVIORAL CONSULTANT		11,199.14
00017217	10/14/2024	NORTHEASTERN JOINT POWERS AUTHORITY	76-9571	WORKER'S COMPENSATION		12,530.25
00017218	10/14/2024	PLUMAS-SIERRA TELECOMMUNICATIONS	11-5900	BROADBAND SERVICE		109.00
00017219	10/14/2024	PRESENCELEARNING, INC.	01-5810	PRESENCE LEARNING		10,274.25
00017220	10/14/2024	UBEO WEST LLC	11-5600	COPIER/MAINTENANCE		29.82
00017221	10/14/2024	RENO PRINT STORE	01-4300	RED RIBBON WEEK SUPPLIES		2,034.50
00017222	10/14/2024	RESOLVE TECHNOLOGY GROUP, INC.	01-5810	TECHNOLOGY ASSISTANCE	3,037.50	
			01-9500	TECHNOLOGY ASSISTANCE	1,537.50	4,575.00
00017223	10/14/2024	SACRAMENTO COUNTY OFFICE OF EDUCATION	11-5200	REGISTRATION		695.00
00017224	10/14/2024	LARAIN SEI	01-5200	MILEAGE		437.24
00017225	10/14/2024	SIERRA VALLEY HOME CENTER	01-4300	SHOP CLASS SUPPLIES	651.27	
			11-4300	CUSTODIAL SUPPLIES	48.24	699.51
00017226	10/14/2024	TERMINIX PROCESSING CENTER	01-5810	PEST CONTROL		193.00
00017227	10/14/2024	TODDLER TOWERS, INC. SIERRAKIDS	01-5810	ELOP SPED AIDE		1,168.63
00017228	10/14/2024	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	HEALTH INSURANCE	1,794.00	
			76-9576	HEALTH INSURANCE	30,156.40	31,950.40
00017229	10/14/2024	U.S. BANK	01-4300	SOFTWARE	200.84	
				ZOOM SUBCRPTION	159.90	
			01-5200	CCS TRAVEL	613.04	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

## Checks Dated 10/01/2024 through 10/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00017229	10/14/2024	U.S. BANK	01-5200	REGISTRATION	550.00	
			01-5899	SCANNERS	586.66	
			11-4350	OIL CHANGE/CAR WASH	118.51	
			11-5200	PROFESSIONAL DEVELOPMENT	155.43	2,384.38
00017230	10/14/2024	U.S. BANK VOYAGER	01-4350	FUEL EXPENSE	89.67	
			01-5200	FUEL EXPENSE	190.26	
			01-5899	FUEL EXPENSE	174.19	
			11-4350	FUEL EXPENSE	151.09	605.21
Total Number of Checks					28	95,635.38

## Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	20	49,747.02
11	ADULT EDUCATION	10	3,201.71
76	Payroll Clearing	2	42,686.65
Total Number of Checks		28	95,635.38
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			95,635.38

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

## Checks Dated 10/01/2024 through 10/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00087134	10/14/2024	ACSA	01-5200	SUPERINTENDENTS SYMPOSIUM		1,299.00
00087135	10/14/2024	AMAZON CAPITAL SERVICES	01-4300	Art Class supplies	142.96	
				Class Supplies	256.40	
				CLASSROOM SUPPLIES	661.22	
				Sharpies	26.27	
				STUDENT INSTRUCTION	125.72	
				TECH SUPPLIES	1,376.51	
				TECHNOLOGY SUPPLIES	189.36	
				WELLNESS CENTER SUPPLIES	980.71	
			01-4302	TONER	246.66	
			01-4320	maint supplies	120.12	
				WELLNESS CENTER SUPPLIES	514.03	
			01-4330	office supplies	103.10	
			01-4400	CONFERENCE SUPPLIES	836.54-	3,906.52
00087136	10/14/2024	AMERIGAS	01-5540	PROPANE		1,463.09
00087137	10/14/2024	JAMES BERARDI	01-5200	TRANSPORTATION MILEAGE		62.71
00087138	10/14/2024	KATRINA BOSWORTH	01-5200	MILEAGE		198.32
00087139	10/14/2024	BRADY INDUSTRIES	01-4400	floor machine	71.56	
				VACUUM	536.77	608.33
00087140	10/14/2024	PAMELA BRANDON	01-5600	TECH COTTAGE RENTAL		100.00
00087141	10/14/2024	CITY OF LOYALTON	01-5530	WATER AND SEWER - LOYALTON SITES	4,287.04	
			01-5899	WATER AND SEWER - LOYALTON SITES	258.11	4,545.15
00087142	10/14/2024	DOWNIEVILLE PUBLIC UTILITY DIS	01-5530	Water		446.97
00087143	10/14/2024	FLINN SCIENTIFIC, INC.	01-4300	Classroom Supplies		301.72
00087144	10/14/2024	GOSECURE	01-5890	EMAIL/INTERNET FILTERING		2,821.63
00087145	10/14/2024	JANET HAMILTON	01-5600	TECH COTTAGE RENTAL		100.00
00087146	10/14/2024	K 12 MANAGEMENT DBA FUELED	01-5890	STUDENT LICENSE BLOCK/ISP COURSES		18,248.57
00087147	10/14/2024	LAKESHORE LEARNING	01-4300	INTERVENTION SUPPLIES		70.89
00087148	10/14/2024	LES SCHWAB TIRE CENTER	01-4350	Vehicle Maintenance		46.34
00087149	10/14/2024	LEXIA LEARNING SYSTEMS LLC	01-5890	READING/POWERUP LITERACY		5,880.00
00087150	10/14/2024	MARTIN EARTHWORKS	Reissued			15,000.00 *
		Reissued on 10/11/2024				
00087151	10/14/2024	SARAI MENDOZA	01-5200	PER DIEM/HOTEL		197.27
00087152	10/14/2024	MODEL DAIRY, LLC	13-4700	DAIRY PRODUCTS		689.48
00087153	10/14/2024	NORTHEASTERN JOINT POWERS AUTHORITY	76-9571	WORKER'S COMP		27,724.25
00087154	10/14/2024	ISAAC PRICE	01-5200	MILEAGE		67.67
00087155	10/14/2024	UBEO WEST LLC	01-5600	COPIER MAINT.	712.44	

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## Checks Dated 10/01/2024 through 10/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00087155	10/14/2024	UBEO WEST LLC	01-5899	COPIER MAINT.	204.06	916.50
00087156	10/14/2024	RODOLFO NEVAREZ	01-5200	TRANSPORTATION MILEAGE		136.14
00087157	10/14/2024	SCHOLASTIC INC.	01-4300	Scholastic News		178.75
00087158	10/14/2024	SCHOOL SPECIALTY LLC	01-4300	library supplies		151.84
00087159	10/14/2024	SIERRA BOOSTER	01-5890	ADVERTISEMENTS/LEGAL/PUBLIC NOTICES		42.00
00087160	10/14/2024	SIERRA COUNTY HEALTH DEPARTMENT	01-5510	ELECTRICAL SERVICES FOR TECH COTTAGE	289.50	
			01-5890	TB TESTING	50.00	339.50
00087161	10/14/2024	SIERRA HARDWARE	01-4320	Misc Maintenance supplies		375.95
00087162	10/14/2024	SIERRA VALLEY HOME CENTER	01-4300	MISC. AG SUPPLIES	312.68	
				WELLNESS CENTER	67.48	
			01-4320	MAINT. SUPPLIES	198.55	
				MAINT/CUSTODIAL SUPPLIES	467.77	
			40-4320	DEFERRED MAINT PROJECTS	47.81	1,094.29
00087163	10/14/2024	SIERRA-PLUMAS JOINT UNIFIED	Reissued			1,000.00 *
		Reissued on 10/11/2024				
00087164	10/14/2024	STAPLES ADVANTAGE	01-4300	STUDENT INSTRUCTION	21.28	
			01-4302	COPY PAPER	55.00	
			01-4330	office supplies	31.17	107.45
00087165	10/14/2024	CDE, CASHIER'S OFFICE	13-4700	COMMODITIES	849.08	
			13-8221	COMMODITIES	815.93-	33.15
00087166	10/14/2024	SYSCO FOOD SVCS OF SACRAMENTO	13-4340	CAFETERIA - FOOD AND SUPPLIES	331.74	
			13-4700	CAFETERIA - FOOD AND SUPPLIES	4,784.83	5,116.57
00087167	10/14/2024	TEACHER SYNERGY, LLC	01-4300	instruction		65.95
00087168	10/14/2024	TEAM ONE NETWORKING	01-5899	PHONE SERVICES	42.00	
			01-5910	PHONE SERVICES	378.00	
			01-9510	PHONE SERVICES	140.00	560.00
00087169	10/14/2024	TINY EYES THERAPY SERVICES	01-5890	THERAPY SERVICES		8,149.34
00087170	10/14/2024	TNTP	01-5200	LITERACY PROF LEARNING		7,221.00
00087171	10/14/2024	TRI COUNTY SCHOOLS INS. GR.	01-9535	HEALTH INSURANCE	8,855.62	
			76-9576	HEALTH INSURANCE	85,520.82	94,376.44
00087172	10/14/2024	U.S. BANK	01-4100	MATH WORKBOOKS	500.00	
				TEACHER EDITION	150.00	
				TEXTBOOKS	1,785.72	
			01-4300	art supplies	618.75	
				Books for AP Lang	1,798.05	
				EASYCBM SUBSCRIPTION	149.97	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

## Checks Dated 10/01/2024 through 10/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00087172	10/14/2024	U.S. BANK	01-4300	IPAD SOFTWARE	35.31	
				student instruction	599.22	
			01-4320	MAINT SUPPLIES	97.41	
				MAINT. TOOLS	734.56	
			01-4330	ADOBE PRO SUBSCRIPTION	14.99	
				ASB CHECKS	128.21	
				INSERVICE SUPPLIES	71.87	
			01-4340	KITCHEN SUPPLIES	2,715.08	
			01-4350	BUS BATTERIES	357.25	
				FUEL FOR MAINT.	159.83	
			01-4351	BUS FUEL	355.59	
				FUEL FOR MAINT.	24.52	
			01-4400	GARBAGE DISPOSAL	2,090.30	
				JUMP PACK	889.00	
				KITCHEN SUPPLIES	683.72	
			01-5200	Greenhand Conference	645.00	
				HOTEL ACCOMODATIONS	537.76	
				REGISTRATION	1,385.10	
				UC COUNSELOR CONFERENCE	95.00	
			01-5890	ZOOM SUBSCRIPTION	66.35	
			01-5899	ADOBE PRO SUBSCRIPTION	5.00	
00087173	10/14/2024	VISTA HIGHER LEARNING	13-6400	CONVECTION OVEN	8,696.59	25,390.15
00087174	10/14/2024	U.S. BANK VOYAGER	01-4100	SPANISH CURRICULUM		27,521.78
			01-4305	FUEL FOR ATHLETIC TRIPS	626.95	
			01-4351	BUS FUEL	2,084.39	
				Fuel for Maintenance	376.09	
			01-5200	FUEL	167.02	
				FUEL FOR FFA	334.12	3,588.57
00087175	10/14/2024	MARTIN EARTHWORKS	01-5890	BIG PROJECT		16,000.00
Total Number of Checks					42	276,143.28

	Count	Amount
Reissue	2	16,000.00
Net Issue		260,143.28

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

## Checks Dated 10/01/2024 through 10/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
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## Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	36	132,314.61
13	Cafeteria Fund	4	14,535.79
40	Special Reserve for Capital Ou	1	47.81
76	Warrant/Pass Though (payroll)	2	113,245.07
Total Number of Checks		40	260,143.28
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			260,143.28

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

E-Waste items and Serial Numbers - Adult Ed				
Brand	Model	Serial	Year manufactured	Reason
Dell	Latitude 2400	1FCVZ2	2020	Screen dead, warranty expired
LG	27MD5KA-B	901NTPC2K280	2019	Screen dead, power issue, warranty expired
Netgear	Nighthawk X6S	5FM4927ja0106		Obsolete, replaced with enterprise-grade firewall
HP	169LOAA Monitor	CNC2111D6R	2022	Broken screen, line down middle, no warranty

Device Type	Brand	Inventory Tag	Serial
MacBook	Apple	50326	FVFZ20CKL413
MacBook	Apple	50208	C02X3CNSJHC8
MacBook	Apple	--	C02Z660XLVDC
MacBook	Apple	50317	C02YH1CDJHC8
MacBook	Apple	50204	C02X3DL1JHC8
MacBook	Apple	50271	FVFXV35JHV22
MacBook	Apple	50156	FVFWV1TVHV27
MacBook	Apple	50040	C02S89FFFVH3
MacBook	Apple	50000	C02RKKN9FVH3
MacBook	Apple	32913	C02G5130Q05G
MacBook	Apple	--	FVFWV1CTHV27
MacBook	Apple	--	FVFW30E2HV27
Chromebook	HP	32200	5CD024HXXC
Chromebook	Samsung	47957	0JDB91DH406743B
Chromebook	Samsung	32838	4K9W9FDNC02465K
Chromebook	Samsung	--	4K9W9FDNC02411R
Chromebook	Samsung	47846	HY3A91LG406836A
SMART Board	SMART	--	C022JW19B0434
SMART Board	SMART	41114	SB680-R2-709065

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## SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

P.O. Box 955  
109 Beckwith Road  
Loyalton, California 96118

Sean Snider  
Superintendent

Phone: (530) 993-1660  
FAX: (530) 993-0828  
Email: [ssnider@spjUSD.org](mailto:ssnider@spjUSD.org)

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# MEMORANDUM OF UNDERSTANDING

BETWEEN  
Sierra-Plumas Joint Unified School District  
AND  
Toddler Towers Inc.

This Memorandum of Understanding (MOU) is made and entered into this 12<sup>th</sup> Day of November, 2024 by and between the Sierra-Plumas Joint Unified School District, whose address is 109 Beckwith St. Loyalton, CA 96118 hereinafter referred to as SPJUSD, and Toddler Towers Inc. whose address is 107 Beckwith St. Loyalton, CA 96118, hereinafter referred to as Toddler Towers.

This MOU, or collaborative agreement, outlines expectations and guidelines for working in partnership. The purpose of this document is to provide details on those expectations and guidelines, while fostering an environment of collaboration and partnership in providing expanded learning opportunities and after school care for all TK-6 school-age children in Sierra County. It is co-authored by individuals representing the agencies/districts/programs involved.

## 1. SCOPE OF WORK

- A. PURPOSE – To provide after-school learning opportunities and after-school care on all campuses currently providing education to children in grades transitional-kindergarten to sixth grade. According to California Education Code Section 46120(d), by the 2023-2024 school year, districts, *“Shall offer to at least all unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1-6, inclusive, and provide to at least 50 percent of enrolled unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1-6, inclusive, access to expanded learning opportunity programs (ELO-P).”*
- B. COLLABORATION AND WORKING TOGETHER – Toddler Towers will provide after-school programs using a combination of their own facilities and select SPJUSD facilities. Regular collaboration will occur between SPJUSD leadership and Toddler Towers staff about the implementation of the program.
- C. ROLES AND RESPONSIBILITIES – To provide after-school care for students in grades TK-6 at Loyalton Elementary School and Downieville School, located in the Sierra-Plumas Joint Unified School District. Toddler Towers will abide by the child nutrition guidelines, and will serve one snack each day. Toddler Towers will provide their own nutritional items. Toddler Towers must maintain program fees and student documentation. The Toddler Towers program will be available for all school attended days and calendared non-school days, with the exception of the following days: New Year’s Day, Presidents’ Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day / day after, Christmas Eve, Christmas Day, and Preschool graduation day.

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Components include:

- Child nutrition guidelines: Toddler Towers will follow all SPJUSD nutrition guidelines. These guidelines can be found at <https://www.fns.usda.gov/cacfp>.
- Program Fees: Toddler Towers will provide the ELO-P program free of charge to all eligible students as defined by the state (pupils who are eligible for free or reduced-price meals, homeless youth, or Foster youth), and maintain their current fee schedule for paid students for registration, late pick-up and tuition. The current fee schedule can be found on page 5 of this MOU.
- Supervision requirement: There shall be no more than a 1:20 adult to child ratio at any time, with a 1:10 adult to child ratio for grades TK and K. All enrolled children in the Toddler Towers program shall be under the direct supervision of Toddler Towers employees. All children must be signed in and shall not be released until a parent/guardian or documented and approved caregiver signs them out.
- Staff requirements: Toddler Towers staff will meet SPJUSD requirements for all ELO-P instructor and aide positions.
- Fingerprinting/Background Check Requirement: Toddler Towers shall comply with the requirements of the California Education Code regarding fingerprinting and background checks, including, but not limited to: obtaining clearance from both the California Department of Justice (hereinafter referred to as "CDOJ") and clearance from the Federal Bureau of Investigation (hereinafter referred to as "FBI") for Toddler Towers' employees prior to service with any SPJUSD pupil. Toddler Towers hereby agrees that Toddler Towers' employees shall not come in contact with SPJUSD pupils until CDOJ and FBI clearance are ascertained. Prior to commencing services for students and any time there are changes in personnel, Toddler Towers shall ensure and certify in writing to SPJUSD that none of its employees who are working with SPJUSD students have been convicted of a violent or serious felony as defined in Education Code section 45125.1, a sexual offense as defined in Education Code section 44010, or a controlled substance offense as defined in Education Code section 44011. This prohibition does not apply to those who have obtained a certificate of rehabilitation and pardon pursuant to California Penal Code section 4852.01 for a felony listed under Education Code section 45122.1 and who provide satisfactory documentation of same.

Toddler Towers shall require each employee working with SPJUSD pupils to report immediately to the SPJUSD any subsequent arrest for a violent or serious felony as defined in Education Code section 45125.1, a sexual offense as defined in Education Code section 44010, or a controlled substance offense as defined in Education Code section 44011, and Toddler Towers shall immediately prohibit such employee from

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having any contact with SPJUSD pupils pursuant to this MOU. SPJUSD shall have no responsibility for costs of criminal background checks and arrest notifications.

- **Mandated Reporting Requirements:** Toddler Towers agrees to provide required training to all employee and volunteer staff regarding mandated child abuse reporting laws, and shall maintain documentation, signed by each staff member receiving such training. Toddler Towers agrees to report incidents of abuse or neglect to the SPJUSD, and that this reporting to SPJUSD is in addition to, and not in lieu of, Toddler Towers' obligation to immediately report suspected abuse or neglect to the appropriate public authorities. Toddler Towers shall maintain confidential records of any report of suspected child abuse and shall inform SPJUSD in writing within 24 hours of becoming aware of circumstances including, but not limited to, allegations of abuse involving a staff member or school volunteer.

Toddler Towers shall notify SPJUSD of general concerns regarding the health and safety of a pupil that may impact the pupil's educational program, including any suspected physical or psychological abuse. Toddler Towers also agrees to comply with all SPJUSD policies and procedures applicable to Title IX and its implementation.

- **Mandatory Trainings:** SPJUSD will require and provide all necessary mandatory trainings such as, but not limited to:
  - Mandated Reporter
  - Heat Illness
  - Blood Borne Pathogens
  - Sexual Harassment
  - Basic Pest Management (if using disinfecting wipes).
- **Attendance tracking:** Attendance shall be tracked by Toddler Towers on each day students are in attendance, and will be available at any time for inspection by SPJUSD leadership.

D. **DATA SHARING** – It is the sole responsibility of Toddler Towers to enroll, track attendance, and collect payment for students enrolled in their program.

E. **RESOURCE COMMITMENTS** – SPJUSD will provide the following:

- Access to rooms and outdoor play areas at Loyalton Elementary and Downieville School.

## 2. TERM OF AGREEMENT

This agreement will commence on November 12, 2024 and will renew annually on July 1, unless terminated by either party as outlined in section 4.



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### F. INDEPENDENT CONTRACTOR AGREEMENT

- **Independent Contractor.** Subject to the terms and conditions of this Agreement, SPJUSD hereby engages Toddler Towers as an independent contractor to perform the services set forth herein, and Toddler Towers hereby accepts such engagement.
- **Independent Contractor Status.** Nothing herein contained will be construed to imply a joint venture, partnership or principal-agent relationship between SPJUSD and Toddler Towers. Toddler Towers shall provide all services under this Agreement as an independent contractor, and neither party shall have the authority to bind or make any commitment on behalf of the other. Nothing contained in this Agreement shall be deemed to create any association, partnership, joint venture or relationship of principal and agent, master and servant, or employer and employee between the parties or affiliates of the parties, or between SPJUSD and any individuals assigned by Toddler Towers to perform any services for SPJUSD.
- **Insurance.** Toddler Towers shall procure and maintain the following insurance coverage: Coverage limits required by the SPJUSD are determined by the scope of work provided by Toddler Towers.
  - COMMERCIAL GENERAL LIABILITY INSURANCE, which shall include coverage for: bodily injury, property damage, contractual liability, products completed operations, personal injury and advertising injury with a combined single limit of not less than \$1,000,000 per occurrence.
  - WORKERS' COMPENSATION INSURANCE as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
  - SEXUAL ABUSE OR MOLESTATION (SAM) LIABILITY: If the Commercial General Liability policy referenced above is not endorsed to include affirmative coverage for sexual abuse or molestation, Contractor shall obtain and maintain a policy covering Sexual Abuse and Molestation with a limit no less than \$1,000,000 per occurrence or claim.
  - Toddler Towers shall name SPJUSD as an additional insured (by a separate endorsement) on the COMMERCIAL GENERAL LIABILITY policy. Toddler Towers agrees to provide SPJUSD with proof of insurance no less than fifteen (15) working days prior to commencement of any activities pursuant to this Agreement. Each insurance policy required by this Agreement shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice to SPJUSD. Toddler Towers further agrees to notify SPJUSD immediately of any change in status affecting Toddler Towers' licensing and/or ability to perform duties described herein.
- **Indemnification.** Toddler Towers agrees to defend, indemnify, and hold harmless the SPJUSD, its Board, officers, agents and employees from all losses, costs, and expenses arising out of any liability or claims of liability for personal injury, bodily injury to persons, contractual liability and damage to property sustained or claimed

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## SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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**Superintendent**

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to have been sustained arising out of activities of Toddler Towers, its subcontractors, or those of any of its officers, agents, or employees, whether such act is authorized by this Agreement or not; and Toddler Towers shall pay for any and all damage to the property of the SPJUSD, or loss or theft of such property, done or caused by such persons. SPJUSD assumes no responsibility whatsoever for any property placed on the premises. Toddler Towers further agrees to waive all rights of subrogation against the SPJUSD. The provisions of this Article do not apply to any damage or losses caused solely by the negligence of the SPJUSD or any of its agents or employees.

### 3. COMPENSATION, PAYMENT AND FUNDING:

Compensation to Toddler Towers employees will be the sole responsibility of Toddler Towers respectively. Toddler Towers will invoice SPJUSD quarterly for all expenses to cover the cost of the ELO-P program.

### 4. TERMINATION

Either party may terminate this MOU with 30 days written notice.

#### REPORTING REQUIREMENTS:

- Outcomes will be evaluated by the SPJUSD Superintendent.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized official or officers.

Sierra-Plumas Joint Unified School District

Toddler Towers Inc.

\_\_\_\_\_  
Agency Head                      Date

\_\_\_\_\_  
Agency Head                      Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

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**SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT**

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**SIERRA KIDS**

**CHILD DEVELOPMENT CENTER**

**Preschool and Afterschool Rates**

Full day childcare \_\_\_\_\_ \$33.00 per day

Half Day \_\_\_\_\_ \$25.00 per day

- 7:00-12:00/12:00-5:30 (Preschool/ Kindergarten Rate)

Kindergarten with Bus Transportation \_\_\_\_\_ \$15.00 per day

- 12:20-2:50

School-Age \_\_\_\_\_ \$15.00 per day

- 2:50-5:30

\*Early release school days will be charged at a half day rate

## **AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT for Professional Services ("Agreement") is made as of the Agreement Date set forth below by and between Sierra-Plumas Joint Unified School District, ("the DISTRICT"), and J. Soon Consulting, Food Service Consultant, Joey Soon, ("CONTRACTOR").

In consideration of the services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

### **OPERATIVE PROVISIONS**

#### **1. SERVICES.**

The CONTRACTOR warrants that CONTRACTOR has the special skills, expertise and experience in order to effectively provide food program evaluation and review services. CONTRACTOR shall provide the services described in Attachment "A" and in the manner specified in Attachment "A", Provisions A-2 through A-3.

#### **2. TERM.**

Commencement Date: November 13, 2024

Termination Date: June 30, 2025

#### **3. PAYMENT.**

DISTRICT shall pay CONTRACTOR for services rendered pursuant to this Agreement on a time and material basis and in the amount set forth in Attachment "B". The payment specified in Attachment "B" shall be the only payment made to CONTRACTOR for services rendered pursuant to this Agreement. CONTRACTOR shall submit all billings for said services to DISTRICT in the manner specified in Attachment "B".

#### **4. FACILITIES, EQUIPMENT AND OTHER MATERIALS AND OBLIGATIONS OF DISTRICT.**

CONTRACTOR shall, at its sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement, except as provided in this paragraph. DISTRICT shall furnish CONTRACTOR only those facilities, equipment, and other materials and shall perform those obligations listed in Attachment "A".

#### **5. ADDITIONAL PROVISIONS.**

Those additional provisions unique to this Agreement are set forth in Attachment "C".

#### **6. GENERAL PROVISIONS.**

The general provisions set forth in Attachment "D" are part of this Agreement. Any inconsistency between said general provisions and any other terms or conditions of this Agreement shall be controlled by the other terms or conditions insofar as the latter are inconsistent with the general provisions.

#### **7. DESIGNATED REPRESENTATIVES.**

The Superintendent is the designated representative of the DISTRICT, and will administer this Agreement for the DISTRICT. Joey Soon is the authorized representative for CONTRACTOR. Changes in designated representatives shall occur only by advance written notice to the other party.

**8. ATTACHMENTS.**

All attachments referred to herein are attached hereto and by this reference incorporated herein.  
Attachments include:

Attachment A - Services  
Attachment B - Payment  
Attachment C - Additional Provisions  
Attachment D - General Provisions

**9. AGREEMENT DATE.** The Agreement Date is November 13, 2024.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day here first above written.

"DISTRICT"

"CONTRACTOR"

By: \_\_\_\_\_  
Sean Snider, Superintendent

By: \_\_\_\_\_  
Joey Soon

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

CONTRACTOR TAXPAYER I.D. NUMBER

J. Soon Consulting

Federal Tax ID# [REDACTED]

\_\_\_\_\_  
(Taxpayer I.D. or Social Security No.)

**ATTACHMENT A****A.1. SCOPE OF SERVICES AND DUTIES.**

At the request of Sierra-Plumas Joint Unified School District, CONTRACTOR shall include, but is not limited to:

- Evaluate District food service program.
- Provide food service program training for efficient and effective operations meeting Federal, State and Local program requirements.
- Assist with program expansion to serve students at Loyalton High School.
- Provide recommendations for program enhancement to increase students served by the program and increase program quality.
- Provide recommendations to strengthen the operational functions of menu planning, production records, inventory management and purchasing/procurement, including sourcing food grown locally.
- Provide functional workflow review of staffing positions in the program.
- Provide follow up and additional services relating to your professional expertise as requested.
- Services provided may also include but are not limited to:
  - Data analysis
  - Creating materials for staff as needed
  - Assist with the designing of trainings

**A.2. MANNER SERVICES ARE TO BE PERFORMED.**

As an independent contractor, CONTRACTOR shall be responsible for providing services and fulfilling obligations hereunder in a professional manner. DISTRICT shall not control the manner of performance.

**A.3. FACILITIES FURNISHED BY DISTRICT.**

- Copies of existing records, materials or supporting documentation as necessary to perform all work

## ATTACHMENT B

## PAYMENT

DISTRICT shall pay CONTRACTOR as follows:

- B.1 BASE CONTRACT FEE.** DISTRICT shall pay CONTRACTOR for work performed \$18,500. Maximum contract to be paid will be no more than \$18,500 through June 30, 2025. CONTRACTOR shall submit requests for payment ("Invoice") on a monthly basis, invoicing for all work completed and delivered to the Superintendent, or designee. In no event shall total compensation paid for services to CONTRACTOR under this Agreement exceed \$18,500 without a written amendment to this Agreement approved by the District Superintendent.
- B.2 TRAVEL AND MILEAGE.** CONTRACTOR is expected to use his/her own vehicle. Travel expenses will be reimbursed at actual cost and mileage reimbursement will be provided to CONTRACTOR for mileage at the current IRS published rate. No additional mileage reimbursement will be provided.
- B.3 AUTHORIZATION REQUIRED.** Services performed by CONTRACTOR and not authorized in this Agreement shall not be paid for by DISTRICT. Payment for additional services shall be made to CONTRACTOR by DISTRICT if, and only if, this Agreement is amended in writing by both parties in advance of performing additional services.
- B.4 SPECIAL CIRCUMSTANCES.** None
- B.5 MAXIMUM CONTRACT AMOUNT.** The maximum amount payable to CONTRACTOR under this Agreement shall not exceed the following:
- |                          |                |  |
|--------------------------|----------------|--|
| B.5.1                    | Consultant Fee | \$18,500   |
| B.5.2                    | Travel Costs   | Actual cost and mileage at current IRS published rate. |
| MAXIMUM CONTRACT AMOUNT: |                | \$18,500   |

ATTACHMENT C  
ADDITIONAL PROVISIONS

[NONE]



**ATTACHMENT D**  
**GENERAL PROVISIONS**

**D.1 INDEPENDENT CONTRACTOR.**

For all purposes arising out of this Agreement, CONTRACTOR shall be an independent contractor and CONTRACTOR and each and every employee, agent, servant, partner, and shareholder of CONTRACTOR (collectively referred to as "The Contractor") shall not be, for any purpose of this Agreement, an employee of DISTRICT. Furthermore, this Agreement shall not under any circumstance be construed or considered to be a joint powers agreement as described in *Government Code Section 6000, et seq.*, or otherwise. As an independent contractor, the following shall apply:

**D.1.1** CONTRACTOR shall determine the method, details and means of performing the services to be provided by CONTRACTOR as described in this Agreement.

**D.1.2** CONTRACTOR shall be responsible to DISTRICT only for the requirements and results specified by this Agreement and, except as specifically provided in this Agreement, shall not be subject to DISTRICT'S control with respect to the physical actions or activities of CONTRACTOR in fulfillment of the requirements of this Agreement.

**D.1.3** CONTRACTOR shall be responsible for its own operating costs and expenses, property and income taxes, workers' compensation insurance and any other costs and expenses in connection with performance of services under this Agreement.

**D.1.4** CONTRACTOR is not, and shall not be, entitled to receive from or through DISTRICT, and DISTRICT *shall* not provide or be obligated to provide the CONTRACTOR with workers' compensation coverage, unemployment insurance coverage or any other type of employee or worker insurance or benefit coverage required or provided by any federal, state or local law or regulation for, or normally afforded to, any employee of DISTRICT.

**D.1.5** The CONTRACTOR shall not be entitled to have DISTRICT withhold or pay, and DISTRICT shall *not withhold or pay*, on behalf of the CONTRACTOR any tax or money relating to the Social Security Old Age Pension Program, Social Security Disability Program or any other type of pension, annuity or disability program required or provided by any federal, state or local law or regulation for, or normally afforded to, an employee of DISTRICT.

**D.1.6** The CONTRACTOR shall not be entitled to participate in, or receive any benefit from, or make any claim against any DISTRICT fringe benefit program including, but not limited to, DISTRICT's pension plan, medical and health care plan, dental plan, life insurance plan, or other type of benefit program, plan or coverage designated for, provided to, or offered to DISTRICT's employees.

**D.1.7** DISTRICT shall not withhold or pay on behalf of CONTRACTOR any federal, state or local tax including, but not limited to, any personal income tax owed by CONTRACTOR.

**D.1.8** The CONTRACTOR is, and at all times during the term of this Agreement shall represent and conduct itself as, an independent contractor and not as an employee of DISTRICT.

**D.1.9** CONTRACTOR shall not have the authority, express or implied, to act on behalf of, bind or obligate the DISTRICT in any way without the written consent of the DISTRICT.

**D.2 LICENSES, PERMITS, ETC.**

CONTRACTOR represents and warrants to DISTRICT that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONTRACTOR to practice its profession. CONTRACTOR represents and warrants to DISTRICT that CONTRACTOR shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this

Agreement any licenses, permits, and approvals which are legally required for CONTRACTOR to practice its profession at the time the services are performed.

**D.3 CHANGE IN STATUTES OR REGULATIONS.**

If there is a change of statutes or regulations applicable to the subject matter of this Agreement, both parties agree to be governed by the new provisions, unless either party gives notice to terminate pursuant to the terms of this Agreement.

**D.4 TIME.**

CONTRACTOR shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of CONTRACTOR's obligations pursuant to this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.

**D.5 INSURANCE.**

**D.5.1** Prior to rendering services provided by the terms and conditions of this Agreement, CONTRACTOR shall acquire and maintain during the term of this Agreement insurance coverage through and with an insurer acceptable to DISTRICT, naming the DISTRICT and DISTRICT's officers, employees, as additional insured (hereinafter referred to as "the insurance"). The insurance shall contain the coverage indicated by the checked items below.

X **D.5.1.1** During the term of this Agreement, CONTRACTOR shall maintain in full force and effect a policy of professional errors and omissions insurance with policy limits of not less than Five Hundred Thousand Dollars (\$500,000) per incident and Five Hundred Thousand (\$500,000) annual aggregate, with deductible or self-insured portion not to exceed Two Thousand Five Hundred Dollars (\$2,500).

X **D.5.1.2** Comprehensive automobile liability insurance with minimum coverage of One Hundred Thousand Dollars (\$100,000) per occurrence and with not less than Three Hundred Thousand Dollars (\$300,000) on reserve in the aggregate, with combined single limit including owned, non-owned and hired vehicles.

X **D.5.1.3** Workers' Compensation Insurance coverage for all CONTRACTOR employees and other persons for whom CONTRACTOR is responsible to provide such insurance coverage, as provided by Division 4 and 4.5 of the Labor Code, if required.

**D.5.2** The limits of insurance herein shall not limit the liability of the CONTRACTOR hereunder.

**D.5.3** In respect to any insurance herein, if the aggregate limit available becomes less than that required above, other excess insurance shall be acquired and maintained immediately. For the purpose of any insurance term of this Agreement, "aggregate limit available" is defined as the total policy limits available for all claims made during the policy period.

**D.5.4** The insurance shall include an endorsement that no cancellation or material change adversely affecting any coverage provided by the insurance may be made until twenty (20) days after written notice is delivered to DISTRICT.

**D.5.5** The insurance policy forms, endorsements and insurer(s) issuing the insurance shall be satisfactory to DISTRICT at its sole and absolute discretion. The amount of any deductible payable by the insured shall be subject to the prior approval of the DISTRICT and the DISTRICT, as a condition of its approval, may require such proof of the adequacy of CONTRACTOR's financial resources as it may see fit.

**D.5.6** Prior to CONTRACTOR rendering services provided by this Agreement, and immediately upon acquiring additional insurance, CONTRACTOR shall deliver a certificate of insurance describing the insurance coverage's and endorsements to:

Sierra-Plumas Joint Unified School District  
P.O. Box 955  
Loyalton CA 96118

**D.5.7** CONTRACTOR shall not render services under the terms and conditions of this Agreement unless each type of insurance coverage and endorsement is in effect and CONTRACTOR has delivered the certificate(s) of insurance to DISTRICT as previously described. If CONTRACTOR shall fail to procure and maintain said insurance, DISTRICT may, but shall not be required to, procure and maintain the same, and the premiums of such insurance shall be paid by CONTRACTOR to DISTRICT upon demand. The policies of insurance provided herein which are to be provided by CONTRACTOR shall be for a period of not less than one year, it being understood and agreed that twenty (20) days prior to the expiration of any policy of insurance, CONTRACTOR will deliver to DISTRICT a renewal or new policy to take the place of the policy expiring.

**D.5.8** DISTRICT shall have the right to request such further coverage's and/or endorsements on the insurance as DISTRICT deems necessary, at CONTRACTOR'S expense. The amounts, insurance policy forms, endorsements and insurer(s) issuing the insurance shall be satisfactory to DISTRICT in its sole and absolute discretion.

**D.5.9** Any subcontractor(s), independent contractor(s) or any type of agent(s) performing or hired to perform any term or condition of this Agreement on behalf of CONTRACTOR, as may be allowed by this Agreement (hereinafter referred to as the "SECONDARY PARTIES"), shall comply with each term and condition of this Section D.5 entitled "INSURANCE". Furthermore, CONTRACTOR shall be responsible for the SECONDARY PARTIES' acts and satisfactory performance of the terms and conditions of this Agreement.

- D.6** INDEMNITY. CONTRACTOR shall defend, indemnify, and hold harmless DISTRICT, its elected and appointed councils, boards, commissions, officers, agents, and employees from any liability for damage or claims for damage for any economic loss or personal injury, including death, as well as for property damage, which may arise from the intentional or negligent acts or omissions of CONTRACTOR in the performance of services rendered under this Agreement by CONTRACTOR, or any of CONTRACTOR'S officers, agents, employees, contractors, or subcontractors.
- D.7** CONTRACTOR NOT AGENT. Except as DISTRICT may specify in writing, CONTRACTOR shall have no authority, express or implied, to act on behalf of DISTRICT in any capacity whatsoever as an agent. CONTRACTOR shall have no authority, express or implied, pursuant to this Agreement to bind DISTRICT to any obligation whatsoever.
- D.8** ASSIGNMENT PROHIBITED. CONTRACTOR may not assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no legal effect.
- D.9** PERSONNEL. CONTRACTOR shall assign only competent personnel to perform services pursuant to this Agreement. In the event that DISTRICT, in its sole discretion at any time during the term of this Agreement, desires the removal of any person or persons assigned by CONTRACTOR to perform services pursuant to this Agreement, CONTRACTOR shall remove any such person immediately upon receiving written notice from DISTRICT of its desire for removal of such person or persons.
- D.10** STANDARD OF PERFORMANCE. CONTRACTOR shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONTRACTOR is engaged. All products of whatsoever nature which CONTRACTOR delivers to DISTRICT pursuant to this Agreement shall be prepared in a first class and workmanlike manner

and shall conform to the standards of quality normally observed by a person practicing in CONTRACTOR'S profession.

- D.11 POSSESSORY INTEREST.** The parties to this Agreement recognize that certain rights to property may create a "possessory interest", as those words are used in the *California Revenue and Taxation Code (107)*. For all purposes of compliance by DISTRICT with Section 107.6 of the *California Revenue and Taxation Code*, this recital shall be deemed full compliance by the DISTRICT. All questions of initial determination of possessory interest and valuation of such interest, if any, shall be the responsibility of the DISTRICT and the contracting parties hereto. A taxable possessory interest may be created by this, if created, and the party in whom such an interest is vested will be subject to the payment of property taxes levied on such an interest.
- D.12 TAXES.** CONTRACTOR hereby grants to the DISTRICT the authority to deduct from any payments to CONTRACTOR any DISTRICT imposed taxes, fines, penalties and related charges which are delinquent at the time such payments under this Agreement are due to CONTRACTOR,
- D.13 TERMINATION.** DISTRICT shall have the right to terminate this Agreement at any time by giving notice in writing of such termination to CONTRACTOR. In the event DISTRICT gives notice of termination, CONTRACTOR shall immediately cease rendering service upon receipt of such written notice and the following shall apply;
- D.13.1.1** CONTRACTOR shall deliver to DISTRICT copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photostating, photographing, computer storage medium (tapes, disks, diskettes, etc.) and every other means of recording upon any tangible thing, and form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.
- D.13.1.2** DISTRICT shall pay CONTRACTOR the reasonable value of services rendered by CONTRACTOR to the date of termination pursuant to this Agreement not to exceed the amount documented by CONTRACTOR and approved by DISTRICT as work accomplished to date; provided, however, that in no event shall any payment hereunder exceed ***One Thousand Dollars (\$1,000)***. Further provided, however, DISTRICT shall not in any manner be liable for lost profits which might have been made by CONTRACTOR had CONTRACTOR completed the services required by this Agreement. In this regard, CONTRACTOR shall furnish to DISTRICT such financial information as in the judgment of the DISTRICT is necessary to determine the reasonable value of the services rendered by CONTRACTOR. In the event of a dispute as to the reasonable value of the services rendered by CONTRACTOR, the decision of the DISTRICT shall be final. The foregoing is cumulative and does not affect any right or remedy which DISTRICT may have in law or equity.
- D.13.2** CONTRACTOR may terminate its services under this Agreement upon thirty (30) working days written notice to the DISTRICT, without liability for damages, if CONTRACTOR is not compensated according to the provisions of the Agreement or upon any other material breach of the Agreement by DISTRICT, provided that CONTRACTOR has first provided DISTRICT with a written notice of any alleged breach, specifying the nature of the alleged breach and providing not less than ten (10) working days within which the DISTRICT may cure the alleged breach.
- D.14 OWNERSHIP OF INFORMATION.** All professional and technical information developed under this Agreement and all work sheets, reports, and related data shall become and/or remain the property of DISTRICT, and CONTRACTOR agrees to deliver reproducible copies of such documents to DISTRICT on completion of the services hereunder. The DISTRICT agrees to indemnify and hold CONTRACTOR harmless from any claim arising out of reuse of the information for other than this project.
- D.15 WAIVER.** A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

- D.16** COMPLETENESS OF INSTRUMENT. This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made, express or implied.
- D.17** SUPERSEDES PRIOR AGREEMENTS. It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.
- D.18** MINOR AUDITOR REVISION. In the event the Sierra-Plumas Joint Unified School District finds a mathematical discrepancy between the terms of the Agreement and actual invoices or payments, provided that such discrepancy does not exceed 1% of the Agreement amount, the Superintendent may make the adjustment in any payment or payments without requiring an amendment to the Agreement to provide for such adjustment. Should the DISTRICT or the CONTRACTOR disagree with such adjustment, they reserve the right to contest such adjustment and/or to request corrective amendment.
- D.19** CAPTIONS. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.
- D.20** DEFINITIONS. Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.
- D.20.1** NUMBER AND GENDER. In this Agreement, the neuter gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.
- D.20.2** MANDATORY AND PERMISSIVE. "Shall" and "will" and "agrees" are mandatory. "May" is permissive.
- D.21** TERM INCLUDES EXTENSIONS. All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.
- D.22** SUCCESSORS AND ASSIGNS. All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.
- D.23** MODIFICATION. No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.
- D.24** COUNTERPARTS. This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.
- D.25** OTHER DOCUMENTS. The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.
- D.26** PARTIAL INVALIDITY. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the

provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

- D.27** VENUE. It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Sierra, State of California.
- D.28** CONTROLLING LAW. The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.
- D.29** CALIFORNIA TORT CLAIMS ACT. Notwithstanding any term or condition of the Agreement, the provisions, and related provisions, of the California Tort Claims Act, Division 3.6 of the Government Code, are not waived by DISTRICT and shall apply to any claim against DISTRICT arising out of any acts or conduct under the terms and conditions of this Agreement.
- D.30** TIME IS OF THE ESSENCE. Time is of the essence of this Agreement and each covenant and term herein.
- D.31** AUTHORITY. All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement are in full compliance. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.
- D.32** CORPORATE AUTHORITY. If CONTRACTOR is a corporation or public agency, each individual executing this Agreement on behalf of said corporation or public agency represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said corporation, in accordance with a duly adopted resolution of the Board of Directors of said corporation or in accordance with the bylaws of said corporation or Board or Commission of said public agency, and that this Agreement is binding upon said corporation or public entity in accordance with its terms. If CONTRACTOR is a corporation, CONTRACTOR shall, within thirty (30) days after execution of this Agreement, deliver to DISTRICT a certified copy of a resolution of the Board of Directors of said corporation authorizing or ratifying the execution of this Agreement.
- D.33** CONFLICT OF INTEREST
- D.33.1** LEGAL COMPLIANCE. CONTRACTOR agrees at all times in performance of this Agreement to comply with the law of the State of California regarding conflicts of interest, including, but not limited to, Article 4 of Chapter 1, Division 4, Title 1 of the *California Government Code*, commencing with Section 1090, and Chapter 7 of Title 9 of said Code, commencing with Section 87100, including regulations promulgated by the California Fair Political Practices Commission.
- D.33.2** ADVISEMENT. CONTRACTOR agrees that if any facts come to its attention which raise any questions as to the applicability of this law, it will immediately inform the DISTRICT designated representative and provide all information needed for resolution of the question.
- D.33.3** ADMONITION. Without limitation of the covenants in subparagraphs D.34.1 and D.34.2, CONTRACTOR is admonished hereby as follows:

The statutes, regulations and laws referenced in this provision D.34 include, but are not limited to, a prohibition against any public officer, including CONTRACTOR for this purpose, from making any

decision on behalf of DISTRICT in which such officer has a direct or indirect financial interest. A violation occurs if the public officer influences or participates in any DISTRICT decision which has the potential to confer any pecuniary benefit on CONTRACTOR or any business firm in which CONTRACTOR has an interest of any type, with certain narrow exceptions.

- D.34** NONDISCRIMINATION. During the performance of this Agreement, CONTRACTOR shall not unlawfully discriminate against any employee of the CONTRACTOR or of the DISTRICT or applicant for employment or for services or any member of the public because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age or sex. CONTRACTOR shall ensure that in the provision of services under this Agreement, its employees and applicants for employment and any member of the public are free from such discrimination. CONTRACTOR shall comply with the provisions of the Fair Employment and Housing Act (*Government Code* Section 12900 et seq.). The applicable regulations of the Fair Employment Housing Commission implementing *Government Code* Section 12900, set forth in Chapter 5, Division 4 of Title 2 of the California *Administrative Code* are incorporated into this Agreement by reference and made a part hereof as if set forth in full. CONTRACTOR shall also abide by the Federal Civil Rights Act of 1964 and all amendments thereto, and all administrative rules and regulation issued pursuant to said Act. CONTRACTOR shall give written notice of its obligations under this clause to any labor agreement. CONTRACTOR shall include the nondiscrimination and compliance provision of this paragraph in all subcontracts to perform work under this Agreement.
- D.35** JOINT AND SEVERAL LIABILITY. If any party consists of more than one person or entity, the liability of each person or entity signing this Agreement shall be joint and several.
- D.36** TAXPAYER I.D. NUMBER. The DISTRICT shall not disburse any payments to CONTRACTOR pursuant to this Agreement until CONTRACTOR supplies the latter's Taxpayer I.D. Number or Social Security Number (as required on the line under CONTRACTOR'S signature on page 2 of this Agreement).
- D.37** NOTICES. All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

If to "DISTRICT":  
 Sierra-Plumas Joint Unified School District  
 Post Office Box 955  
 Loyalton CA 96118  
 530 993-1660  
 Fax 530 994-0828

If to "CONTRACTOR":  
 Joey Soon  
 J. Soon Consulting

[REDACTED]  
 Email: [REDACTED]

## CSBA POLICY GUIDE SHEET – September 10, 2024 *First Reading*

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

### **Board Policy 0410 - Nondiscrimination in District Programs and Activities**

Policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect **NEW LAW (SB 153, 2024)** which prohibits the Governing Board from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination in accordance with specified state law. In addition, policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 31320)** which include specified technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities.

### **Board Policy 1312.3 - Uniform Complaint Procedures**

Policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, and (2) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Additionally, policy updated to reflect **NEW LAW (SB 153, 2024)** which prohibits the Governing Board from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination in accordance with specified state law. In addition, policy updated to clarify that the uniform complaint procedures should not be used to investigate and resolve employment discrimination complaints, and reflect **NEW LAW (AB 714, 2023)** which exempts "newcomer students" from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program.

### **Board Policy 4030 - Nondiscrimination in Employment**

Policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect **NEW LAW (SB 700, 2023)** which prohibits the district from discriminating against an employee in termination, or any term or condition of employment, or otherwise penalizing a person, based on the person's use of cannabis when off the job or away from the workplace. In addition, policy updated to move material related to sex discrimination to Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment in order to keep material related to sex discrimination and sex-based harassment together. Policy also updated to provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual.



**Board Policy 4033 - Lactation Accommodation**

Policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) require districts to provide reasonable break time for employees to express breast milk or breastfeed, and to ensure that employees have access to a lactation space, as specified, (2) provide that "sex" for purposes of sex discrimination under Title IX includes lactation and related medical conditions or recovery, and (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect the Providing Urgent Maternal Protections (PUMP) for Nursing Mother Act which (1) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified, and (2) authorizes an employee to file a complaint with the Wage and Hour Division of the U.S. Department of Labor for violation of such act. In addition, policy updated to reflect the Pregnant Workers Fairness Act which (1) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation, as specified, and (2) authorizes an employee to file a complaint with the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the act.

**Board Policy 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment**

Policy updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, policy updated to reflect **NEW LAW (AB 1955, 2024)** which prohibits a district, including a Governing Board member, from retaliating or otherwise taking adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in certain Education Code provisions, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law. In addition, policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) require districts to provide a notice of nondiscrimination on the basis of sex, (2) require employees with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in a district education program or activity to notify the Title IX Coordinator, (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, and (4) require the Title IX Coordinator to offer and coordinate supportive measures when notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment.

**Board Policy 5145.3 - Nondiscrimination/Harassment**

Policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect **NEW LAW (AB 1165, 2023)** which encourages districts to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator.

**Board Policy 5145.7 - Sex Discrimination and Sex-Based Harassment**

Policy updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, (2) require employees with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in a district education program or activity to notify the Title IX

Coordinator, (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (4) require the Title IX Coordinator to offer and coordinate supportive measures when notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment (5) require specified training related to sex discrimination for all district employees, as well as additional training for investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and the Title IX Coordinator(s) and designees, and (6) require specified records to be maintained for seven years. In addition, policy updated to reflect **NEW LAW (AB 1955, 2024)** which prohibits a district, including a Governing Board member from retaliating or otherwise taking adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in certain Education Code provisions, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law. Policy also updated to (1) provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual, and (2) delete material related to requirements for posting and publishing the district's sexual harassment policy which are located in Administrative Regulation 5145.3 – Nondiscrimination/Harassment, and the accompanying administrative regulation by reference.

#### **Board Policy 5146 - Married/Pregnant/Parenting Students**

Policy updated to reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) provide that a student's current, potential, or past pregnancy, childbirth, termination of pregnancy or lactation, and related medical conditions and recovery, as well as a student's current, potential, or past parental, family, or marital status are protected from discrimination pursuant to Title IX and its implementing regulations, (2) require an employee, when a student or a person who has a legal right to act on behalf of a student informs any employee of the student's pregnancy or related conditions, to provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity, (3) require the district to provide the district's notice of nondiscrimination on the basis of sex and take specified actions once notified of a student's pregnancy or related conditions, (4) prohibit the district from requiring a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is (a) necessary for participation in the class, program, or extracurricular activity, (b) the district requires such certification of all participating students, and (c) the information obtained is not used as a basis for sex discrimination, (5) require the district to allow a student who is pregnant or who has related conditions to voluntarily take a leave of absence to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider, and, if the district has a leave policy that allows for a greater period of time than the medically necessary period and the student qualifies for leave under such policy, to permit the student to take leave under that policy, (6) require the district to reinstate a student who has returned to school after taking parental leave to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began, (7) require the district to provide reasonable accommodations for students who are pregnant or parenting, or have related conditions, as specified, (8) require the district to provide a student who is lactating with access to a lactation space, as specified, and (9) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct.



**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Philosophy, Goals, Objectives and Comprehensive Plans**

**Policy 0410: Nondiscrimination In District Programs And Activities**

CSBA NOTE: Education Code 234.1 mandates districts to adopt policy as well as a process to ensure that district programs and activities are free from unlawful discrimination. Education Code 234.1 requires that the district's nondiscrimination policy include a statement that the policy applies to all acts related to a school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statutes of 2023), to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district. Education Code 234.1, as amended by AB 1078, contains similar language regarding the County Board of Education and the County Superintendent of Schools.

In accordance with various provisions of state and federal law, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on race or ethnicity, nationality, immigration status, sex, sexual orientation, gender, gender identity, gender expression, religion, disability, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Education Code 260 prohibits discrimination based on age. Government Code 11135 prohibits discrimination based on many of the foregoing characteristics and on an individual's genetic information and medical condition. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688; 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474) prohibits discrimination on the basis of sex, including sex stereotypes; sex characteristics; gender; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. For policy language protecting students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment, and for language regarding Title IX complaint procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 260 and 5 CCR 4900-4965 require the Board to monitor district compliance with these state and federal laws. The federal laws are enforced by the Office for Civil Rights (OCR) of the U.S. Department of Education (USDOE), and the California Department of Education (CDE) may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.

OCR's May 2024 Dear Colleague Letter, "Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," which expands and clarifies USDOE's 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools," provides that Title VI's protections from race, color, and national origin discrimination extends to students who experience discrimination based on actual or perceived (1) shared ancestry or ethnic characteristics, or (2) citizenship or residency in a country with a dominant religion or distinct religious identity.

While Title VI does not protect individuals based solely on religious discrimination, it does apply to antisemitism and other forms of discrimination when based on shared ancestry or ethnic characteristics. The guidance includes clarifying examples regarding existing legal requirements under Title VI.

Additionally, OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are

entitled to a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter provides that Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.

OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

Additionally, OCR's May 2023 Dear Colleague Letter, "Resource on Confronting Racial Discrimination in Student Discipline," published in conjunction with the U.S. Department of Justice (DOJ), states that a district's responsibility not to discriminate against students applies to any of its programs or activities, whether directly or through contractual or other arrangements.

In addition to the prohibitions to discrimination described above, Government Code 12940 provides protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, reproductive health decisionmaking, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, or gender expression.

For policy language regarding Title IX complaint procedures for employees, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for language addressing protections against discrimination as they relate to employees, unpaid interns, and job applicants, see BP 4030 - Nondiscrimination in Employment and BP 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment, and as they relate to volunteers, see BP 1240 - Volunteer Assistance.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, ~~marital status~~, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery, parental, family, or marital status, reproductive health decisionmaking, physical or mental disability, medical condition, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

CSBA NOTE: Education Code 234.7 mandates that districts adopt policy consistent with the California Attorney General's model policy contained in the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues." That model policy includes statements regarding the equitable provision of services and a prohibition against the use of school resources or data for creating a registry based on specific characteristics. In

addition, Government Code 8310.3 prohibits districts from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. For more information regarding this mandate and appropriate responses to citizenship and immigration concerns, see BP/AR 5145.13 - Response to Immigration Enforcement.

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on ~~race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above~~ any of the categories identified above.

CSBA NOTE: Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum. For more information regarding instructional materials adoption see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Additionally, the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be adopted by the Board or district if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames to be contrary to an equal education and specifically prohibit public schools from using the term "Redskins" as a school or athletic team name, mascot, or nickname. The following paragraph expands this prohibition to include any racially derogatory or discriminatory athletic team name, mascot, or nickname and may be revised to reflect district practice.

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a student to participate in sex- segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of the student's gender as listed on the student's educational records.

Additionally, Title IX, 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, provides that a district (1) may not exclude a student from participation in, deny a student the benefits of, or otherwise subject a student to discrimination on the basis of sex in any education program or activity, (2) that in the limited circumstances in which different treatment or separation on the basis of sex is permitted, a district may not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a student to more than de minimis harm, and (3) that preventing a student from participating in an education program or activity consistent with the student's gender identity would subject the student to more than de minimis harm on the basis of sex. In commentary accompanying the Final Rule, USDOE clarifies that Title IX protects students from sex discrimination, including sex-based harassment, when they access sex-separate facilities. This protection applies with equal force to all students, including transgender and nonbinary students, requiring districts to provide access to sex-separate facilities, including bathrooms, in a manner that does not cause more than de minimis harm. USDOE intends to issue a separate final rule to address Title IX's application to sex-separate athletic teams which is governed by 34 CFR 106.41, rather than 34 CFR 106.31 as described above. See BP/AR 5145.7 - Sex-Discrimination and Sex-Based Harassment.

For further information, see CSBA's, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools," and CSBA's Recently Asked Questions, "Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students."

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, as described above, may be brought under the district's uniform complaint procedures (UCP) or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a



complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in BP/AR 1312.3 - Uniform Complaint Procedures, for students, and AR 4030 - Nondiscrimination in Employment, for employees, it is unclear whether districts would additionally be required to follow the procedures specified in BP/AR 1312.3 - Uniform Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.

~~All~~Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.

CSBA NOTE: Many nondiscrimination laws and regulations contain a notification requirement. For example, pursuant to 34 CFR 104.8 and 106.8, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability or sex in its education programs or activities. In addition, Education Code 221.61 requires districts to post specified information relating to Title IX on their websites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 106.8, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

CSBA NOTE: Education Code 234.7 requires the following notification. Information about the educational rights of all students is contained in the appendix of the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues."

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.



The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

#### Access for Individuals with Disabilities

CSBA NOTE: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the DOJ.

In addition, pursuant to 28 CFR 35.136, a district must permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. Districts with questions about compliance with the ADA should consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them. The requirement to provide services and aids extends to qualified individuals with speech, hearing, or vision disabilities who participate in Medi-Cal, and, in accordance with the Department of Health Care Services Policy and Procedure Letters No. 21-017R and No. 23-004, districts are required to have a plan to meet these alternative format requirements; see AR 5141.6 - School Health Services.

In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available. Additionally, Government Code 54953 requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials. OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district websites be accessible to individuals with disabilities. In April 2024, the DOJ published updated regulations which include specific technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters, DOJ's April 2024, "Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments," and BP 1113 - District and School Websites.

The Superintendent or designee shall ensure that the ~~district provides~~ district's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services ~~when necessary~~ to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of ~~a service, program~~ district services, programs, or activity ~~activities~~. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special assistance or services.

Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

CSBA NOTE: Pursuant to 28 CFR 35.107, a district that has 50 or more employees is required to designate at least one employee to coordinate the district's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the district's compliance with state and federal laws and regulations governing educational programs as identified in the district's UCP procedures. The following paragraph, which identifies the person or position identified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee, may be modified if the district chooses to designate another person or position.

The individual identified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. The compliance officer shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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**Community Relations****Policy 1312.3: Uniform Complaint Procedures**

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP", below.

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

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). Pursuant to 34 CFR 106.1-106.82, as amended by the 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving Title IX sex discrimination complaints based on conduct that occurred on or after August 1, 2024. See BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the scope of the UCP, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early 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**

CSBA NOTE: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

For further information regarding requirements for the following programs and activities, see the law cited and/or related CSBA policy and/or administrative regulation.

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

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)

CSBA NOTE: As noted above, it is unclear whether districts are required to follow the UCP in addition to the Title IX grievance procedures when investigating and resolving a Title IX sex discrimination complaint based on conduct that occurred on or after August 1, 2024. As a result, Item #10 below does not list discrimination, harassment, intimidation, or bullying in district programs and activities based on sex. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to including discrimination, harassment, intimidation, or bullying in district programs and activities based on sex in Item #10. See Item #3 in the Non-UCP Complaint section.

10. 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 a 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)

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220. Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

For more information regarding instructional materials adoption, see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, as amended by AB 714 (Ch. 342, Statutes of 2023), exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school.

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and ~~students participating in a newcomer program~~ students (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
21. State preschool programs (Education Code 8207-8225)

CSBA NOTE: Pursuant to Education Code 8212, and CDE's 2023-24 FPM instrument, which is subject to change as the 2024-25 FPM instrument has not yet been released, the district must use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs. Pursuant to 5 CCR 4610, such complaints must be addressed through the procedures described in 5 CCR 4690-4694. See the section "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying administrative regulations.

22. State preschool health and safety issues in license-exempt programs (Education Code 8212)



CSBA NOTE: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #23 below.

23. 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
24. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances, face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it.

The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process 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 federal, state, and federal/local laws and regulations.

CSBA NOTE: The following paragraph is mandated pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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.

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.

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

The Superintendent or designee shall maintain 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.

### 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 or the appropriate law enforcement agency- (5 CCR 4611)
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)

CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. While the phrases "gender" and "gender expression" are not explicitly included, they are implied by the definitions of those terms that are explicitly included.

3. Any complaint alleging that a student, while in an education program or activity ~~in which the district exercises substantial control over the context and respondent~~, was subjected to sexual conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.302

~~3-~~ Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX ~~Sexual~~Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)

Any

CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department.

However, pursuant to 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving employment complaints alleging sex discrimination based on conduct that occurred on or after August 1, 2024. See BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the process specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the complaint procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department-  
Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

CSBA NOTE: 5 CCR 4610 limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. 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 (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education- (5 CCR 3200-3205)
6. 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 Board Policy 3555 - Nutrition Program Compliance- (5 CCR 15580-15584)

7. 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 Board Policy 3555 - Nutrition Program Compliance- (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints").

Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

- 4.8. 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 Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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**Board Policy Manual**  
**Sierra County/Sierra-Plumas Joint Unified School District**

**Personnel (All Staff)**

**Policy 4030: Nondiscrimination In Employment**

CSBA NOTE: The following Board policy and accompanying administrative regulation are mandated pursuant to 2 CCR 11023. The California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibits districts and district employees from harassing or discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, reproductive health decision-making, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, or gender expression. Pursuant to Government Code 12940, these protections apply to employees, job applicants, persons who serve in an unpaid internship or other limited-duration program to gain unpaid work experience, volunteers, and independent contractors.

Additionally, protections are available under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), the Pregnant Workers Fairness Act (42 USC 2000gg-2000gg-6), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).

The U.S. Equal Employment Opportunity Commission's (EEOC) April 2024, "Enforcement Guidance on Harassment in the Workplace," provides for components of an effective anti-harassment policy, including that the policy (1) defines what conduct is prohibited, (2) is widely disseminated, (3) is comprehensible to employees, (4) requires supervisors to report harassment when they are aware of it, (5) offers multiple avenues for reporting harassment, enabling employees to contact someone other than their harasser, (6) clearly identifies who complaints can be made to, including contact information, and (7) explains the complaint process, including anti-retaliation and confidentiality protections.

For policy addressing sex discrimination and sex-based harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment, and for language regarding Title IX sex discrimination, including sex-based harassment, complaint procedures, see AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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.

CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.

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; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; ~~pregnancy~~; physical or mental disability; medical condition; genetic information; veteran or military status; sex; ~~sex stereotypes; sex characteristics;~~ sexual orientation; gender; gender identity; gender expression; or association with a person or group with one or more of these actual or perceived characteristics.

CSBA NOTE: Government Code 12940 includes reproductive health decision-making as a characteristic for which employment discrimination is prohibited. Pursuant to Government Code 12926(y) "reproductive health decision- making" includes a person's decision to use or access a particular drug, device, product, or medical service for reproductive health.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decision-making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

CSBA NOTE: 2 CCR 11028 prohibits inquiry into an employee's immigration status or discrimination on the basis of such status, unless the district provides clear and convincing evidence that such inquiry is necessary to comply with federal immigration law. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

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

CSBA NOTE: Pursuant to Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), the district may not discriminate against an employee in termination, or any term or condition of employment, or otherwise penalize a person, based on the person's use of cannabis when off the job or away from the workplace. However, Government Code 12954 does not interfere with the district's right to maintain drug-free schools or to prohibit employees from possessing, being impaired by, or using cannabis while at work. Government Code 12954 also does not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation. Districts with questions about employee cannabis use or screening should consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BP 4111 - Recruitment and Selection, AR 4112.5 - Criminal Record Check, BP/AR 4118 - Dismissal/Suspension/Disciplinary Action, and BP/AR 4218 - Dismissal/Suspension/Disciplinary Action.

Unless otherwise provided for in law, the district may not discriminate against an employee, including an applicant for employment, in any term or condition of employment, or otherwise penalize a person, including termination, based on the person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

CSBA NOTE: The following items illustrate unlawful discriminatory practices as specified in Government Code 12940.

Labor Code 1197.5 prohibits the payment of different wage rates to employees for similar work based on sex, race, or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation under the bona fide factor exception. Labor Code 1197.5, as amended by SB 497 (Ch. 612, Statutes of 2023), creates a rebuttable presumption in favor of the employee's claim if a district retaliates against an employee within 90 days of the specified protected activity.

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

1. Hiring, compensation, terms, conditions, and other privileges of employment

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework.

In Kennedy v. Bremerton School District, the U.S. Supreme Court held that the district could not discipline an employee for non-coercive religious conduct while the employee was acting as a private citizen. Also see BP 4118 - Dismissal/Suspension/Disciplinary Action, 4218 - Dismissal/Suspension/Disciplinary Action, and BP 4119.1/4219.1/4319.1 - Civil and Legal Rights.

In Groff v. DeJoy, the U.S. Supreme Court held that Title VII's protections against religious discrimination require an employer who denies an employee's religious accommodation to show that the burden of granting the accommodation would result in substantial increased costs in relation to the conduct of its particular business.

EEOC's April 2024, "Enforcement Guidance on Harassment in the Workplace," notes that while Title VII requires districts to accommodate an employee's sincerely held religious belief, districts are also responsible for protecting employees against unlawful harassment, including harassment motivated by religion. EEOC's guidance suggests that in order to address the dual obligations under Title VII, a district should accommodate an employee's sincerely held religious practice, unless doing so would create a hostile work environment.

In May 2023, the U.S. Department of Education issued, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools," which includes the extent to which prayer in public schools is legally protected, constitutional principles that relate to religious expression in general, and requirements under federal and state laws relevant to prayer and religious expression. The guidance states that, "Nothing in the

First Amendment, however, converts the public schools into religion-free zones, or requires students, teachers, or other school officials to leave their private religious expression behind at the schoolhouse door." The guidance also states that employees may pray when they are not acting in their official capacity and the prayer does not result in any coercion of students.

Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

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

CSBA NOTE: Item #4 below lists some, but not all, specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. As the specific prohibitions are too numerous to list in policy, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise as to any specific claim.

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~~
  - a. Sex discrimination as specified in Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based 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

- c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decision-making

CSBA NOTE: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940 provides that an employee who requests accommodation for a physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics, as provided below.

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

CSBA NOTE: Pursuant to Government Code 12964.5, the district is prohibited 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 similar document that would deny the employee the right to disclose information about unlawful acts in the workplace or requiring an employee to release the right to file a claim or civil action against the district.

Pursuant to Government Code 12964.5, the above prohibition applies not only to claims or complaints of sex-based harassment or sexual assault, but to those involving harassment or discrimination based on any protected characteristic and to other unlawful employment practices under FEHA.

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in the accompanying administrative regulation, it is unclear whether districts would additionally be required to follow the procedures specified in the accompanying administrative regulation. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based



### Harassment Complaint Procedures.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

CSBA NOTE: Pursuant to 2 CCR 11019, in certain instances, an employee's (especially a supervisor's) knowledge or notice of prohibited conduct of another employee or individual may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940 provides that a district may be responsible for harassment of employees by nonemployees when the district knows or should have known of the conduct and failed to take immediate and corrective action, taking into consideration the extent of the district's control and other legal responsibility that the district may have with respect to the conduct of those nonemployees. See also BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

See the accompanying administrative regulation for requirements related to the identification of the employee who will be responsible for compliance with nondiscrimination laws.

The following paragraph should be revised to reflect the district's timeline.

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 within one workday.~~ All other employees ~~are encouraged to~~ shall report such incidents to their supervisor ~~immediately or~~ designated district coordinator within one workday.

CSBA NOTE: Government Code 12940 and 2 CCR 11023 require districts to take all reasonable steps to prevent prohibited discrimination and harassment, including, but not limited to, dissemination of the district's policy on the prevention of harassment, discrimination, and retaliation. Government Code 12950 and 2 CCR 11049 require districts to post, in prominent and accessible locations on district premises, posters developed by the California Civil Rights Department (CRD), formerly the Department of Fair Employment and Housing (DFEH), which are available on CRD's website. In addition, Executive Order 11246 requires contractors and subcontractors who hold a single federal contract or subcontract in excess of \$10,000, or who hold contracts or subcontracts with the federal government in any 12-month period that have a total value of more than \$10,000, to display EEOC's "Know Your Rights: Workplace Discrimination is Illegal" poster in conspicuous places available to employees and applicants for employment and representatives of each labor union with which the covered contractor or subcontractor has a collective bargaining agreement.

EEOC's April 2024, "Enforcement Guidance on Harassment in the Workplace," provides for components of effective training, including that it (1) explains the district's anti-harassment policy, complaint process, and confidentiality and anti-retaliation protections, (2) describes and provides examples of prohibited conduct under the policy, (3) provides information about employees' rights if they experience, observe, become aware of, or report prohibited conduct, (4) provides supervisors with information about how to prevent, identify, stop, report, and correct harassment, with clear instructions for addressing and reporting harassment, (5) is tailored to the workplace and workforce, (6) is provided on a regular basis to all employees, and (7) is provided in a clear and easily understood format.

For further information on prevention strategies, including posting requirements, see the accompanying administrative regulation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to

recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

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

CSBA NOTE: Government Code 12946 makes it an unlawful employment practice for a district to fail to maintain certain records and files for employees, applicants, and terminated employees, as provided in the following paragraph.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated.- (Government Code 12946)

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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**Personnel (All Staff)****Policy 4033: Lactation Accommodation**

CSBA NOTE: Pursuant to Labor Code 1034, districts are mandated to develop policy regarding lactation accommodation with specified components, as provided below.

Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express breast milk for their infant children. Title IX (20 USC 1681-1688), and its implementing regulation 34 CFR 106.57, as amended by 89 Fed. Reg. 33474, require districts to provide reasonable break time for employees to express breast milk or breastfeed, and to ensure that employees have access to a lactation space, as specified. Additionally, the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (29 USC 218d) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified. In addition, the Pregnant Workers Fairness Act (PWFA) (42 USC 2000gg-2000gg-6) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation. State law (Labor Code 1030-1034; Government Code 12925-12954) also applies to all district employees. Where provisions of the laws conflict, the statute providing greater protections for employees supersedes. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel if questions arise about the application of conflicting laws to a particular employee.

Government Code 12926 includes breastfeeding or medical conditions related to breastfeeding within the definition of "sex" for purposes of sex discrimination under the California Fair Employment and Housing Act. Additionally, 34 CFR 106.10, as amended by 89 Fed. Reg. 33474, provides that "sex" for purposes of sex discrimination under Title IX includes lactation and related medical conditions or recovery. In addition, Labor Code 1033 prohibits an employer from discharging, or in any manner discriminating or retaliating against, an employee for exercising or attempting to exercise any right related to lactation accommodation. Pursuant to Labor Code 1033, violation of Labor Code 1030-1034 may result in a citation from the Labor Commissioner and/or a civil penalty.

Districts are required to prohibit retaliation when a right or privilege secured by Title IX is interfered with, including when a person reported possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the district's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the district has information about conduct that reasonably may constitute retaliation under Title IX, the district is required to respond to such conduct using the procedures used for other forms of sex discrimination as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.

The Governing Board of Education recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express breast milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

CSBA NOTE: Labor Code 1034 mandates that the district's policy regarding lactation accommodation include the process by which the employee is to make a lactation accommodation request and the district's obligation to respond to the request. The following paragraph should be modified to reflect the district's process.

For more information regarding workplace accommodations, see AR 4032 - Reasonable Accommodation and for temporary assignments, see BP 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment.



An employee shall notify the employee's supervisor or other appropriate ~~personnel~~district administrator in advance of the intent to request an accommodation. The supervisor or appropriate district administrator shall respond to the request and shall work with the employee to make arrangements.- If needed, the supervisor or appropriate district administrator shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

CSBA NOTE: Pursuant to Labor Code 1032, all districts are required to grant lactation accommodation except when granting the accommodation would "seriously disrupt" district operations. "Serious disruption" is not defined in the law.

Additionally, the PUMP Act (29 USC 218d) and Labor Code 1031 provide an exception for districts with fewer than 50 employees when lactation accommodation would result in "undue hardship" based on significant difficulty or expense in relation to the size, financial resources, nature, or structure of the district. In addition, the PWFA (42 USC 2000gg-1) applies to districts with 15 or more employees, but provides an exception for accommodations that would impose an "undue hardship." When a district is able to demonstrate undue hardship, Labor Code 1031 only requires that reasonable efforts be made to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express breast milk in private. Pursuant to Labor Code 1031, the provided room or location may not be a toilet stall.

Regardless of the size of the district, the determination of serious disruption or undue hardship should be made on a case-by-case basis and only in limited, stringent circumstances. The burden of demonstrating why accommodation could not be made, even if on a temporary basis or for less time than requested, would likely fall to the district.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law.- (Labor Code 1031, 1032; 29 USC ~~207~~218d, 42 USC 2000gg-1)

CSBA NOTE: Labor Code 1034 mandates that the district's policy include a statement that the district provide a written response to an employee if the district is unable to comply with the break time or location requirements.

34 CFR 106.57, as amended by 89 Fed. Reg. 33474, requires the district to provide "reasonable" break time for an employee to express breast milk or breastfeed, but does have any qualification related to the requirement to provide a lactation space. Additionally, it would be unlikely that a district would have a valid reason to deny a lactation accommodation pursuant to the PWFA. Thus, districts should proceed with caution before denying a lactation accommodation, and consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s).- (Labor Code 1034)

CSBA NOTE: Labor Code 1034 mandates that the district's policy regarding lactation accommodation be distributed to employees as provided in the following paragraph.

Additionally, pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the district's policy regarding the prohibition of sex discrimination, which includes lactation and related conditions, is required to be published, and the district's notice of nondiscrimination on the basis of sex is required to be posted on the district's website and appear in each handbook, catalog, announcement, bulletin, and application that the district makes available to employees and applicants for employment.

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute ~~the~~this policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave.- (Labor Code 1034)

## Break Time and Location Requirements

CSBA NOTE: Although the PUMP Act (29 USC 218d) limits the length of time that an employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code 1030 and the PWFA (42 USC 2000gg- 1) do not set a specific limit on the infant child's age and therefore provides greater benefits to employees.

Additionally, 34 CFR 106.57, as amended by 89 Fed. Reg. 33474, which requires districts to provide reasonable break time for an employee to express breast milk or breastfeed, does not specify a duration of time from birth of the child.

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child.- (Labor Code 1030); 42 USC 2000gg-1; 34 CFR 106.57)

CSBA NOTE: Labor Code 1030 and the PUMP Act (29 USC 218d) do not require the district to compensate non- exempt employees for breaks taken for the purpose of expressing breast milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district instead chooses to provide compensation for such additional break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to work extra time to make up for any uncompensated break time beyond the authorized break time.

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid.- (Labor Code 1030; 29 USC ~~207~~218d)

CSBA NOTE: Labor Code 1031 requires the district to provide an employee with the use of a room or location, other than a bathroom, to express breast milk in private. This may include the place where the employee normally works if the location otherwise meets legal requirements, as specified below. Labor Code 1031 authorizes the district to designate a temporary location to express breast milk if the district is unable to provide a permanent location due to operational, financial, or space limitation, as long as the space is in close proximity to the employee's work area, shielded from view, free from intrusion while breast milk is being expressed, and is otherwise compliant with law.

Additionally, the PUMP Act (29 USC 218d) and Title IX (34 CR 106.57, as amended by 89 Fed. Reg. 33474) require the district to ensure that an employee can access a lactation space, other than a bathroom, that is clean, shielded from view, and free from intrusion from others.

The employee shall be provided ~~the use of a~~ lactation space which may be used by the employee for expressing breast milk or breastfeeding as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. ~~The room or location provided, and~~ shall meet the following requirements:- (Labor Code 1031; 29 USC ~~207~~218d; 34 CFR 106.57)

1. Is shielded from view and free from intrusion while the employee is expressing breast milk
- 
2. -Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
- 
3. Contains a place to sit and a surface to place a breast pump and personal items
- 
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
- 
5. -Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing breast milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes.- (Labor Code 1031)

## Dispute Resolution

CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County of Office Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Additional remedies may be available for violation of the PUMP Act (29 USC 218d) under the Fair Labor Standards Act, the PWFA (42 USC 2000gg-2), and state law pursuant to Labor Code 1030-1034 and Government Code 12925-12954.

Complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

CSBA NOTE: The following paragraph is mandated pursuant to Labor Code 1034.

In addition, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034.- (Labor Code 1034)

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Personnel** *(All Staff)*

**Policy 4119.11~4219.11~4319.11: Sex Discrimination and Sex-Based Harassment**

CSBA NOTE: Sex discrimination and sex-based harassment are prohibited by Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sex discrimination and sex-based harassment against employees. As part of this mandate, districts are also required to adopt a written policy prohibiting sex discrimination and sex-based harassment against students; see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12 - Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the 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 Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits ~~sexual~~ sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees and.

CSBA NOTE: Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains; or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, (Education Code 220.1; 34 CFR 106.71)

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sex-based harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sex-based harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, employers with five or more employees are required to provide sex-based harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination. Additionally, Title IX, and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires specified training related to sex discrimination, including sex-based harassment, for all district employees, as well as additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the recipient's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance, Government Code 12950.1, and 34 CFR 106.8, and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sexual~~sex discrimination and sex-based 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~~sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply

CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below. For more information about the content and publication requirements for the notice of nondiscrimination, see AR 4030 - Nondiscrimination in Employment.

3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment, and bargaining units
- ~~3.4.~~ Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
- ~~4.5.~~ 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



CSBA NOTE: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance, "Promising Practices for Preventing Harassment," has been expanded to include sex discrimination, and may be revised to reflect district practice.

~~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.~~

### ~~Sexual Harassment~~ Reports and Complaints

~~District employees who feel that they have been sexually harassed in the performance of their~~

CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.

~~Any district administrator, or employee who has experienced sex discrimination or sex-based harassment in the district's Title IX Coordinator. Employees education program or activity may bypass their supervisor in filing file a complaint if with the supervisor district's Title IX Coordinator. (34 CFR 106.2, 106.44)~~

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, a district is required to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information. The following paragraph should be revised to reflect the district's timeline.

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through ~~AR Administrative Regulation 4119.12/4219.12/4319.12 - Title IX SexualSex Discrimination and Sex-Based Harassment Complaint Procedures~~ ~~or AR 4030 - Nondiscrimination in Employment.~~

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant and. Thus, districts should not wait to respond until a "formal" complaint is made. If the district has begun grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator is required to offer and coordinate supportive measures to the respondent, as appropriate.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)

CSBA NOTE: In addition to district discipline imposed on employees who engage in sex-based harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a ~~sexual~~sex discrimination or sex-based harassment complaint, any district employee found to have engaged or participated in ~~sexual~~sex discrimination or sex-based harassment or to have aided, abetted, incited, compelled, or coerced another to commit ~~sexual~~sex discrimination or sex-based harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Students****Policy 5145.3: Nondiscrimination/Harassment**

CSBA NOTE: The following mandated policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on disability, race, nationality, immigration status, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Government Code 11135 prohibits discrimination based on most of the foregoing characteristics and on sex, color, ancestry, age, medical condition, marital status, and an individual's genetic information. Title VI of the Civil Rights Act of 1964 (42 USC 2000d- 2000d-7) prohibits discrimination based on race, color, or national origin. Title IX (20 USC 1681-1688; 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474) prohibits discrimination based on sex; sex stereotypes; sex characteristics; gender; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation; and, parental, marital, and family status. The Age Discrimination Act of 1975 (42 USC 6101-6107) prohibits discrimination based on age. The Americans with Disabilities Act (ADA) (20 USC 12101-12213) and Section 504 (29 USC 794) prohibit discrimination based on disability. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of the characteristics listed in Education Code 220. For more information regarding the requirement for district programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in District Programs and Activities.

For policy addressing student sex discrimination and sex-based harassment, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment, and for language regarding Title IX sex discrimination, including sex-based harassment, complaint procedures, see AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 234.1 mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics listed above, which applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the district, and a process for receiving and investigating such complaints. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with these requirements. In addition, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

Education Code 234.1, as amended by AB 1078 (Ch. 229, Statute of 2023), also requires that the district's nondiscrimination policy include a statement that the policy applies to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. Education Code 234.1, as amended by AB 1078, contains similar language regarding the County Board of Education and the County Superintendent of Schools.

Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. In addition, the



Board's action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination pursuant to Education Code 220. And, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220. For more information regarding instructional materials adoption, see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

OCR has clarified in several publications that conduct that occurs off campus may have an adverse effect on a student at school (e.g., create a "hostile environment" for the student). When that happens, the district has an obligation to investigate and to take steps to protect the student.

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, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.

The Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to 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; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; ~~marital status~~; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; parental, marital, and family status; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; 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.

CSBA NOTE: OCR's May 2024 Dear Colleague Letter, "Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," which expands and clarifies the U.S. Department of Education's 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools," provides that Title VI's protections from race, color, and national origin discrimination extends to students who experience discrimination based on actual or perceived (1) shared ancestry or ethnic characteristics or (2) citizenship or residency in a country with a dominant religion or distinct religious identity. While Title VI does not protect individuals based solely on religious discrimination, it does apply to antisemitism and other forms of discrimination when based on shared ancestry or ethnic characteristics. The guidance includes clarifying examples regarding existing legal requirements under Title VI.

Additionally, OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter provides that Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including

Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.

OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

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 occurs when prohibited conduct 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.

CSBA NOTE: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in District Programs and Activities.

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.

CSBA NOTE: Unlawful discrimination may occur when disciplining students. OCR's guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," "Resource on Confronting Racial Discrimination in Student Discipline," and "Creating Inclusive and Nondiscriminatory School Environments for LGBTQI Students," address discrimination in the use of discipline based on disability, race, and gender expression.

For more information regarding student discipline, see BP/AR 5144 - Discipline, BP/AR 5144.1 - Suspension and Expulsion/Due Process, and AR 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

Because unlawful discrimination ~~may~~could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

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 or refuses to participate 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.

CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to publicize its nondiscrimination policies to the school community. Additionally, Education Code 234.1, as amended by SB 153, and 234.6 require the district to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sex-based harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. In addition, 34 CFR 104.8 requires districts to take "continuing steps" to notify students, parents/guardians, applicants for admission, and employees that it does not discriminate on the basis of disability in its education programs or activities.

For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

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 website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6); 34 CFR 106.8)

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.

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.

CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

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.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph; see BP/AR 5131.2 - Bullying.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow the Title IX grievance procedures when investigating and resolving the complaint. A complaint may also fall within the complaint process adopted by the district pursuant to Education Code 234.1 for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the district's UCP specified in 5 CCR 4600-4670. It is unclear whether districts would additionally be required to follow the UCP when investigating and resolving such a complaint. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

~~All allegations~~Allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sex discrimination, including sex-based harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

#### 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.

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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**Students****Policy 5145.7: Sex Discrimination and Sex-Based Harassment**

CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sex discrimination and sex-based harassment. The following policy addresses sex discrimination and sex-based harassment against students in the school setting. As part of this mandate, the district should also adopt a sex discrimination and sex-based harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Moreover, this Board policy and the accompanying administrative regulation reflect the right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with one's gender identity, as specified in Education Code 221.5 and 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, and best practices based on existing state and federal law.

Both federal law, Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), and state law (Education Code 220, 231.5), prohibit sex discrimination, including sex-based harassment and require districts to establish procedures for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the uniform complaint procedures (UCP) as specified in BP/AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the process specified in BP/AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, a district can be held liable for civil damages for sex discrimination, including sex-based harassment of students pursuant to Title IX if the district has knowledge of conduct that reasonably may constitute sex-based harassment in its education program or activity and does not respond promptly and effectively.

In addition to filing a private civil lawsuit, an alleged victim of sex discrimination, including sex-based harassment, may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Governing Board of Education is committed to maintaining a welcoming, safe, and supportive school environment that is free from harassment and discrimination and harassment. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment-sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student by anyone. The, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.



CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by Title IX is interfered with, including when a person reports possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the district's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the district has information about conduct that reasonably may constitute retaliation under Title IX, including peer retaliation, the district is required to respond to such conduct using the procedures used for other forms of sex discrimination as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.

Additionally, the Board prohibits retaliatory behavior or action against any person who ~~reports, files a complaint, complains~~ or testifies about, ~~or otherwise supports a complainant in alleging sexual harassment.~~ conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to student and employee reporting of sex discrimination, including sex-based harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district of its responsibility to investigate a complaint of sex discrimination, including sex-based harassment.

The district strongly encourages students who feel that they are being or have ~~been sexually harassed~~ experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity ~~by another student or an adult, or who have experienced, or~~ off-campus ~~sexual harassment that~~ when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.-

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires a district to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information.

The following paragraph should be revised to reflect the district's timeline.

Any employee who receives a report or observes an incident of ~~sexual harassment~~ sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall ~~notify~~ report the incident to the Title IX Coordinator- within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through ~~AR~~ Administrative Regulation 5145.71 - Title IX ~~Sexual~~ Sex Discrimination and Sex-Based Harassment Complaint Procedures ~~or BP/AR 1312.3 - Uniform Complaint Procedures.~~

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant, and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to the respondent, as appropriate.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution

process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.

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 district staff handbooks.~~ All district staff shall be ~~are~~ trained regarding the ~~policy.~~

district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

#### Instruction/Information

CSBA NOTE: Pursuant to Education Code 231.7, as added by AB 1071 (Ch. 65, Statutes of 2023), CDE is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.

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

1. What acts and behavior constitute ~~sexual~~sex discrimination and sex-based harassment, including the fact that ~~sexual~~sex discrimination and sex-based 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~~sex discrimination or sex-based harassment under any circumstance
- 
3. Encouragement to report observed incidents of ~~sexual~~sex discrimination and sex-based harassment even when the alleged victim of the discrimination or harassment has not complained

CSBA NOTE: Where sex discrimination, or sex-based harassment or violence, occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sex-based harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sex discrimination and/or sex-based harassment complaint in order to encourage students to report the harassment.

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~~sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the ~~sexual~~sex discrimination or sex-based 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~~sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and action shall be taken to respond to



harassment, prevent recurrence, and address any continuing effect on students

- 
- 6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of ~~sexual~~sex discrimination and/or sex-based 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~~sex discrimination or sex-based 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~~sex discrimination or sex-based harassment and/or other students during an investigation

## Disciplinary Actions

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sex-based harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).

When there is an allegation of Title IX sex discrimination, including sex-based harassment, 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, prohibits the district from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.

Upon completion of an investigation of ~~a sexual~~sex discrimination and/or sex-based harassment ~~complaint~~, any student found to have engaged in ~~sexual~~sex discrimination, and/or sex-based 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.

Upon investigation of ~~a sexual~~sex discrimination and/or sex-based harassment ~~complaint~~, any employee found to have engaged in ~~sexual~~sex discrimination against, and/or sex-based 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.

## Record-Keeping

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the district is required to keep the following records for at least seven years: (1) for each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process implemented in accordance with 34 CFR 106.44 or grievance procedures implemented in accordance with 34 CFR 106.45, (2) for each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute sex discrimination under Title IX, actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures, and (3) all materials used to train district employees; the Title IX Coordinator and designees; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.

~~The Superintendent or designee shall maintain records in~~ accordance with law, ~~including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures,~~ and district policies and regulations, ~~the Superintendent or designee shall maintain a record of~~ all reported cases of ~~sexual~~sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Students****Policy 5146: Married/Pregnant/Parenting Students**

CSBA NOTE: The following optional policy may be revised to reflect district practice. Pursuant to Education Code 48410, students may be exempted from compulsory attendance in continuing education classes if they must render personal services to a dependent. See AR 5112.1 - Exemptions from Attendance.

~~The Boards of Education~~ The Governing Board recognizes that responsibilities ~~related~~ pertaining to marriage, pregnancy, or parenting ~~and, including~~ related ~~responsibilities~~ obligations, medical conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board ~~therefore~~ desires to ~~support~~ minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students ~~to continue~~ in their continued education, ~~assisting them to~~ attain strong academic and parenting skills, and ~~promote~~ promoting the healthy development of their ~~children~~ child(ren).

CSBA NOTE: Pursuant to Education Code 221.51, districts are prohibited from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex, or from excluding or denying any student from any educational program or activity, including extracurricular activity, solely on the basis of a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from such conditions. Additionally, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, prohibits discrimination on the basis of sex in the district's education program or activity, including current, potential, or past pregnancy, childbirth, termination of pregnancy, or lactation, and related medical conditions or recovery, and parental, marital, and family status; see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment.

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's current, potential, or past pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery. In addition, the district shall not adopt any rule concerning a student's actual-~~or~~, potential, or past parental, family, or marital status that discriminates against and/or treats students student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

CSBA NOTE: Education Code 222.5 requires the following annual notifications.

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available ~~to them~~ under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, when a student or a person who has a legal right to act on behalf of a student, informs any employee of the student's pregnancy or related conditions, the employee is required to provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination, including sex- based harassment, and ensure the student's equal access to the district's education program or activity.

Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity. (34 CFR 106.8)

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, once notified of a student's pregnancy or related conditions, the district is required to take specified actions, as described below, to protect the student against sex discrimination.

When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with the district's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Exhibit (1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. The Title IX Coordinator shall also coordinate actions specified in 34 CFR 106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 CFR 106.44)

1. Notifying the student that the district is required to not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions

However, a student's voluntary participation in a separate portion of the district's education program or activity does not constitute prohibited discrimination if the district ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the district administers, operates, offers, or participates in with respect to students admitted to the district's education program or activity
3. Informing the student that the district may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

CSBA NOTE: Pursuant to Family Code 7002, any person under the age of 18 years who enters into a valid marriage is an emancipated minor and therefore has the same rights as an adult. Such rights include, but are not limited to, those related to the verification of student absences (see AR 5113 - Absences and Excuses), application for a work permit (see AR 5113.2 - Work Permits), and access to student records (see AR 5125 - Student Records).

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years ~~old~~of age or older, even if the marriage has been dissolved. (Family Code 7002)

#### Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

CSBA NOTE: Both federal law (34 CFR 106.40) and state law (Education Code 221.51; 5 CCR 4950) prohibit districts from requiring a student to take a course or participate in a separate program or school for pregnant and parenting students. When students voluntarily participate in such alternative programs, federal law requires that the alternative program be "comparable" to the regular education program, and state law requires that the program be "equal" to the regular education program. The following paragraph reflects the state standard which is more stringent and thus would prevail.

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity.

However, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, prohibits districts from requiring a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for sex discrimination. Additionally, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related conditions be treated in the same manner as any other temporary disabling condition. Thus, the district cannot require a student who is pregnant or has related conditions to provide a physician's note to participate in physical education classes unless the certified level of physical ability is necessary for participation and such certification is required of all students. A student who is pregnant or who has related conditions who cannot accomplish the requirements of the regular physical education curriculum may be offered accommodations, as specified in "Accommodations" below, or voluntary access to a comparable program, as described above. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 - Home and Hospital Instruction.

~~If required~~ The Superintendent or designee ~~may~~ **shall not** require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the ~~regular district's~~ education program or activity, including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

CSBA NOTE: Items #1-7 below are optional and may be revised to reflect district practice.

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

CSBA NOTE: The district may choose to offer child care and development services as an incentive to encourage the school attendance of parenting students, as provided in Item #1 below. For more information about child care and development services, see BP/AR 5148 - Child Care and Development.

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities

2. Parenting education and life skills instruction

CSBA NOTE: The federal Women, Infants, and Children grant program (42 USC 1786; 7 CFR 246.1-246.28) provides funding that may be used for special school nutrition supplements for low-income pregnant and lactating students as provided in Item #3 below; see the U.S. Department of Agriculture's website. Education Code 49553 specifies nutritional standards for these special school nutrition supplements.

- 2.
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education

Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

4. Health care services, including prenatal care

CSBA NOTE: Health and Safety Code 104460 requires districts receiving Tobacco-Use Prevention Education funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students; see AR 5131.62 - Tobacco.

5. Tobacco, alcohol, and/or drug prevention and intervention services

6. Academic and personal counseling

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

### Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

CSBA NOTE: Education Code 48205 authorizes an excused absence without a note from a physician for a parenting student to care for a sick child. For more information regarding excused absences, see AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

### Parental Leave

CSBA NOTE: Education Code 46015 provides that a pregnant or parenting student is entitled to eight weeks of parental leave, or longer if deemed medically necessary by the student's physician. Pursuant to Education Code 46015, the student's failure to notify the school as required below does not abridge the student's rights.

Additionally, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires the district to allow a student who is pregnant or who has related conditions to voluntarily take a leave of absence to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the district has a leave policy that allows for a greater period of time than the medically necessary period, and the student qualifies for leave under such policy, the district is required to permit the student to take leave under that policy.

A student who is pregnant or parenting, or has a related condition, shall be entitled to parental leave in order to protect the health of the student who gives and/or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider, or, if the district has a leave policy for which the student qualifies, the amount of time provided for in such policy. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. ~~The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician.~~ (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. (Education Code 46015)



No student shall be required to take all or part of the parental leave. (Education Code 46015); 34 CFR 106.40)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. ~~AA student who is~~ pregnant or parenting-~~student, or has related conditions,~~ shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, when a student returns to school after taking parental leave, the district is required to reinstate the student to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

Following the leave, a ~~student who is~~ pregnant or parenting-~~student, or has related conditions,~~ may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015; 34 CFR 106.40))

Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

#### Accommodations

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the district is required to provide reasonable accommodations for students who are pregnant or parenting, or have related conditions, as specified below. Additionally, pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the school is required to provide any services to pregnant students that it provides to other students with temporary medical conditions, such as at-home instruction or tutoring for students who miss school because of such medical conditions.

When necessary, the district shall provide reasonable accommodations to enable a ~~pregnant or parenting~~-student who is pregnant or parenting, or with related conditions, to access the educational program.

~~A pregnant-~~ The district shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the district's education program or activity shall not be implemented. (34 CFR 106.40)

Reasonable modifications may include, but are not limited to: (34 CFR 106.40)

1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
2. Intermittent absences to attend medical appointments
3. Access to online or homebound education
4. Changes in schedule or course sequence



5. Extensions of time for coursework and rescheduling of tests and examinations
6. Allowing a student to sit or stand, or carry or keep water nearby
7. Counseling
8. Changes in physical space or supplies, such as access to a larger desk or a footrest
9. Elevator access
10. Any other change to policies, practices, or procedures

A student who is pregnant or who has a related condition shall have access to any services available to other students with temporary ~~disabilities or~~ medical conditions. (34 CFR 106.40)

CSBA NOTE: In addition to lactation accommodations required by state law, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires that a student who is lactating has access to a lactation space other than a bathroom, that is clean, shielded from view, and free from intrusion from others that may be used to express breast milk or breastfeed.

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222; 34 CFR 106.40)

1. Access to a private and secure room, other than a restroom, that is clean, shielded from view, and free from intrusion by others to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

## Complaints

CSBA NOTE: Since a student's current, potential, or past parental, family, or marital status is protected from discrimination pursuant to Title IX and its implementing regulations, as amended by 89 Fed. Reg. 33474, districts are required to follow Title IX grievance procedures when investigating and resolving a complaint based on alleged conduct that occurred on or after August 1, 2024. As such a complaint may also fall within Education Code 46015, which authorizes the use of the district's uniform complaint procedures (UCP) established pursuant to 5 CCR 4600- 4670, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Any complaint alleging discrimination on the basis of a student's current, potential, or past pregnancy, family, or marital ~~or parental~~ status, district noncompliance with the requirements of Education Code 46015 or 34 CFR 106.40, or district noncompliance with the requirement to provide reasonable accommodations for lactating students, shall be ~~addressed through the district's uniform complaint~~

~~procedures investigated and resolved~~ in accordance with ~~5 CCR 4600-4670 and BP/AR 1312.3—~~  
~~Uniform~~ the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and Administrative  
Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. ~~A~~  
~~complainant who is not satisfied with the district's decision may appeal the decision to the California~~  
~~Department of Education (CDE). If the district or CDE finds merit in an appeal, the district shall provide~~  
~~a remedy to the affected student.~~ (Education Code 222, 46015; 5 CCR 4600- 4670); 34 CFR 106.44,  
106.45)

#### Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support current, potential, and past married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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revised: June 14, 2011  
revised: March 11, 2014  
revised: May 10, 2016  
revised: March 12, 2019  
revised: ??, 2024

# CSBA POLICY GUIDE SHEET – October 08, 2024 *First Reading*

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

## **Board Bylaw 9010 - Public Statements**

Bylaw updated to focus on public statements by Governing Board spokespersons made on behalf of the Board or by individual Board members. Additionally, bylaw updated to permit a Board spokesperson to disclose confidential information or information received in closed session when authorized by law. In addition, bylaw updated to reflect **NEW COURT DECISION (Lindke v. Freed)**, in which the U.S. Supreme Court held that a district official who limits or prevents critics from speaking, such as by blocking them on social media or deleting their posts, violates the First Amendment only if the official (1) has been granted the power to speak on behalf of the district and (2) claims to be actually exercising that power. Bylaw also updated to suggest that a Board member make clear when they are speaking as an individual, and not on behalf of the district, such as by adding a disclaimer to the member's social media page.

## **Board Bylaw 9012 - Board Member Electronic Communications**

Bylaw updated to reference suggestions regarding how to avoid Governing Board member electronic communications that violate the Brown Act. Additionally, bylaw updated to provide that Board members shall make every effort to ensure that their electronic communications conform to Board Bylaw 9010 - Public Statements. In addition, bylaw updated to reference that the Public Records Act applies even to Board member electronic communications regarding district business sent or received on a Board members' personal account or device. Bylaw also updated to reflect **NEW COURT DECISION (Lindke v. Freed)**, in which the U.S. Supreme Court held that a district official who limits or prevents critics from speaking, such as by blocking them on social media or deleting their posts, violates the First Amendment only if the official (1) has been granted the power to speak on behalf of the district and (2) claims to be actually exercising that power, and provide that the bylaw does not apply to Board member electronic communications not related to district business or not conducted by a Board member in the Board member's official capacity.

## **Board Bylaw 9220 - Governing Board Elections**

Bylaw updated to reference that a city/county charter might take precedence over district policies in regard to school board elections. Additionally, bylaw updated to reflect **NEW LAW (AB 764, 2023)**, also known as the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, which establishes a comprehensive set of rules that local governments, including school districts, must follow during the redistricting process. In addition, bylaw updated to reference new Exhibit (1), which includes a non-exhaustive list of offenses the conviction of which makes someone ineligible to be a school board member. Bylaw also updated for clarity, precision, organization, and consistency.

## **NEW - Exhibit (1) 9220 - Governing Board Elections**

Exhibit added to provide a non-exhaustive list of offenses the conviction of which makes someone ineligible to be a school board member.

## **Board Bylaw 9223 - Filling Vacancies**

Bylaw updated to reflect **NEW LAW (AB 1326, 2023)**, which requires that the notice of a provisional appointment be posted on the district's website. Additionally, bylaw updated to (1) focus on filling vacancy by appointment rather than special election, (2) enable the Governing Board to approve, by resolution, the procedures for selecting the person to be provisionally appointed to fill the vacancy, and (3) explain how long an appointed Board member may serve. In addition, bylaw updated for clarity, precision, organization, and consistency.

## **Board Bylaw 9320 - Meetings and Notices**

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

**Board Bylaw 9323.2 - Actions by the Board**

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

**Exhibit(1) 9323.2 - Actions by the Board**

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

**Delete - Exhibit(2) 9323.2 - Actions by the Board**

Exhibit deleted as districts should consult with legal counsel if there is a need to respond to a "cure and correct" letter.

**Board Bylaws****Bylaw 9010: Public Statements**

The Governing Board of Education recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives, to communicate its positions, and to abide by established protocols.

Board Spokesperson

CSBA NOTE: Many districts designate the Governing Board president and/or Superintendent to communicate with the public on behalf of the district. The following paragraph should be revised to reflect Board practice.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or, with respect to a specific issue or topic, other ~~designated~~ representative as designated by the Board or Board president.

When speaking for the ~~district, the Board encourages its spokespersons to~~ Board, a spokesperson shall exercise restraint and tact and ~~to communicate the message~~ in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board or by law. (Government Code 54963)

Statements by Individual Board Members

CSBA NOTE: The following paragraph is responsive to the recent U.S. Supreme Court holding in Lindke v. Freed, which held that a Board member who limits or prevents critics from speaking, such as by blocking them on social media, violates the First Amendment only if the member (1) has been granted the power to speak on behalf of the Board or the district, and (2) claims to be actually exercising that power. For more information, see BB 9012 - Board Member Electronic Communications.

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify when a viewpoint is held by an individual Board member rather than the Board as a whole. For example, a Board member may include a disclaimer on the Board member's personal social media account that the Board member is expressing personal viewpoints as such and not as the viewpoint those of the Board.

~~In addition, or the~~ district.

Board ~~encourages~~ members who ~~participate on social networking sites, blogs, or other discussionopt to express their opinions on district matters, whether in-person or informational sitesonline, are expected to~~ conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. ~~Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.~~



**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Board Bylaws**

**Bylaw 9012: Board Member Electronic Communications**

CSBA NOTE: The following bylaw is optional and should be revised to reflect district practice. The Brown Act (Government Code 54950-54963) requires that Governing Board members conduct district business at properly noticed and agendized public meetings. In general, for purposes of the Brown Act, electronic communications are subject to the same conditions and the same rules of confidentiality that are applicable to other forms of communication, such as individual conversations, telephone calls, or paper copies of documents.

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information ~~within the~~ with each other, district staff, and ~~with~~ members of the public. Board members shall exercise caution ~~so as to ensure that electronic communications are not used as~~ compliance with the Brown Act, the Public Records Act, and other applicable laws.

CSBA NOTE: Government Code 54952.2 defines a "meeting" as any congregation of a majority of the members of the Board at the same time and location, including a teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item that is within the subject matter jurisdiction of the Board. Government Code 54952.2 prohibits a serial meeting, defined as a series of communications of any kind, directly or through intermediaries, involving a majority of the Board to discuss, deliberate, or take action on any item of district business outside of an authorized meeting; see BB 9320 - Meetings And Notices. Thus, a series of emails, as well as other electronic communications such as text messages or replying directly to social media posts, that ultimately include a majority of the Board could lead to a Brown Act violation. In order to help prevent an inadvertent violation, Board members may wish to consider "bcc'ing" other Board members to avoid the recipient "replying all", a "do not reply/forward alert" in the subject line of emails, or other cautionary measures, as appropriate.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.- (Government Code 54952.2)

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board, as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. ~~A Board member is prohibited from responding directly to any communication from other~~

Additionally, Board members ~~regarding matters that are within the subject matter jurisdiction of the Board or prohibited from~~ using digital icons (e.g., such as "likes" or "emojis") to, "that express reactions to communications made by other Board members- ~~regarding matters within the subject matter jurisdiction of the Board.~~ (Government Code 54952.2)

~~Whenever a Board member uses a social media platform to communicate with the public about district business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed~~



CSBA NOTE: Public statements by Board members is a sensitive and complicated area of Board governance. As a result, many districts have established bylaws or other protocols for public statements by Board members; see BB 9010 - Public Statements.

Board members shall make every effort to ensure that their electronic communications conform to ~~the same standards and protocols established for other forms of communication.~~ A Board member may respond, as appropriate, to an electronic communication received from a member of the community Board Bylaw 9010 - Public Statements and ~~should make clear that the response does not necessarily reflect the views of the Board as a whole. Any complaint or request shall forward any complaints or requests~~ for information ~~should be forwarded~~ to the Superintendent in accordance with applicable Board bylaws.

CSBA NOTE: Electronic communications received and sent by Board members are subject to disclosure upon request pursuant to the Public Records Act (Government Code 7920.000 - 7930.215), including communications regarding district business sent or received on a Board member's personal account or device. For further information, see CSBA's, "Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications." It is recommended that districts with specific questions regarding this issue consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BP/AR 1340 - Access To District Records and BP/AR 3580 - District Records.

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, the Board member shall copy the communication to a district electronic storage device for easy retrieval.

CSBA NOTE: Pursuant to the U.S. Supreme Court's decision in Lindke v. Freed, a Board member's social media account becomes a public forum subject to the First Amendment when the Board member (1) has been granted the power to speak on behalf of the Board or the district and (2) claims to be actually exercising that power. The determination as to whether a Board member's action meets these two conditions is a fact-specific undertaking. It is recommended that districts with questions regarding this issue consult CSBA's District and County Office of Education Legal Services or district legal counsel.

This Bylaw does not apply to Board member electronic communications not related to district business or not conducted by a Board member in the Board member's official capacity.

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Bylaw adopted: June 14, 2011  
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**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Board Bylaws****Bylaw 9220: Governing Board Elections**

CSBA NOTE: The following bylaw is optional and should be revised to reflect district practice. While many district elections are governed by state law, some district elections are governed by the applicable city or county charter, or both. This bylaw is written based on state law but should be modified to the extent a city or county charter applies.

The filling of elective offices involves serious issues of constitutional and statutory concerns. Any district with questions related to local elections should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

**Board Member Qualifications**

CSBA NOTE: Education Code 35107 details eligibility for Governing Board membership as specified below, including the requirement to be registered to vote. Elections Code 2201 lists the causes for cancelling an individual's voter registration, including, but not limited to, legally established mental incompetency, proof that the person is presently imprisoned or on parole for conviction of a felony, or official notification that the voter is registered to vote in another country or state.

Additionally, pursuant to certain provisions of the California Constitution and various state laws, the conviction of certain offenses makes a person ineligible to be a Board member, except when the person has been granted a pardon in accordance with law. For example, Article VII, Section 8 of the California Constitution prohibits anyone from holding public office if convicted of giving or offering a bribe to procure personal election or appointment. See the accompanying exhibit for a non-exhaustive list of such offenses.

Any person is eligible to be a member of the Governing Board, without further qualifications, if the person is: 18 years of age or older; a citizen of California; a resident of the school district or, if applicable, the trustee area; a registered voter; and not legally disqualified from holding civil office. ~~Any~~(Education Code 35107)

~~A person who has is not eligible to be a member of the Board if they have been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California an offense(s) as specified in law and the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or elected as a Board member~~ accompanying Exhibit, except when the person has been granted a pardon in accordance with law. ~~(Education Code 35107; Elections Code 20)~~

A district employee duly elected to the Board shall resign from district employment, or shall otherwise cease being a district employee, before being sworn in ~~or shall have~~. If a district employee duly elected to the Board is sworn in and remains a district employee, then the employment shall automatically terminate upon being sworn into office. (Education Code 35107)

CSBA NOTE: See CSBA's website for information about governing board services that may be shared with candidates.

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide ~~all candidates~~ a Board candidate, upon request by the candidate, with information that will enable them to understand the responsibilities and expectations of being a Board member, including information regarding available workshops, seminars, and/or training. ~~The~~ Additionally, the Superintendent or designee shall provide ~~all candidates with a Board candidate, upon request by the candidate~~, the county election official's contact information and general information about school programs, district operations, and Board responsibilities.

## Recalling a Board Member

A Board member may be recalled as permitted by Elections Code 11000-~~Proponents of 11386. To commence~~ a recall ~~are required to of a Board member, proponents shall~~ serve, file, and publish or post a notice of intention to circulate the recall petition as specified by law and ~~to comply with other any~~ applicable ~~law and formalities and~~ county elections official directives. ~~The~~ Additionally, the recall petition, ~~pursuant to Elections Code 11041, is required to shall~~ be in the format provided by the Secretary of State and ~~to include, among other things,~~ an estimate of the cost of conducting the special election, as determined by the county elections official, in consultation with the district.

CSBA NOTE: Pursuant to Elections Code 11240, within 14 days after the regular Board meeting at which the Board received a certificate of sufficiency to recall a Board member, the Board is required to order a recall election and set a date for the recall election in accordance with law. Pursuant to Elections Code 11241, if the Board fails to do so, the elections official of the county is required to set the date for the recall election within five days after the expiration of the 14-day window.

Within 14 days after the regular meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from ~~the~~ county elections official, the Board shall order an election to be held to determine whether the Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election.

~~Recall elections shall be conducted in accordance with-~~ (Elections Code ~~11381-11386.11240-11242~~)

A recall election of a Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a Board member is successful, that Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-95 and Board Bylaw 9223 - Filling Vacancies.

## Consolidation of Elections

CSBA NOTE: The following optional section is for districts that currently hold their Board elections at a time that is not concurrent with municipal or statewide elections.

In general, Education Code 5000 and Elections Code 1302 require the regular election of Board members to be held on the first Tuesday after the first Monday in November of each odd-numbered year. However, in accordance with Elections Code 1302 and 10404.5, districts are authorized to request consolidation of their Board elections with the local municipal or state primary or general election by adopting a Board resolution and submitting it to the County Board of Supervisors for approval. Most districts choose to consolidate their Board elections with the local municipal or state primary or general election.

Pursuant to Elections Code 14051-14052, districts are required to hold elections concurrent with statewide elections if holding nonconcurrent elections has previously resulted in a "significant decrease" in voter turnout, as defined. Districts consolidating their elections due to low voter turnout should follow the procedures specified in Elections Code 1302, including the adoption of a Board resolution. For further analysis, see CSBA's, "Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections."

~~To reduce costs associated with conducting~~ The Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302.

~~In addition~~ Additionally, if a regularly scheduled Board election held other than on a statewide election date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the Board shall take action to consolidate Board elections with statewide elections-~~( in accordance with Elections Code 14051,-14052).~~

In order to consolidate elections ~~based on either circumstance described above~~, the Board shall adopt a resolution and submit it to the County Board of Supervisors for approval not later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Board election is changed due to consolidation of elections, the terms of office of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

#### Elections Process and Procedures

CSBA NOTE: Pursuant to Election Code 15400, after each election, the Board is required to declare who has been elected to the Board.

For each election, upon certification by the County Board of Supervisors, the Board shall declare who has been elected to the Board in accordance with law. (Election Code 15400)

A Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

CSBA NOTE: Any district with questions regarding the election process and procedures, particularly the California Voting Rights Act (Elections Code 14025-14032) should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Each Board member shall reside within the trustee area that the Board member represents but shall be elected by all voters in the district.

~~To ensure ongoing compliance with the California Voting Rights Acts, the Trustee areas shall be balanced by population as required by state and federal law.~~

CSBA NOTE: Elections Code 21100-21180, as added by AB 764, create the FAIR MAPS Act of 2023 which establishes a comprehensive set of rules that local governments must follow during the redistricting process.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

CSBA NOTE: The following paragraph may be revised to reflect district practice. Districts using Option 2 or 3 should periodically monitor the demographics within their geographical boundaries to ensure that no violation of the CVRA occurs. Any district found in violation of the CVRA could be held liable for attorneys' fees and legal costs. Elections Code 10010 requires that a prospective plaintiff send written notice to the district prior to filing a complaint alleging that the method of election violates the CVRA so that the district will have the chance to cure any potential violations before the commencement of litigation. Even if the district cures the alleged violations, it may be required to pay reasonable costs incurred in supporting the written notice.

The Board may review the district's Board election method to determine whether any modification is necessary ~~due~~.

CSBA NOTE: Converting from an "at-large" (Option 2) to a "by trustee area" (Option 1) voting method involves complex issues of law regarding matters such as the redrawing of maps, required approvals, and transition dates. Elections Code 10010 and 21100-21150 require the Board to follow procedural requirements and hold hearings before and after drawing maps of the proposed district boundaries to allow for public input. If Board members will be elected at different times for staggered terms of office, hearings held after publishing the draft map(s) are required to include an opportunity for public input regarding the proposed sequence of elections.

If the district seeks to change its election method ~~is to be changed~~, the Board shall follow procedural requirements and hold public hearings in accordance with Elections Code ~~10100~~ 10010 and 21100-

21150 before adopting a resolution at an open meeting specifying the change(s), ~~and shall, in accordance with Education Code 5019, and~~ obtain approval from the county committee on school district organization having jurisdiction over the district: in accordance with Education Code 5019.

CSBA NOTE: The remainder of this section is for all districts. The Attorney General opined in 105 Ops.Cal.Atty.Gen. 182 (2022) that when the boundaries of a district's trustee areas are adjusted or the district changes from "at-large elections" to "by-trustee area elections," and a vacancy then arises in a seat held by a Board member whose term of office began prior to the change in boundaries or election method, the vacancy should be filled using the boundaries or election method by which the incumbent Board member was elected. Any district that has already adopted a "by- trustee" election method should revise the following paragraph accordingly.

The election method or trustee-area boundaries in effect at the beginning of a Board member's term shall be used when any vacancy that occurs during that term is to be filled, even if, during the term, the district has adopted "by- trustee area" election method or trustee area boundaries have been adjusted.

~~Any petition for a special election ordered pursuant to Education Code 5091 shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per student basis. (Education Code 5091)~~

## Campaign Conduct

CSBA NOTE: Education Code 35177 authorizes boards, by resolution, to limit campaign expenditures and/or contributions for candidates in board elections. Based on the First Amendment, however, courts have imposed constraints on limitations on campaign expenditures and/or contributions limits. It is strongly recommended that, before adopting any campaign expenditures and/or contribution limits, the Board consult CSBA's District and County Office of Education Legal Services or district legal counsel, in order to ensure that the district's limits satisfy legal restrictions.

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign ~~donations~~contributions, funding, and expenditures.

CSBA NOTE: Government Code 85300 generally prohibits the expenditure of public funds for the purpose of seeking elective office. However, Government Code 85300 permits a candidate to expend or accept public funds for the purpose of seeking elective office if the Board establishes a dedicated fund for that purpose, provided that both (1) the public funds are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference, and (2) the Board has established criteria for determining a candidate's qualifications. For school board elections, candidate qualifications are specified in state law (see section "Board Member Qualifications" above), and districts should not establish additional qualification requirements.

A Board member shall not expend, and a candidate shall not accept, any public money for the purpose of seeking elective office. However, the district may establish a dedicated fund for those seeking election to the Board, provided that the funds are available to all candidates who are qualified pursuant to Education Code 35107 without regard to incumbency or political preference. (Government Code 85300)

CSBA NOTE: Pursuant to Elections Code 20440, county election officials are required to present each candidate running for public office with a voluntary Code of Fair Campaign Practices for the candidate to sign. However, neither the district nor opposing candidates have authority to enforce the pledge if it is violated. The following optional paragraph expresses the Board's desire that candidates for Board membership sign and abide by the terms of the pledge.

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

## Statement of Qualifications

On the 125th day prior to the day fixed for the general district election, the Board secretary or designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)-

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

CSBA NOTE: Pursuant to Elections Code 13307, a voter may receive by mail a voter's pamphlet that contains candidate statements or, when authorized by the elections official, may opt to obtain the voter's pamphlet and related materials electronically (i.e., from the elections official's web site or via email). When electronic distribution is authorized by the elections official, districts may choose, pursuant to Elections Code 13307, whether to permit Board candidates to prepare a statement for electronic distribution. If a candidate chooses to submit a statement for electronic distribution only, it will not appear in the mailed voter's pamphlet.

The following paragraph, which may be revised to reflect district practice, is for use by any district that authorizes electronic distribution of candidate statements in addition to or instead of the mailed voter's pamphlet.

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

The district shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the ~~hard copy and/or electronic~~ voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

## Tie Votes in Board Member Elections

Whenever ~~a tie makes~~ the County Superintendent of Schools certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time and place shall determine the winner by lot. (Education Code 5016)

SIERRA COUNTY OFFICE OF EDUCATION  
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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 revised: September 10, 2013  
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revised: ??, 2024





# **Sierra County/Sierra-Plumas Joint USD**

## **Board Bylaws**

### **Exhibit 9220 – Governing Board Elections**

This exhibit is a non-exhaustive list of offenses the conviction of which disqualifies a person from holding public office, including as a Governing Board member of a school district, in the State of California.

1. California Constitution, Article VII, Section 8: Giving or offering a bribe to procure personal election or appointment
2. California Constitution, Article VII, Section 8: Committing bribery, perjury, forgery, malfeasance in office, or other high crimes
3. Penal Code section 67: Giving or offering a bribe to any executive officer in the state to influence any decision made by that officer in their official capacity
4. Penal Code section 68: While an executive or ministerial officer, employee, or appointee of the state, a county, a city, or another political subdivision of the state, asking for, receiving, or agreeing to receive any bribe to influence any decision made by that person in their official capacity
5. Penal Code section 74: As a public officer, for gratuity or reward, appointing another person to public office, or permitting another person to exercise or discharge the duties of their office
6. Penal Code section 88: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling
7. Penal Code section 98: While an officer, committing any of various bribery and corruption crimes against the public justice as specified in Penal Code 92-100, including bribing or threatening judges or jurors
8. Penal Code section 165: Giving or offering a bribe to a member of a city council or a board of supervisors to influence any decision made by that member in their official capacity
9. Penal Code section 424: While an officer of the state or of any county, city, town, or district of the state, or while otherwise charged with the receipt, safekeeping, transfer, or disbursement of public moneys, appropriating such moneys for personal use, or refusing to pay any public moneys as required by law
10. Penal Code section 2772: Interfering with the work of prisoners employed at a road camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind
11. Penal Code section 2790: Interrupting the work of prisoners employed at a public park or camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind
12. Government Code section 1021: Committing designated crimes as specified in the California Constitution or state law
13. Government Code section 1097: While a public official, being financially interested in a contract made in their official capacity, or by any body or board of which he or she is a member, or aiding or abetting a public official in committing such a violation

14. Government Code section 9055: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling
15. Government Code section 9412: While a member of the Legislature, refusing to appear before the Senate, Assembly, or any committee of the Legislature after being summoned to testify, or while appearing before the Senate, Assembly, or any committee, refusing to be sworn or to answer any material and proper question, or refusing to produce, upon reasonable notice, any material and proper books, papers, or documents in their possession and under their control
16. Elections Code section 20: Committing a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes
17. Elections Code section 18501: While a public official, aiding the illegal casting of a vote at an election or otherwise facilitating the perpetration of election fraud

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Exhibit version: ??, 2024



**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Board Bylaws**

**Bylaw 9223: Filling Vacancies**

Events Causing a Vacancy

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

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

~~3. CSBA NOTE: Pursuant to Education Code~~

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

- ~~3. A Board member's resignation in accordance with Board Bylaw 9222 - Resignation (Government Code 1770)~~
4. A Board member's removal from office by recall (Elections Code 11000-~~11386~~; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)

~~CSBA NOTE: The following paragraph is for use by districts that have established trustee areas. In 105 Ops.Cal.Atty.Gen 182 (2022), the Attorney General has opined that when the boundaries of a district's trustee areas are adjusted or the district changes from "at-large elections" to "by-trustee area elections," and a vacancy then arises in a seat held by a Board member whose term of office began prior to the change in boundaries or election method, the vacancy should be filled using the boundaries or election method by which the incumbent Board member was elected. See BB 9220 - Governing Board Elections.~~

- ~~6. A Board ~~member ceases~~member's ceasing to inhabit the trustee area represented ~~only~~ by the Board (~~58 Ops.Cal.Atty.Gen. 888 (1975))~~member (Government Code 1770)~~
7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days or, in the case of illness or other urgent necessity and upon a proper showing thereof, for more than 90 days

~~e. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board~~

~~a-c.~~ For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

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

8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by ~~illness~~sickness or when absent from the state with the permission required by law (Government Code 1770)

CSBA NOTE: Board members forfeit office and, in some cases, are disqualified from holding public office upon conviction of designated crimes as specified in the Constitution and various other state laws. Examples of crimes that result in forfeiture of office include, but are not limited to, convictions for felonies, offenses that involve a violation of official duties, bribery, selling appointments, intoxication in the discharge of official duties, misuse of public funds, conflict of interest violations, and a false claim of receipt of any military decoration or medal.

9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

CSBA NOTE: Pursuant to Education Code 5090, a vacancy is declared when there has been a "failure to elect," meaning that the County Registrar of Voters has determined that an election will not be held because either no candidate or an insufficient number of candidates have filed to run for a Board seat(s). Education Code 5328 authorizes the Board to make an appointment in such circumstances.

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

## Timelines for Filling a Vacancy

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

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs ~~from between~~ six months ~~to and~~ 130 days before a regularly scheduled Board election at which the vacant position is not scheduled to be filled, the vacancy shall be filled by a special election ~~to fill the position shall be~~ consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which the person was elected to fill. (Education Code 5093)

CSBA NOTE: Pursuant to Education Code 5091, when a vacancy occurs outside of the statutory time windows identified in Items #1 or #2 above or when a deferred resignation has been filed four or more months before the end of a Board member's term, the Board shall take action, as specified below. In the event that the Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent must call an election to fill the vacancy.

3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation, ~~either order an election or make a provisional appointment whichever is sooner.~~ (Education Code 5091, 5093)

## Eligibility for Appointment

CSBA NOTE: Persons applying or nominated to be appointed to fill a Board vacancy are required to meet the legal qualifications for serving as elected Board members. See BB 9220 - Governing Board Elections.

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

## Provisional Appointments

CSBA NOTE: The following optional paragraph should be modified to reflect district practice. While the Board is authorized to make a provisional appointment to fill a vacancy pursuant to Item #3 in the section "Timelines for Filling a Vacancy" above, the law does not specify procedures for making provisional appointments for vacancies; however, such procedures must comply with the requirements of the Brown Act. (Government Code 54950-54963)

See CSBA's publication, "Filling a Board Vacancy," for additional information about provisional appointments, including sample questions for interviewing and evaluating candidates.

When, ~~as~~ authorized by law, the Board has opted to make a provisional appointment to fill a vacancy ~~on the Board~~, the Board ~~shall advertise, by resolution, may approve the procedures for selecting the person to be provisionally appointed to fill the vacancy.~~ These procedures may, but are not required to, include the following:

1. Advertising in the local media to solicit candidate applications ~~or nominations.~~ A
2. Establishing a committee consisting of less than a quorum of the Board ~~shall to~~ ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. ~~The Board shall interview~~

3. Interviewing the candidates at a public meeting, ~~accept oral or written public input, and select~~

CSBA NOTE: Pursuant to Education Code 5092, once the Board has filled a vacancy by provisional appointment, the Board is required to post a notice. The notice is required to be posted in three public places in the district in addition to other notice requirements. Districts with trustee areas may want to post the notice in three public places within the trustee area of the vacant seat. Boards for districts with trustee areas are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding the requirement to post in three public places.

Pursuant to Education Code 5092, as amended by AB 1326 (Ch. 68, Statutes of 2023), the notice is also required to be posted on the district's website.

Within 10 days after the Board makes a provisional appointment to fill a Board vacancy, the Superintendent or designee, on behalf of the Board, shall post a notice of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The ~~notice Superintendent or designee~~ shall be published in ~~post~~ the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. ~~notice as follows:~~ (Education Code 5092)

~~The notice shall contain: (Education Code 5092)~~

1. In three public places in the district or, if applicable, trustee area
2. On the district's website
3. In a newspaper of general circulation published in the district, if such a newspaper exists

The notice shall contain: (Education Code 5092)

1. The fact of the vacancy or resignation
- ~~1.2.~~ The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
- ~~2.3.~~ The full name of the ~~appointee~~ provisional appointee to the Board and the date of the provisional appointee's appointment
- ~~3.~~ The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, ~~the appointment~~ shall become ~~an effective appointment~~

CSBA NOTE: Pursuant to Education Code 5091, an appointed Board member may only hold office until the next regularly scheduled district Board election. Thus, if a person is appointed to a board with three years remaining in their term, then it is likely that they will only serve through the second year as there typically would be a regularly scheduled district Board election at that point. There would need to be a special election concurrent with the regularly scheduled district Board election and final two years of the vacant term would be filled by the person elected in the special election.

The person appointed shall only hold office until the next regularly scheduled election for district Board members ~~and shall be afforded all the powers and duties of a Board member upon.~~ (Education Code 5091)

CSBA NOTE: Pursuant to Education Code 5091, the County Superintendent is required to terminate a provisional appointment and order a special election if, within 30 days of the appointment, a petition requesting a special election to fill the vacancy is submitted by registered voters. Pursuant to Education Code 5091, any such petition for a special election must contain the county elections official's estimate of the cost of conducting the special election, expressed on a per-student basis. Education Code 5091 also requires any such special election to be conducted not less than 88, nor more than 125, days following the County Superintendent's order of the election, unless the election may be consolidated with a regularly scheduled election that is to take place within 180 days after the issuance of the County Superintendent's order. For the conduct of Board elections, See BB 9220 - Governing Board Elections.

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

#### Appointment Due to Failure to Elect

CSBA NOTE: The following requirements apply when an appointment is being made because of a failure to elect pursuant to Education Code 5090, 5326, and 5328 (Item #13 in section entitled "Events Causing a Vacancy" above).

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

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

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

(Education Code 5328.5)

When, as authorized by law, the Board seeks to make an appointment because of a failure to elect, the Board, by resolution, may approve any additional the procedures for selecting the person to be appointed to fill the vacancy.

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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revised: November 12, 2019  
revised: June 21, 2023  
revised: ??, 2024



**Board Bylaws****Bylaw 9320: Meetings And Notices**

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

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

CSBA NOTE: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business.

This prohibition against serial meetings also applies to communications via technology. Email exchanges, text/chat threads, or comments posted on a blog or social media account that result in a majority of the Governing Board "discussing among themselves" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, Board members may engage in separate conversations or communications with members of the public on an Internet-based social media platform that is open and accessible to the public as long as a majority of the Board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. Additionally, a Board member is prohibited from responding directly to any communication from other members of the Board on a social media platform regarding matters that are within the subject matter jurisdiction of the Board. See BB 9012 - Board Member Electronic Communications.

In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's website, and (3) distributed (in a printed version) at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

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

CSBA NOTE: Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member.

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



CSBA NOTE: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (ADA) (42 USC 12132) and implementing regulations. Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

Government Code 54953 requires the Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility.

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. (~~Government Code 54953, 54953.2, 54954.1, 54954.2~~)

Notice of the procedure for receiving and resolving such requests for accommodation ~~described above~~ shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

## Regular Meetings

CSBA NOTE: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and location for its regular meetings by rule and regulation.

The Sierra County Board of Education and the Sierra-Plumas Joint Unified School District Governing Board shall hold one regular joint meeting each month starting in January 2023.

Unless otherwise determined by the Board(s), The the regular joint meetings shall be held at 6:00pm on the second Tuesday of each month with the exception of June, July (as needed) and December. Meetings will be held at Sierra County Office of Education (109 Beckwith Road, Loyalton CA 96118) or Downieville Schools (130 School Street, Downieville CA 95936), alternating each month.

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. Government Code 54954.2 also requires that the agenda be posted on the district's website. Other posting requirements may apply where Board members are participating by teleconference as specified below.

The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

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



1. The meeting site listed on the agenda
2. Each school site within the district
3. All possible Post Office locations within the district

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda must list the address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular meeting. Pursuant to Government Code 54957.5, when agenda materials are distributed to all or a majority of the Board less than 72 hours before a regular meeting and outside of regular business hours, the materials may be posted on the district's website in satisfaction of the Brown Act if specified requirements are met. Districts with questions regarding this exception are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BB 9322 - Agenda/Meeting Materials.

In addition, pursuant to the California Public Records Act (Government Code 7920.000 - 7930.215), agenda materials related to an open session of a Board's regular meeting are "public records" and are subject to inspection by any member of the public as specified in BP/AR 1340 - Access to District Records.

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

## Special Meetings

CSBA NOTE: Government Code 54956 permits the Board president or a majority of the Board to call a special meeting. When a majority of the Board has requested a special meeting on the same specific topic, the Superintendent or designee shall inform the Board and the meeting shall be organized and called. If an individual Board member desires a special meeting on a specific topic that has not been called by the Board president, the Board member should inform the Superintendent or designee rather than other Board members in order to comply with the Brown Act.

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

~~However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)~~

~~Written~~ At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's ~~web site. The notice shall be received website, and,~~ at least 24 hours before the time of the meeting. ~~The notice shall also be posted at least 24 hours before the meeting,~~ in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

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

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the

item's consideration. (Government Code 54954.3)

### Emergency Meetings

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

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

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

~~An emergency situation means either of the following: (Government Code 54956.5)~~

- ~~1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board~~
- ~~2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board~~

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

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

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

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

### Adjourned/Continued Meetings

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

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

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

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Pursuant to Government Code 54954.2, the Board must still comply with the public notice requirements when holding a study session, retreat, public forum or other such meeting.

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

~~The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.~~

~~Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.~~

## Other Gatherings

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

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

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

## Location of Meetings

~~Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings~~ (Government Code 54961)

~~Meetings~~ shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party

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

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

~~Meetings exempted from the boundary requirements, as specified in Items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.~~

If a fire, flood, earthquake, or other emergency renders the posted regular or special meeting place location unsafe, ~~meetings and the deadline for posting the location has passed, the meeting shall be held for the duration of the emergency~~ at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings pursuant to Government Code 54956 by the most rapid available means of communication. ~~(Government Code 54954)~~

#### Traditional Teleconferencing

A Board member may participate in any meeting by teleconference is a meeting of the Board in, which Board members are in different locations, connected by electronic means through includes both audio and/or video audio so long as the following conditions are met: (Government Code 54953)

1. All teleconferenced meetings shall be All votes taken during the meeting are by roll call
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953) legislative body of a local agency

~~The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction.~~

~~All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)~~

~~During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)~~

~~Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing During a Personal Emergency," "Teleconferencing For 'Just Cause'" or "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.~~

~~All teleconference locations shall be accessible to the public and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)~~

#### ~~Teleconferencing During a Personal Emergency~~

~~Until January 1, 2026, with approval from the majority of the Board, a Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the Board member from attending in person. The Board member requesting to appear remotely shall notify the Board of the emergency situation as soon as possible, and provide a concise general description of the circumstances relating to the Board member's need to appear remotely. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)~~

- ~~1. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference~~
- ~~2. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting~~
- ~~3. At least a quorum of the members is within the district boundaries.~~

#### ~~Teleconferencing by Individual Board Member Due to Just Cause~~

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference for just cause, as described below. Districts should be aware that the choice to participate in a meeting by teleconference due to just cause is at the sole discretion of the Board member and can be exercised at any time. Therefore, it is recommended that districts consider including teleconference access, as described below, as part of every meeting. Districts are also encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with Government Code 54953.

~~Until January 1, 2026, A Board member may not appear remotely under emergency circumstances for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely under emergency circumstances for more than two meetings. (Government Code 54953)~~

~~When a Board member is approved to participate remotely due to emergency circumstances, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)~~

~~If permitted to participate remotely, the Board member shall utilize when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)~~

- ~~1. Including the location of the Board member participating by teleconference in the agenda~~



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

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

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

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology and to participate in the meeting

CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to just cause to publicly disclose, whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with such individuals. (Government Code 54953)each such individual
- 4.5. The district shall also provide public is able to access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the remote platform as well as or service, in addition to public comment being available in person and

The platform or service may require members of the public shall be able to offer to register in order to make public comments in real time, so long as the platform or service is not controlled by the district

6. The agenda shall include for the meeting includes information describing how members of the public can access the platform or service (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option the platform or internet-based service option, or a disruption is disrupted such that is within the Board's control prevents members of public cannot access the meeting or give real-time public from offering public comments using comment, the call-in option or internet-based service option, meeting may continue but the Board shall may not take action on any agenda item until public access to the meeting disruption is restored resolved. (Government Code 54953)

Teleconferencing for "Just Cause"

A Board member may shall be permitted to appear remotely, pursuant to the provisions below, participate

by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953) ~~A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)~~

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

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

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

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference due to emergency circumstances, as described below.

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

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

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

1. Including the location ~~which is of~~ the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public ~~and~~
3. Posting the agenda at the location ~~does not need of~~ the Board member participating by teleconference

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

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda. ~~(Government Code 54953)~~
3. ~~If the~~ The Board member participates remotely, the Board member shall utilize ~~participating by teleconference utilizes~~ both audio and visual technology ~~and to participate in the meeting~~

CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to emergency circumstances to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

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

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

6. The agenda shall include for the meeting includes information describing how members of the public can access the platform. (Government Code 54953) or service

If a disruption prevents broadcasting the meeting to members of the public using the call-in option the platform or internet-based service option, or a disruption is disrupted such that is within the Board's control prevents members of public cannot access the meeting or give real-time public from offering public comments using the call-in option or internet-based service option, comment, the meeting may continue but the Board shall not take action on any agenda items item until public access to the meeting disruption is restored resolved. (Government Code 54953)

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

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

Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within district boundaries,

CSBA NOTE: Pursuant to Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), boards are authorized to conduct board meetings by teleconference as specified below when holding a board meeting during a proclaimed state of emergency.

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

1. ~~State or local officials have imposed or recommended measures to promote social distancing~~
- 2.1. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees due to the



emergency

- 3.2. When ~~it~~ the Board has been determined, ~~by majority vote as described in pursuant to~~ Item #21 above, that ~~as a result of the emergency~~ meeting in person would present imminent risks to the health or safety of attendees due to the emergency

~~To conduct a~~ The Board may hold a meeting by teleconference ~~meeting for these purposes the following requirements shall be satisfied~~ during a proclaimed state of emergency without: (Government Code 54953):

1. ~~The notice and~~ Including the location of Board members in the agenda ~~shall be given and posted as otherwise~~
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members

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

1. All votes taken during the meeting are by ~~the Brown Act~~ rollcall
2. The notice and agenda of the meeting shall specify the means by which members of the public ~~may~~ public is able to access the meeting ~~and offer via a call-in service or an internet-based platform or service, with real- time public comment being allowed via the platform or service~~
2. If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments, ~~including via a call-in so long as the platform or internet-based service option is not controlled by the district~~

Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third party and not under the control of the Board.

3. Members of the public shall be allowed to access the ~~The agenda for the meeting, and the agenda shall provide an opportunity for~~ includes information describing how members of the public to address the Board directly pursuant to Government Code 54954.3 ~~can access the platform or service~~

Members of

4. ~~If the platform or service is disrupted such that the public shall not be required to submit public comments in advance of a Board cannot access the meeting and shall be provided an opportunity to address the Board and offer comments in or give real-time~~ Public public comment periods shall not be closed, the meeting may continue but the Board may not take action on any agenda item until the ~~time~~ disruption is resolved. (Government Code 54953)

~~5. For any public comment period, if such is offered by the Board, with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed or, if not timed, until. For any other public comment period, the Board shall allow a reasonable amount of time per agenda item has been allowed to allow members of the public to provide~~

6. ~~If during a Board meeting a disruption occurs which prevents the district from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the district's control that prevents members of the public from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored~~

The district may, in its discretion, provide a physical location from which the public may attend or comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference, ~~as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days~~

~~after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)~~

- ~~1. The throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person~~
- ~~2. State or local officials continue to impose or recommend measures to promote social distancing . (Government Code 54953)~~

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Bylaw adopted: November 13, 2007

revised: January 13, 2009

revised: December 13, 2011

revised: February 14, 2012

revised: October 8, 2013

revised: August 11, 2015

revised: December 13, 2016

revised: January 17, 2017

revised: January 12, 2021

revised: March 08, 2022

revised: December 13, 2022

revised: February 14, 2023

revised: April 4, 2023

revised: ??, 2024

**Board Policy Manual**

**Sierra-Plumas Joint Unified School District & Sierra County Office of Education**

**Board Bylaws**

**Bylaw 9323.2: Actions By The Board**

CSBA NOTE: Pursuant to Education Code 35164 and Government Code 54952.6, a simple majority vote of the membership of the Governing Board is necessary for an item to carry, even in those cases where some members are absent or seats are vacant. For instance, for districts with a five-member board, an item will pass with three votes, even if only three members are present or there is a vacancy. Education Code 35165 details the effect of a vacancy in districts with a seven-member board. For language regarding vote requirements when a board member abstains, see BB 9323 - Meeting Conduct. However, there are certain actions by the Board that require more than a simple majority vote, or that are required to occur, or may not occur, at a certain meeting or type of meeting; see E(1) 9323.2 for a non-exhaustive list of such actions.

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

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

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

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

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

**Action on Non-Agenda Items**

CSBA NOTE: The Brown Act (Government Code 54950-54963) generally prohibits any action or discussion of items not on the posted agenda. However, Government Code 54954.2 provides for four specific and narrow situations in which the Board can act on an item not on the agenda, as specified below. Board members may also briefly respond to questions raised by members of the public concerning items not on the agenda; see BB 9323 - Meeting Conduct.

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

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

CSBA NOTE: Government Code 54954.2 provides that the Board may take action on a request by a Board member to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda. If the timing of the request did allow for sufficient time to place it on the agenda, it cannot be acted upon unless it was agendized. For more information regarding Board meetings by teleconference, see Board Bylaw 9320 - Meetings And Notices.

4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

## Challenging Board Actions

CSBA NOTE: Government Code 54960-54960.5 grants authority to the district attorney or any interested person to file a civil action asking the court to order the Board to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board. Pursuant to Government Code 54960.5, a court may award court costs and reasonable attorney's fees to a successful plaintiff. Prior to filing a civil action, the district attorney or interested party must send a written demand to the Board to "cure and correct" the alleged violation or prior action. The Board should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

~~The district attorney's office or any interested person may file an action in court for the purpose of:-  
(Government Code 54960, 54960.2)~~

- ~~1. Stopping or preventing the Board's violation or threatened violation of the Brown Act~~
- ~~2. Determining the applicability of the Brown Act to ongoing or future threatened Board actions~~
- ~~3. Determining the applicability of the Brown Act to a past action of the Board that is not specified in Government Code 54960.1, provided that:~~
  - ~~a. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.~~
  - ~~b. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.~~
  - ~~c. The action is brought within the time required by Government Code 54960.2.~~
- ~~4. Determining the validity, under state or federal law, of any Board rule or action which penalizes any of its members or otherwise discourages their expression~~
- ~~5. Compelling the Board to audio record its closed sessions because of a court's finding of the Board's violation of any applicable Government Code provision~~

~~The district attorney or any interested person may file an action in court to nullify a Board action which is alleged to be in violation of law regarding any of the following: (Government Code 54960.1)~~

- ~~1. Open meeting and teleconferencing (Government Code 54953)~~
- ~~2. Agenda posting (Government Code 54954.2)~~
- ~~3. Closed session item descriptions (Government Code 54954.5)~~
- ~~4. New or increased tax assessments (Government Code 54954.6)~~
- ~~5. Special meetings (Government Code 54956)~~
- ~~6. Emergency meetings (Government Code 54956.5)~~

Prior to bringing any action to nullify a Board action, the district attorney or other Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the district attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation. The demand shall clearly describe the challenged action and the nature

~~of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken, to the district. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)~~

~~Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)~~

- ~~1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or district receives a proper demand from the district attorney's office or any interested person to "cure and correct.~~
- ~~2. Determine not to cure or correct the " an alleged violation and inform the demanding party in writing of its decision to not cure or correct.~~
- ~~3. Take no action. If the Brown Act, the Board takes no action within the 30-day period, its inaction shall be considered a decision not to cure or correct the challenged action.~~

~~consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)~~

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Bylaw adopted: April 10, 2007  
revised: May 10, 2011  
revised: February 12, 2013  
revised: April 9, 2019  
revised: ??, 2024



# Sierra County/Sierra-Plumas Joint USD

## Board Bylaws

### Exhibit 9323.2 – Actions by the Board

#### RESTRICTIONS ON BOARD ACTIONS ~~REQUIRING A SUPER MAJORITY VOTE~~

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

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

CSBA NOTE: For an action requiring a two-thirds vote to pass, a three-member governing board will need two board members to vote in favor of the item and a five-member board will need four board members to vote in favor of the item. For a seven-member board, five board members will constitute two-thirds of the board except, pursuant to Education Code 35165, if there are one or two vacancies, in which case four board members will constitute two-thirds of the board.

1. ~~Resolution~~ declaring the ~~Governing~~ Board's intention to sell or lease real property -(Education Code 17466)
2. ~~2.~~ Resolution declaring the Board's intent to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. ~~3.~~ Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision -(Education Code 17559)
4. ~~4.~~ Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable -(Education Code 17481)

5. ~~CSBA NOTE: Item #5 below is different from temporary borrowing pursuant to Government Code 53850- 53858, which requires only a simple majority vote of the Board.~~

5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) -(Government Code 53821)
6. ~~6.~~ Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district so long the proposed use of property is not for nonclassroom facilities (Government Code 53094)
7. ~~7.~~ When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 -(Education Code 48660)
8. ~~8.~~ When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school -(Education Code 48661)

9. ~~9. Resolution of intent~~ Decision to issue pursue the authorization and issuance of general obligation bonds with the approval pursuant to paragraph (3) of 55 percent subdivision (b) of Section 1 of Article XIII A of the voters California Constitution and subdivision (b) of Section 18 of Article XVI of the district California Constitution (Education Code 15266)
10. ~~Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)~~
11. ~~Resolution to place a parcel tax on the ballot (Government Code 53724)~~
1. ~~12. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)~~
13. 

CSBA NOTE: Item #11 is for use by districts governed by a three-member board that have elected to use an alternative procedure for awarding contracts for public works projects pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which establishes a higher bid limit and a more informal bidding process for certain projects. For further information, see BP 3311.1 - Uniform Public Construction Cost Accounting Procedures. Districts with a five- or seven-member board should delete Item #11 below. See Item #4 in the section "Actions Requiring a Four-Fifths Vote of the Board" below for the corresponding language for a district with a five- or seven-member board.
10. When the district has a three-member Board and has adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA), action to respond to an emergency facilities condition without giving notice for bids to ~~let~~ award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action -(Public Contract Code 22035, 22050)

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

1. ~~1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. -(Government Code 54954.2)~~
2. ~~2. Determination that a closed session is necessary during an emergency meeting.- If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. -(Government Code 54956.5)~~

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

1. 

CSBA NOTE: For an action requiring a four-fifths vote to pass, a three-member board will need a unanimous vote in favor of the item and a five-member board will need four board members to vote in favor of the item. For a seven- member board, six board members will constitute fourth-fifths of the board except, pursuant to Government Code 35165, if there is one or two vacancies, in which case five or four board members, respectively, will constitute fourth-fifths of the board.

Items #1 and #2 below are different from borrowing pursuant to Government Code 53850-53858, which requires only a simple majority vote of the Board.



1. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing - (Government Code 53822, 53824)
2. ~~2.~~ Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year -(Government Code 53823-~~2~~ 53824)
3. ~~3.~~ Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification -(Public Contract Code 3400)

4. ~~CSBA NOTE: Item #4 is for use by districts governed by a five-member or seven-member board. Districts with a three -member board should delete Item #4 below. See Item #11 in Section "Actions Requiring a Two- Thirds Vote of the Membership of the Board" above for the corresponding language for a district with a three-member board. Items #4-5 are for use by districts that have elected to use an alternative procedure for awarding contracts for public works projects pursuant to the UPCCAA. For further information, see BP 3311.1 - Uniform Public Construction Cost Accounting Procedures.~~

4. When the district has a five-member or seven-member Board and has adopted the procedures set forth in UPCCAA, action to respond to an emergency facilities condition without giving notice for bids to ~~let~~award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action -(Public Contract Code 22035, 22050)
5. ~~5.~~ Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the UPCCAA for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable -(Public Contract Code 22034)

~~Action~~Actions Requiring a Four-Fifths Vote of the Board Members Present at the Meeting

1. ~~A four-fifths vote of the Board members present at the meeting shall be required to approve~~Approval of the expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense- (Government Code 53790-53792)

Actions Requiring a Unanimous Vote of the Membership of the Board

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

~~Action~~Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting

1. ~~1.~~ Private sale of surplus property without advertisement in order to establish that such

property is not worth more than \$2,500. -Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. -(Education Code 17546)

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

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

#### Prohibitions on Certain Board Actions

CSBA NOTE: Pursuant to Education Code 35150, as added by SB 494 (Ch. 875, Statutes of 2023), the Board is prohibited from taking action to terminate the Superintendent or Assistant Superintendent as specified in the following paragraph.

1. Termination of the Superintendent or an assistant superintendent without cause within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled (Education Code 35150)

CSBA NOTE: Pursuant to Government Code 54230.7, as added by SB 229 (Ch. 774, Statutes of 2023), districts disposing of surplus land that received a notification of violation from the Department of Housing and Community Development are required to hold an open and public meeting to review and consider the substance of the notice of violation and may not take final action to ratify or approve the proposed disposal until a public meeting is held.

- 1.2. When the District is disposing of surplus land and has received a notification from the Department of Housing and Community Development pursuant to Government Code 54230.5 with regard to the surplus land, final action to ratify or approve the proposed disposal of surplus land unless the district holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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