

Board of Education Regular Meeting Agenda

Zoom Link

DATE: Tuesday, April 13, 2021
TIME: 5:00 PM
LOCATION: Gravenstein Elementary, Multipurpose Room

Gregory Appling, President
Alexander Kahn, Trustee
Jennifer Koelemeijer, Clerk
Patrick Lei, Trustee

Zoom Link

- I. **CALL TO ORDER AT 5:00 PM**
- II. **ADOPTION AND APPROVAL OF THE AGENDA**
Approval of the agenda for April 13, 2021 (2 min.)

Action taken/comments:

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

- III. **GENERAL ACTION ITEM**
 - A. **Board Vacancy Appointment Interviews (20 min.)**

Situation: Pursuant to Board Bylaw 9223, “When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.”

Plan: For the Board to appoint a new trustee for the remaining term (through December of 2024) of the current vacant position.

Recommended motion: No recommendation at this time.

Action taken/comments:

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

IV. REPORTS, AND ORAL COMMUNICATIONS

- A. (p.1) Gravenstein Principal (15 min.)
- B. (p.5) Hillcrest Principal (15 min.)
- C. Gravenstein Union Teachers' Association (5 min.)
- D. District Site Council (3 min.)
- E. (p.8) Gravenstein Parent Association, GPA (5 min.)
 - 1. Financials for February 2021
 - 2. Minutes for February 16, 2021
 - 3. Agenda for March 16, 2021
- F. Trustee Reports (5 min.)
- G. Racial Justice Committee (5min.)
- H. Master Plan Committee (5 min.)
- I. (p.21) Facilities Report (5 min.)
- J. (p.22) CBO Report (5 min.)
 - 1. Unemployment Insurance Rates
- K. Superintendent Report/District Correspondence (15 min.)
 - 1. Questions from the March Board Meeting
 - 2. (p.24) SCOE approval of Second Interim Report
 - 3. Review of Emergency Powers

V. PUBLIC COMMENT (15 min.)

At this time the public may address the Board on any item not listed on the agenda. Presentations are limited to three minutes per person per topic. The Board may not respond to presentations. The public may address the Board on any item listed on the agenda at the time the matter is taken up by the Board.

VI. CONSENT AGENDA (2 min.)

ACTION ITEM

- A. (p.30) Warrants
- B. (p.37) Payroll
- C. (p.38) Minutes from the Regular Board Meeting of March 11, 2021
- D. (p.47) Continuing Disclosure Annual Report
- E. (p.55) Williams Settlement Complaint Report, January 1, 2021 - March 31, 2021
- F. (p.58) Retainer Continuation Agreement for Legal Services with School and College Legal Services, July 1, 2021 - June 30, 2022

Action taken/comments:

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

VII. GENERAL ACTION ITEMS - CONTINUED

B. (p.66) Memorandum of Understanding Between the Gravenstein Union School District (GUSD) and the Gravenstein Union Teachers' Association (GUTA) Regarding the Return to In-Person Instruction (5 min)

Situation: GUTA and GUSD have formalized a number of actions and agreements related to mandates and best practices guidelines in preparation for resumption of in-person instruction on campus.

Plan: For GUSD and GUTA members to abide by the tenets of this MOU as we resume in-person instruction on campus.

Recommended motion: For the Board to approve the MOU.

Action taken/comments:

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

C. (p.69) Memorandum of Understanding Between the Gravenstein Union School District (GUSD) and the Gravenstein Union Classified Association (GUCE) Regarding the Return to In-Person Instruction (5 min)

Situation: GUCE and GUSD have formalized a number of actions and agreements related to mandates and best practices guidelines in preparation for resumption of in-person instruction on campus.

Plan: For GUSD and GUCE members to abide by the tenets of this MOU as we resume in-person instruction on campus.

Recommended motion: For the Board to approve the MOU.

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

D. GUSD Actions to Support Distance Learning and Other Related Essential Services (15 min.)

Situation: With the constant changes in guidelines and mandates related to the suspension of in-person instruction due to the Coronavirus for GUSD students, this item is a placeholder in the event that any action items arise between the time this

agenda is posted and the time of the meeting, as well as serving as a potential action item that arises based on Board discussion during the meeting.

Plan: For the Board to consider any new action item based on new or additional mandates as well as any action item put forth by the Board during the meeting.

Recommended motion: None at this time.

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

E. (p.72) Board Policy (BP) and Administrative Regulation (AR) 1312.1, BP and AR 4030, BP and AR 5141.4, BP and AR 1240, AR 3541.1, BP and AR 4040, BP and AR 5123

Situation: GUSD does not currently have BPs and ARs 1312.1, 4030, and 5141.4; additionally, BPs and ARs 1240, 4040, 5123 as well as AR 3514.1 require the removal of notes and options.

Plan: The Governance Committee has reviewed the recommended California School Boards Association language for these BPs and ARs and is presenting these drafts for Board consideration.

Recommended motion: For the Board to approve the entire slate of BPs and ARs pursuant to the Governance Committee recommendation.

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____

VIII. PUBLIC COMMENT ON ITEMS IN CLOSED SESSION

IX. ADJOURNMENT TO CLOSED SESSION (15 min.)

A. With respect to every item of business to be discussed in closed session pursuant to Section 54957.6

1.0 Student Discipline

2.0 Pending litigation

3.0 Administrator Performance Updates

**4.0 Conference with Negotiations team:
GUTA negotiations update**

X. RECONVENE TO OPEN SESSION

**XI. PUBLIC REPORT OF ACTION ON ITEMS HEARD IN CLOSED SESSION
(2 min.)**

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JE: _____

XII. FUTURE BOARD MEETINGS

- A. May 11, 2021 at 5pm**
- B. June 8, 2021 at 5pm**
- C. June 15, 2021 at 5pm**
- D. July 13, 2021 at 5pm**

XIII. ADJOURNMENT

ADA Compliance: In compliance with Government Code 54954.2(a), the Gravenstein Union School District, will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. 12132) and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact Dave Rose, District Superintendent, Gravenstein Union School District, 3840 Twig Ave., Sebastopol, CA 95472. Telephone (707) 823-7008.



Gravenstein Elementary School Principal's Report-April 2021

Keri Pugno

Enrollment Report

	TK	K	1	2	3	4	5	Total
Enrollment for 2020-2021 (as of 4/8/21)	13	76	72	83	73	72	78	467
projected for 2021-2022 (based on Intent-to-Return forms and number of accepted applications)	16	82	78	79	84	75	75	489

This is the time of year in which an increasing amount of time is spent on planning for the next year. With the unique situation of planning for the return to in-person instruction, it has been more difficult to dedicate the time toward next year's plans. I want to acknowledge the incredible support and organization of Gail Carnahan, the new Gravenstein Secretary. Her assistance has been invaluable. Thank you, Gail!



Attendance and Engagement Tracking

- Month 1 Total: 98.97%
- Month 2 Total: 99.07%
- Month 3 Total: 98.98%
- Month 4 Total: 98.6%
- Month 5 Total: 98.5%
- Month 6 Total: 98%
- Month 7 Total: 98%
- Month 8 Total:
 - TK: 100%
 - Grade K: 98%
 - Grade 1: 97%
 - Grade 2: 97.7%
 - Grade 3: 98%
 - Grade 4: 98%
 - Grade 5: 98%



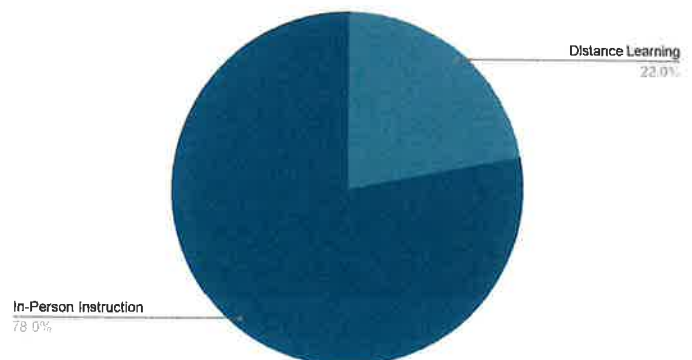
In-Person Instruction Resumes!

This past month has been a time of intense preparation for all staff members. I shared a video with Parents that echoed many of the announcements already published in Monday Messages and classroom newsletters. Video link that was shared with Parents: [Welcome Back to In-Person Instruction Video](#)

At the time of the 4/13/21 board meeting,

- TK: 8 days back in the classroom!
- K: 7 days back in the classroom
- Grades 1-5: 5 days back in the classroom!

Students in Each Instructional Program



ELPAC Testing

All EL students will complete the ELPAC testing, either in-person or through remote testing.

EL Support Classes

Afternoon Zoom classes continue and, after identifying the students with the greatest need, Kathleen Byrne began a before-school class for Kindergarten EL students. The goal of this group is to introduce vocabulary and concepts important for that day's lesson, which will help with language acquisition and increase the ability of these students to engage in their classroom activities.

Classrooms are Ready!

Furniture has been moved, supplies have been organized for each individual, and engaging/hands-on lessons have been created! Rooms are also prepped with plexiglass barriers at teacher desks and teachers were provided with voice amplifiers to assist with the needs of teaching through a mask.



Recess Zones

On each yard, four separate recess zones have been established for Stable Student Group use at recess time. A rotation schedule is in place so that classrooms will all have equitable access to the four zones. Equipment is disinfected after each grade level group uses the zone. Our students are having a fabulous time while running and playing! Masks are worn during recess, with designated "Mask Break" areas if a child wants to safely remove their mask.



Social Emotional Learning and Mental Health

Sam Cole and Rosie Steen-Larsen joined forces to present to staff prior to our return to IPI. Rosie also worked with teachers to visit classrooms to talk about topics concerning returning to campus. In this photo, Rosie is introducing the “space bubble” to a third grade class.



Outdoor Learning Spaces

We have added additional tables to areas throughout the campus to accommodate the desire for more outdoor learning spaces.



Pick-up and Drop-off Procedures

We implemented many strategies to help make our drop-off and pick-up times as efficient as possible:

- Three staggered times in AM and PM
- An additional drop-off zone for grades 5 and 2
- Staff use of walkie-talkies and voice amplifiers to improve timely communication
- Yellow student name placards for advance announcement of student name at pick-up
- All Staff wearing reflective vests
- Increased staff coverage to assist with temperature checks
- Email sent to families with children in different drop-off times with suggestions
- CHP early notification to alert neighbors of return to in-person learning....and anticipated congestion at drop-off/pick-up times.



COVID testing

To ensure the safest learning environment for our students to return to, we set up an extensive COVID testing schedule. By establishing two testing appointments for each child prior to returning to campus, we were able to increase students' comfort with the testing process and ensure that a positive result, which may have indicated a previous COVID case, would have enough time to quarantine prior to the start of in-person instruction. Prior to April 6, students came to the courtyard to complete their test. Now that in-person instruction has resumed, students are testing under the direction of their classroom teacher.



New Gravenstein Garden Space

Progress has been made on the garden space created on the grade 3-5 side of campus. Last month, I shared that Kathleen Byrne, our EL Support Teacher, had received the WellKind Garden Mini-Grant. She also contacted Sebastopol hardware, which donated 4 large garden beds (with gopher screening). Grab-N-Grow Soil also donated a large quantity of soil to fill the beds. The location of this Garden Space is next to room 13, near the sidewalk that leads toward D Wing and the staff parking lot. A huge thank you to our amazing community and local businesses for supporting garden programs in the school.



And We're Nowhere near Done!

Stay tuned for more on these exciting projects....

Data on Academic Progress

In all grades, the staff are gathering academic data on student performance in the areas of ELA and Math. This data will be used within the classroom to identify areas of student mastery and existing need, and grade level data will be combined to use on this year's LCAP.

Gravenstein Art Mural

Art Enrichment Instructor, Nancy Ricciardi is working with students to create a mural for our campus. She has created a schedule in which classes can remain as stable student groups and each student can add their own contribution. Students on Distance Learning will also be provided opportunities to participate. Stay tuned for photos as the project develops.



Read-a-thon is coming!

Get ready to read, read, read! Stay tuned for important information that will be sent home regarding the upcoming Read-a-thon.





HILLCREST

Middle School

GUSD April Board Report

Enrollment- as of 04/08/2021:

	6th	7th	8th	Total
2020/2021	93	112	81	286
2019/2020	113	81	86	281

Attendance Report for February

99.04% Attendance Rate

Projected Enrollment- 2021/2022

	6th	7th	8th	Total
2020/2021	93	112	81	286
2021/2022	85	100	115	300

Return to In Person Learning

Currently, we are serving -

6th graders- 50

7th graders- 73

8th graders- 43

58% of HMS Students are returning to IPI

6th Grade-

Overview-

- All core instruction will continue using the current schedule during the hours from 8:30-12:30
- 4 days per week, Monday, Tuesday, Thursday and Friday, from 8:30 am -12:30 pm, Hillcrest Middle School 6th grade teachers will provide IPI in Hillcrest classrooms for all students who opt in for IPI
- HMS teachers will move from classroom to classroom to teach each group of students for approximately 45 minutes. During the period they are not assigned to teach IPI, they will teach their subject and lesson on Zoom to the students who are opting for DL
- An non assigned teacher, enrichment provider and/or instructional aide will provide a one period per day on non core academic instruction.
- Students who do not opt in for IPI will receive DL from their current teachers between the hours of 8:30-12:30.
- Wednesday will remain as an asynchronous off campus learning day.

7th Grade-

Overview-

- 1) **The first 2 periods** of the day, students will be taught in groups of approximately 24 inside classrooms.
- 2) The classrooms will have their doors and windows open and students will be masked.
- 3) New CDC guidelines allow for 3 feet spacing of desks. We will be spacing the students' desks at a minimum of 4 feet.
- 4) Students will stay in their classrooms and the teachers will rotate in for instruction.
- 5) **For 3rd period**, students will be outside for small group instruction. Some teachers may start the first 5-10 minutes of their instructional time in the classroom prior to moving the class outside.
- 6) **For 4th period**, all In-Person 7th grade students will be taught Science by Mr. Blanco in the large "classroom" on the blacktop.
- 7) These changes will not affect the school day schedule which will remain: 8:45-12:45.
- 8) Some of the Distance Learning Zoom classes will be a bit larger now, but our teaching staff is prepared to meet this challenge and offer our Distance Learning students the best possible experience.
- 9) Wednesday will become an asynchronous off campus learning day.

8th Grade-

Overview-

- All core instruction will take place during the hours from 8:15-12:15

- 4 days per week, Monday, Tuesday, Thursday and Friday, from 8:15 am -12:15 pm, Hillcrest Middle School 8th grade teachers will provide IPI in the Hillcrest Duck Pond for all students who opt in for IPI
- HMS teachers will rotate into the Duck Pond to teach each group of students for approximately 45 minutes. During the period they are not assigned to teach IPI, they will teach their subject and lesson on Zoom to the students who are opting for DL
- An non assigned teacher, enrichment provider and/or instructional aide will provide a one period per day on non core academic instruction. The student to teacher ratio will stay at 20 to 1 or lower.
- Students who do not opt in for IPI will receive DL from their current teachers between the hours of 8:15-12:15
- Wednesday will become an asynchronous off campus learning day.

Gravenstein Parent Association
Balance Sheet
As of February 28, 2021

	<u>Feb 28, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
Exchange Bank Checking	253,696.99
Exchange Bank Savings	257,092.33
Paypal	386.27
Venmo	149.00
Total Checking/Savings	<u>511,326.59</u>
Other Current Assets	
Prepaid expenses	1,246.00
Total Other Current Assets	<u>1,246.00</u>
Total Current Assets	<u>512,572.59</u>
TOTAL ASSETS	<u><u>512,572.59</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	1,513.50
Total Accounts Payable	<u>1,513.50</u>
Total Current Liabilities	<u>1,513.50</u>
Total Liabilities	1,513.50
Equity	
GSF Reserve Transfer	95,504.87
32000 - Retained Earnings	375,225.33
Net Income	40,328.89
Total Equity	<u>511,059.09</u>
TOTAL LIABILITIES & EQUITY	<u><u>512,572.59</u></u>

**Gravenstein Parent Association
 Profit & Loss Actual vs. Budget
 February 2021**

	<u>Feb 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
Parent Donations	1,515.00		
Special Fundraising Inc			
AmazonSmile	219.46		
Escrip	156.30		
Total Special Fundraising Inc	375.76		
Interest income	5.92		
Total Income	1,896.68		
Gross Profit	1,896.68		
Expense			
General & Admin Expense			
Bank Fees	251.73		
Bookkeeping	989.08		
Merchant Fees	16.89		
Total General & Admin Expense	1,257.70		
Independent Contractors			
Chorus	1,000.00		
Total Independent Contractors	1,000.00		
School Support Expenses			
Staff Water Delivery-Alhambra	125.17		
Teacher/Staff Appreciation Week	3,449.74		
Total School Support Expenses	3,574.91		
Total Expense	5,832.61		
Net Ordinary Income	-3,935.93		
Net Income	-3,935.93		

Gravenstein Parent Association
P & L Actual vs. Budget YTD
July 2020 through February 2021

03/10/21

Accrual Basis

	Jul '20 - Feb 21	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Parent Donations	40,198.43	0.00	40,198.43	100.0%
Special Fundraising Inc				
AmazonSmile	346.56	0.00	346.56	100.0%
Escrip	827.08	0.00	827.08	100.0%
Total Special Fundraising Inc	1,173.64	0.00	1,173.64	100.0%
Corporate Matching	6,595.00	0.00	6,595.00	100.0%
Interest income	76.98	0.00	76.98	100.0%
Total Income	48,044.05	0.00	48,044.05	100.0%
Gross Profit	48,044.05	0.00	48,044.05	100.0%
Expense				
General & Admin Expense				
Bank Fees	2,052.18	0.00	2,052.18	100.0%
Bookkeeping	3,717.00	0.00	3,717.00	100.0%
General Liability	1,304.00	0.00	1,304.00	100.0%
Merchant Fees	276.15	0.00	276.15	100.0%
Office Supplies	119.92	0.00	119.92	100.0%
Tax Return Preparation	810.00	0.00	810.00	100.0%
Taxes	75.00	0.00	75.00	100.0%
Total General & Admin Expense	8,354.25	0.00	8,354.25	100.0%
Independent Contractors				
Chorus	5,750.00	0.00	5,750.00	100.0%
Total Independent Contractors	5,750.00	0.00	5,750.00	100.0%
School Support Expenses				
Staff Water Delivery-Alhambra	721.17	0.00	721.17	100.0%
Teacher Support \$350@48 Teacher	15,750.00	0.00	15,750.00	100.0%
Teacher/Staff Appreciation Week	3,449.74	0.00	3,449.74	100.0%
Total School Support Expenses	19,920.91	0.00	19,920.91	100.0%
Total Expense	34,025.16	0.00	34,025.16	100.0%
Net Ordinary Income	14,018.89	0.00	14,018.89	100.0%
Net Income	14,018.89	0.00	14,018.89	100.0%

Gravenstein Parent Association Profit & Loss Budget Performance

February 2021

	Feb 21	Budget	\$ Over Budget	Jul '20 - Feb 21	YTD Budget	\$ Over Budget	Annual Budget
Ordinary Income/Expense							
Income							
Parent Donations	1,515.00			40,198.43	0.00	40,198.43	0.00
Special Fundraising Inc							
AmazonSmile	219.46			346.56	0.00	346.56	0.00
Escrip	156.30			827.08	0.00	827.08	0.00
Network for Good FB Fundraiser	0.00			170.00			
Total Special Fundraising Inc	375.76			1,343.64	0.00	1,343.64	0.00
Corporate Matching	0.00			6,595.00	0.00	6,595.00	0.00
Spr 2020 SCOE Contribution	0.00			26,140.00			
Interest income	5.92			76.98	0.00	76.98	0.00
Total Income	1,896.68			74,354.05	0.00	74,354.05	0.00
Gross Profit	1,896.68			74,354.05	0.00	74,354.05	0.00
Expense							
General & Admin Expense							
Bank Fees	251.73			2,052.18	0.00	2,052.18	0.00
Bookkeeping	989.08			3,717.00	0.00	3,717.00	0.00
General Liability	0.00			1,304.00	0.00	1,304.00	0.00
Merchant Fees	16.89			276.15	0.00	276.15	0.00
Office Supplies	0.00			119.92	0.00	119.92	0.00
Tax Return Preparation	0.00			810.00			
Taxes	0.00			75.00	0.00	75.00	0.00
Total General & Admin Expense	1,257.70			8,354.25	0.00	8,354.25	0.00
Independent Contractors							
Chorus	1,000.00			5,750.00	0.00	5,750.00	0.00
Total Independent Contractors	1,000.00			5,750.00	0.00	5,750.00	0.00
School Support Expenses							
Staff Water Delivery-Alhambra	125.17			721.17	0.00	721.17	0.00
Teacher Support \$350@48 Teacher	0.00			15,750.00	0.00	15,750.00	0.00
Teacher/Staff Appreciation Week	3,449.74			3,449.74	0.00	3,449.74	0.00
Total School Support Expenses	3,574.91			19,920.91	0.00	19,920.91	0.00
Total Expense	5,832.61			34,025.16	0.00	34,025.16	0.00
Net Ordinary Income	-3,935.93			40,328.89	0.00	40,328.89	0.00
Net Income	-3,935.93			40,328.89	0.00	40,328.89	0.00



Mission and Vision Statement:

GPA is the non-profit foundation dedicated to supporting and enhancing the ENRICH! Program. GPA does this by providing volunteers, direction and funding for these programs in cooperation with the GUSD school board, administration, teachers and staff.

**GPA Board Meeting Agenda
2-16-21 6:00 pm Online Zoom Meeting**

Meeting called to order at 6:08 pm.

Board members present:

Erin Hillmer
Beth Dawson
Ana Horta
Maggie Zavala
Ben Kaun
Allison Herman
Christina Connelly

Faculty present:

David Rose
William Deeths
Keri Pugno

A. Public Comment on Non-Agenda Matters

No additional comments

B. Secretary's Report

1. Approval of board minutes from Jan. 19, 2021. All in favor, minutes approved.

C. 20-21 School year Board Planning and Projection

1. Recruitment Challenge!

Erin Hillmer - We have elections on April, we will be postponed until May to select the board. I suggest every member to reach out to 3 people we know to recruit them. We need more active people on the board. We need volunteers to help with the website, a lawyer that can read bylaws, etc. During the March or April meeting will be a review for new members. Also, please let me know if the current member will be returning or not. FYI, Tiffany has resigned.

Beth Dawson - Are we asking people to just come learn about GPA or are we asking for people to join? I think the March meeting will be good to explain the rules and have discussions with those that are interested. Do we vote members in?
Erin Hillmer – Yes, we do.

Beth Dawson – So we will vote in May. Let's make sure people know that this board is in-charge of making all the decision around all the enrichment activities and the teachers, let's convey the importance of this board.

Ben Kaun - Do you know anyone in KG, 1st grade?

Erin Hillmer – We also need more Hillcrest volunteers. Keri can you send us names of people that have reached out and want to be involved?

Keri Pugno – Yes. We have done 2 rounds of acceptance. If there is a message that you want me to add to my email to those new families, I can do that.

Erin Hillmer - I will create a basic google form with the newsletter.

Ben: I do not know that many people

2. Intent to Return

Erin Hillmer - Are people comfortable raising hands to see who is coming back from the present members?

Everyone agrees to raise their hands. Beth and Christina are unsure, the rest of the members agreed to be part next year.

3. March and April Meeting Plans

Erin Hillmer – during the March meeting we will have people in subcommittees to give a summary.

Beth Dawson – do we something to reference?

Erin Hillmer – Yes, I have been working on a document. People can comment and add comments if I miss anything.

D. Updates from Subcommittees

1. Special Events/Fundraising Outcomes and Planning (Sarah Tendall, Maggie Zavala)

Scholastic Updates? Read-a-Thon? - *All monies raised should be addressed to GPA and not Gravenstein USD/district.

Maggie Zavala - Scholastic is in the roll and Read-a-Thon is too. I will put a flyer together or send something about it on the Monday's messages. All is good, things are rolling.

Erin Hillmer - Do you need additional volunteers?

Maggie Zavala - Right now we are good.

Erin Hillmer – Great, just reach out if you get overwhelmed. One thing to make sure is to set up the check under the Gravenstein Parent Association. The check for Charleston Wrap was made to Gravenstein elementary and it has been bouncing back and forth.

Ben Kaun - Can Gravenstein Elementary just takes it for enrichment or can they sign it over to us? Otherwise, we are going to have to ask them to write us a new check.

Keri Pugno - Is there an issue with how the check comes in?

Ben Kaun - It will be better to come through GPA and it is part of our budget.

Keri: I would like for Dave to give us his opinion.

Dave Rose – Having a new check cut will be the safest way to go. I will check with Wanda to see if this could be an auditing issue.

Maggie Zavala - I will call them tomorrow, I do not think cutting a new check will be a problem. There should be 2 checks one for \$5000 and one for \$18.

Erin Hilmer: I will double check.

Beth Dawson: it might be good to have a protocol in place for when this happens. Keri, can you ask Wanda?

Keri Pugno - I will do that

1. Finance (Ben Kaun, Mike Bollinger)

Ben Kaun - I sent 2 months' worth of financials. Donations were up in Dec and January, presumably because of end of the year effects. We were at \$2,000/month before Dec. Dec and Jan we got \$15,000, made up some ground, average is up now to \$3,000/month. We got \$500 as a corporate match from Costco, I do not know where that comes from. I have not added the Charleston wrap because check has not been deposit. Bookkeeping fees were higher because of end of year stuff.

Erin Hillmer: how about Venmo/Paypal/Stripe? Is that under the bank account? It is about \$200/month. Are the fees worth the convenience so people can pay online?

Ben Kaun – I think is mostly Stripe, Venmo does not have fees and we do not have much going through Paypal.

Ben Kaun - We should look at what is popular and least costly and eliminate some options. Bookkeeping, our candidate is Shelly McGrath, she has been doing booking for 3 years now. She has 3 other clients; she lives in Petaluma. Our former bookkeeper will allow us to use their drop off box. It will be a 1 week transfer; we will need to set up a time to make it work. I think it is attractive because she knows what the job is about. She worked for Elephant Ear. My only issue is that she is a sole proprietor, I will feel more comfortable with a firm that has more people. I just got references and want to seek conditional approval pending reference check and I can do a background check as well. Approval/discussion?

Allison Herman - I feel like Petaluma might be hard but I like the idea that she is familiar. Are there any other references in Sebastopol?

Erin Hillmer - Do we pay by the hours or is it a fix cost?

Ben Kaun - By the hour.

Erin Hillmer - We are a volunteer organization; I do not want to spend lots of money going back and forth. Shelly sounds good, I would like to have a discussion with her to have extra organization on our end. I am ok with conditional approval.

Ben Kaun - Her hourly rate is \$55. Do we want to do a background check?

Erin Hillmer – Yes, I think that is wise.

Allison Herman - I make a motion to do background check.

Erin Hillmer seconds, all in favor. Conditional approval as long as Shelly passes the background check.

Ben Kaun – We will probably have overlap for about a month and we will be paying 2 bookkeeping to make sure that there is a smooth transition, and nothing is being dropped.

1. Governance (Mike Bollinger, Ana Horta)- Need clarification of specific responsibilities.

Erin Hillmer - We need more clarification about this committee. I have been searching for rules and responsibilities. We can discuss this more in the next month meeting. Next year we have MOUs. Is Mike staying in the board?

Ben Kaun - I have not heard him saying that will not.

1. Communications (Erin Hillmer, Beth Dawson)

Erin Hillmer - I will be writing the newsletter. Maggie did I give you writes on FB?

Maggie Zavala - Yes, you did.

Erin Hillmer - I will be posting some adds in FB about recruitment. I do not have much more to report. Thank you, Beth, for doing the Monday messages.

Beth Dawson - I want to acknowledge that Sarah did a great work getting things together for the teacher's goodies.

Keri Pugno – Yes, everyone was so appreciative, it was so meaningful, it was fabulous.
William Deeths - I second that, so personalize, a nice touch. I have one questions: how will GPA wants to be thanked? FB?

Erin Hillmer - FB that will be great.

Maggie Zavala - one of the teachers already thank us. Maybe adding teacher's comments will be good too.

Erin Hillmer - Keri, if you can forward the e-mails and I can make quotes and put them in the FB page.

William Deeths - I think it is super important it is showing the money is going to the school.

Keri Pugno - I have a google docs that I can share with you Erin.

1. School Liaison (Alison Herman)

Allison Herman - I am going to write something in the calendar and start going biweekly.

Erin Hillmer - How often can Shelly pick up? Ben can you figure out when she will come to pick things up?

Ben Kaun - Sure

Allison Herman - Can I have more clarification about what is it that I need to give Shelley?

Erin Hillmer – Shelly should only get the checks.

Ben Kaun – You can also leave the check with me if needed.

E. Principal's Reports:

Keri Pugno - I just wanted to say thank you for all the wonderful gifts for staff appreciation. I also want to share I am trying to help recruit more parents' volunteers. A box came in from Scholastics today, not sure if is bookfair or readathon.

William Deeths - I believe is a bookfair box, we got the same box. We have been giving tours, every time we tell them how much support we get from our GPA. I have a few parents that I think will be great board members, I will reach out to them.

F. Superintendent's Report

David Rose - A board member was curious if GPA can do a 3 year money projection. I said that it will be a difficult thing to do due to the current climate, but I said I will ask.

Be Kaun - We could but what will it be used for? I do not think it will be useful for any planning, we can provide last year actual financials and this year, but I do not feel comfortable standing before any projections, I decline that.

David Rose - It will be great if you can provide the previous and this year, so I share with the board member.

Ben Kaun - I will do that.

Erin Hillmer – We have not had a GPA member at a board meeting in a long time, so I will attempt to go to the next board meeting if you feel the discussion is helpful. I have an idea of what they want, an idea of how much money GPA has to keep this program going. We have healthy reserves. Ben, maybe this is a discussion we need to have, how comfortable are we spending our reserves, 6-12 months of operating cost? If we make nothing, for how long can we fund the enrich program?

David Rose - It will be great if you can come Erin. However, there is no need to engage into this discussion. My other question is around vaccination clinics for SCOE. The current clinics hours prohibit staff to volunteer since they are working. Can GPA facilitate and organize volunteers? Is there a group of parents that can support these clinics?

Beth Dawson - I signed up to volunteer myself, you pick a 4 hour slot any day of the week. I guess we can put it on the Monday's messages. I am not sure what is the best venue to disseminate this information.

Erin Hillmer – Monday messages can work, also GPA FB page and GPA volunteer FB page can work.

Beth Dawson - I am not sure how much traffic that FB gets. Mr. Rose are you saying is better that does not come from the school and that comes from the GPA?

David Rose – No, the biggest issue is that we do not have a staff person that help coordinate this effort. We do not have a coordinator to coordinate a sign up and to answer questions.

Beth Dawson – So you need a coordinator.

Erini Hillmer - What does coordinating mean?

Beth Dawson – So essentially sending the link and someone being there to answer questions. That is easy enough if I can get access to a send all email option.

David Rose - We can send the message out through our mail list.

Erin Hillmer - It has to go through an email management systems Keri, William and Mr. Rose, since you have the contact constant, can you send it out and put Beth as a contact person?

David Rose - I will draft an e-mail tomorrow and I will invite you before we send it out and we will make you the point of contact, does it sound good?

Beth Dawson – Yes, that works.

Erin Hillmer - Anything else?

Allison Herman – I do not want to drag this out, can we make signs to join/promote GPA on pick up day?

Beth Dawson - Are you interested on making the signs Allison?

Allison Herman – I am not an artist, I cannot make it, but I can hang them.

Erin Hillmer - I can design one that we can pay to print. I like the idea but we need to think about what we want to say.

Allison Herman- If you can design them that will be great.

Erin Hillmer - We can also have them at back to school nights, at KG kick off, etc.

Allison Herman – We can also make shirts once we are back in business.

Erin Hillmer – That is a great idea. Anything else? Thank you all for being here. The next meeting is 3/16, before spring break, bonus point if you bring a friend.

Christina Connelly – You can get a donation form someone, I can donate a message to someone that becomes a board member.

Beth Dawson - What if there is a tie?

Christina Connelly - It can be a raffle.

Erin Hillmer - We need to make it clear that no one wins until they join the board.

Allison Herman – Can we do that, legally?

Christina Connelly – If is legal, I can donate the message.

Meeting adjourned at 7:11



Mission and Vision Statement:

GPA is the non-profit foundation dedicated to supporting and enhancing the ENRICH! Program. GPA does this by providing volunteers, direction and funding for these programs in cooperation with the GUSD school board, administration, teachers and staff.

**GPA Board Meeting Agenda
3-16-21 6:00 pm Online Zoom Meeting**

A. Welcome new faces and brief introductions

B. Public Comment on Non-Agenda Matters

C. Secretary's Report

1. Approval of board minutes from Feb 16, 2021

D. Description of Role/Function and Updates from Subcommittees

(How have roles functioned in the past and during DL, what might it look like next year)

1. Special Events/Fundraising Outcomes and Planning (Sarah Tendall, Maggie Zavala)
 - a. Read a thon updates
2. Finance (Ben Kaun, Mike Bollinger)
3. Governance (Mike Bollinger, Ana Horta)
4. Communications (Erin Hillmer, Beth Dawson)
5. School Liaison (Alison Herman)

E. Hillcrest Movie Night- Alison Rich

E. Allow for Q&A from new attendees related to roles, function, etc

F. Enrichment Classes in April, May, June 2021

1. Does the return to in-person learning change staffing needs or current structure

E. 20-21 School year Board Planning and Projection

1. Intent to return

E. Principal's Reports:

F.. Superintendent's Report

Facilities Report
April 2021
Prepared by Brian Sposato

Hillcrest Heat Mitigation Project: Plans have been submitted to DSA for review for the mechanical unit upgrades at Hillcrest. We hope to have DSA approval sometime in early May. The upgraded mechanical units will include AC compressors for each of the twelve main classrooms. The other phase of the project for the roofing which has its own set of plans also been completed. The roofing portion is not subject to DSA approval as it is not altering the structure of the roof. In addition to the new built up roofing, it will also incorporate replacing the aging fascia on buildings A+B. Earlier in the week there was a contractor walk through attended by three interested contracting firms, Wright Contracting, GCCI Incorporated, and Frc Construction, to get a look at the campus and visualize the scope of work. All three firms that attended have done work for the district in the past and all are well qualified to carry out the work. Proposals from the interested firms are due April 29th.

CO2 Sensors: We anticipate that we will be installing and deploying our CO2 sensors in all classrooms within the next few weeks. These devices will monitor carbon dioxide levels in classrooms to use as a gauge for ventilation in classrooms. The CO2 levels will have a readable display from the device itself as well as a cloud feature that will allow us to view all the readings in real time as well as capture historical data that we can use to assess ventilation. The goal is to keep readings below 1100 ppm.

Back to In-Person Learning: Our maintenance and custodial team has been hard at work getting the two campuses ready preparing for in person learning. I really appreciate our team's commitment and teamwork to getting our sites ready, such as moving furniture, adjusting desks, getting supplies out, setting up tents at Hillcrest and continuing with the cleaning and disinfecting protocols for the return of in-person instruction as well as the other day to day operations to keep everything going. We have also added a new team member J.T. Valle who has been a big help and brings a great attitude. I want to thank Ty, Kevin, Santiago, and J.T. for all of their efforts and adaptability. We will continue to put forth the best possible service and do our part to keep up the campuses.

[Click Here for COVID-19 Related Resources](#)

FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Unemployment Insurance Rates on the Rise

 BY MATT PHILLIPS, CPA

 BY LEILANI AGUINALDO

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posted April 5, 2021

The Employment Development Department (EDD) recently released the Annual Report to the Fund Participants (Report) regarding the School Employees Fund (SEF) for the fiscal year that ended June 30, 2020. The Report includes a rate increase from 0.05% to 1.23% in the 2021–22 fiscal year—a historically large increase.

The SEF is a joint, pooled-risk fund administered by the EDD which allows school employers to deposit funds into the pool, and the pool reimburses the State's Unemployment Insurance Fund for the cost of unemployment insurance benefits paid to former or furloughed employees of SEF participants. As of the 2019–20 fiscal year, the SEF included more than 1,400 local educational agencies (LEAs), and nearly one million employees, inclusive.

The Report highlights that payments into the fund have hovered around \$40 million annually, while payments to beneficiaries skyrocketed to more than \$237 million in 2019–20. The increase in payments is attributed to the COVID-19 pandemic. For comparison, payments to beneficiaries totaled \$87.8 million in 2018–19, an amount in line with payments since 2015–16. Absent significant credits from the various federal stimulus, the SEF reserves would be nearly depleted. As of June 30, 2020, the SEF reserves were \$211.5 million, down from \$466.5 million in 2015–16.

[California Unemployment Insurance Code Section 823\(b\)\(2\)](#) establishes the annual contribution rate. The contribution rate is a mechanical calculation comparing the payments from the SEF for the two preceding calendar years, divided by total wages. In no event shall the contribution rate be less than five one-hundredths of one percent (0.05%).

The last time LEAs experienced an unemployment rate increase above the statutory minimum of 0.05% was during the Great Recession. At the time, school districts were reimbursed for payments to the SEF in accordance with Education Code Sections 42241.7 and 43001.8. These sections provided a line-item addition to the revenue limit calculation, thereby negating any adverse impacts from changes in unemployment insurance rates. Unfortunately, these sections were eliminated with the advent of the Local Control Funding Formula (LCFF), which results in school districts bearing the brunt of increases to the contribution rate.

In the 2019–20 fiscal year school districts made unemployment insurance payments of nearly \$22.5 million based on the 0.05% rate. If the rate in 2019–20 was 1.23%, payments would have increased to more than \$550 million. For contextual purposes, the proposed 3.84% cost-of-living-adjustment applied to the LCFF in 2021–22 is estimated to cost approximately \$2 billion, which means that an increase in the unemployment insurance rates will erode 25% of new ongoing funding for school districts.

The full Report can be accessed [here](#).

April 8, 2021

David Rose, Superintendent
Gravenstein Union School District
3840 Twig Avenue
Sebastopol, CA 95472

Dear Mr. Rose,

In accordance with Education Code Section 42131, a review of Gravenstein Union School District's (District) Second Interim Report for Fiscal Year 2020-21 has been completed by the Sonoma County Office of Education (County). The District self-certified its 2020-21 Second Interim Report as Positive. After a review of the financial data provided by the District, it appears that the District will meet its financial obligations for the current and two subsequent years. Therefore, the County concurs with the District's positive certification.

State Budget

On January 8, 2021, the Governor released his proposed State Budget for the upcoming 2021-2022 fiscal year. Governor Newsom's State Budget focused on the impacts related to the COVID-19 pandemic along with a push to safely reopen schools. The proposed State Budget included a 3.84% compounded COLA₇ applied to the LCFF base grant in 2021-22 and a 1.5% COLA for other programs. The Governor's proposal also included \$7.3 billion to pay down most deferrals in 2021-22 – eliminating the on-going deferrals scheduled for February 2022 through May 2022, along with funding for Special Education Early Intervention Grant, and various funding for programs related to student wellness and mental health and educator professional learning and teacher effectiveness.

Additionally, on March 1, 2021 the Governor and the Legislature reach a deal to provide \$2 billion for In-person Instruction Grants and \$4.6 billion for Expanded Learning Opportunities Grants in the current fiscal year. These grants combined with the next rounds of Elementary and Secondary School Emergency Relief (ESSER) funds will provide an influx of one-time funding, that have very few restrictions, which will create tremendous pressure to spend the money in a variety of areas. LEAs are urged to attach these one-time sources to one-time costs versus on-going costs. It is the County's recommendation that LEAs remain cautious, avoid structural deficit spending, maintain adequate reserves, and think long-term.

Second Interim and Multi-Year Projection (MYP)

The District's Second Interim Report MYP, which includes its conversion charters, projects unrestricted deficit spending of $-\$2,282,045$, $-\$1,763,269$, and $-\$1,838,853$ in 2020-21, 2021-22, and 2022-23, with the State minimum reserve for economic uncertainty of 4% met in all years. Deficit spending is of concern to the County and the elimination of structural deficit spending is

critical in order to maintain required reserve levels. Therefore, we urge the District to review and monitor revenues, expenditures, and fund balances of all funds.

Cash Position

Given the current year cash deferrals, cash management is extremely important. Currently the District appears to maintain sufficient cash balances for the 2020-21 fiscal year or has incorporated other internal cash borrowing measures.

Collective Bargaining

Based upon the Criteria and Standards, negotiations with all bargaining units in the 2020-21 fiscal year are settled. Because these costs make up the largest portion of the district's budget, any salary and/or benefit increase could adversely impact the fiscal condition of the district. We caution the district to ensure that the costs of any proposed agreement be supported by ongoing revenues to avoid creating or exacerbating structural deficits. Before the district takes any future action on a proposed collective bargaining agreement, Government Code Section 3547.5 requires the district to certify financial projections reflecting the impact of any salary negotiations on the current or two subsequent years.

Summary

Our Office appreciates the preparation and timely submittal of your Second Interim report. A technical review will be communicated to the business office. **Please see the attached for standard reminders.** If you have any questions, please feel free to call me at (707) 524-2635.

Sincerely,



Sarah Lampenfeld
Director, External Fiscal Services

c:

Wanda Holden, District Chief Business Officer
Steven D. Herrington, PhD., County Superintendent of Schools
Mary Downey, SCOE Deputy Superintendent, Business Services
Linda Daugherty, SCOE District Fiscal Management Advisor

2020-21 Annual Standard Reminders ~ All Districts

Collective Bargaining Disclosure

SCOE Business requests copies of collective bargaining disclosures 10 days prior to board approval: If any collective bargaining settlements are reached during the current year all districts are being reminded of the public disclosure obligation. An important AB 1200 reporting requirement is the statute for tentative collective bargaining agreements to meet the requirements of Government Code Section 3547.5 and Education Code Sections 42131 and 42142, both of which outline the District's responsibilities for public disclosure and budget revisions for collective bargaining agreements. A three-year analysis must be completed to determine the impact of negotiations in future years. The superintendent and chief business officer must certify that the District can meet the costs incurred under the agreement. The governing board must take formal board action to approve the proposed agreement. Please note that within 45 days of the settlement, the District must send to SCOE any revisions to the District's current budget necessary to fulfill the terms of the agreement.

Submission of Studies, Reports, Evaluations and/or Audits

Education Code Sections 42127 and 42127.6 require districts to submit to the County Office any studies, reports, evaluations, or audits done of the district that contain evidence that the district is showing fiscal distress. They also require the County Office to incorporate that information into the analysis of budgets, interim reports, and the District's overall financial condition.

We request that the District submit to this office any such documents commissioned by the District (e.g. reports done by Fiscal Crisis and Management Assistance Team), or by the State Superintendent of Public Instruction and/or a state control agency any time they are received by your District.

SB740

Please note that a SB740 funding determination may be required when a charter school offers instructional time in a non-classroom-based setting. Charter schools that do not submit a request by the due date may not receive a funding determination, and could have their State apportionment associated with its non-classroom-based ADA reduced to zero. SB740 regulations, instructions and form can be found at:

<https://www.cde.ca.gov/sp/ch/nclrbifunddet.asp>

Requirements for Debt Management Policy and Practices

Effective January 1, 2017, (per Senate Bill (SB) 1029, Hertzberg) issuers must certify on the **Report of Proposed Debt Issuance** (<http://www.treasurer.ca.gov/cdiac/reporting.asp>) that they have:

- ✚ Adopted local debt policies concerning the use of debt; and
- ✚ The proposed debt issuance is consistent with those policies.

The issuer's **local debt policies** must include (A) through (E), below:

- A. The purposes for which the debt proceeds may be used.
- B. The types of debt that may be issued.
- C. The relationship of the debt to, and integration with, the issuer's capital improvement program or budget, if applicable.
- D. Policy goals related to the issuer's planning goals and objectives.
- E. The internal control procedures that the issuer has implemented, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use.

FCMAT has prepared a Fiscal Alert which provides a **sample Debt Management Policy** which is located at <http://fcmat.org/fcmat-fiscal-and-legal-alerts/>.

SB 1029 contains a declaration that state and local agencies should adopt comprehensive written debt management policies pursuant to the recommendation of the Government Finance Officers Association (GFOA). The GFOA is a national association of government finance professionals with a shared mission to promote excellence in state and local government financial management. The GFOA provides **best practices** and a link to the **Debt Issuance Checklist: Considerations When Issuing Bonds** at <http://www.gfoa.org/debt-management-policy> (bottom of the webpage).

California Debt and Investment Advisory Commission's (CDIAC) website contains the necessary reporting forms and fees which can be found at the website <http://www.treasurer.ca.gov/cdiac/reporting.asp>. CDIAC's guidance regarding SB1029 is located at <http://www.treasurer.ca.gov/cdiac/> by clicking on "Guidance on 1029 Implementation with SB1029" on the left side of the webpage. Some of its guidance is noted below:

Government Code 8855(i) requires any issuer of public debt to provide a *Report of Proposed Debt Issuance* to the California Debt Investment and Advisory Commission *no later than 30 days before the sale* of such debt.

Government Code section 8855(k) ~ Effective January 1, 2017, state and local issuers are required to submit an **annual debt transparency report** for any issue of debt for which they have submitted a *Report of Final Sale* during the reporting period. The annual debt transparency report is due to CDIAC within seven (7) months of the close of the reporting period, defined as July 1st to June 30th. This provision makes January 31st the effective deadline for submittal of the annual debt transparency report. Debt issued between January 1, 2017 and June 30, 2017, and reported to CDIAC on or after January 21, 2017 will be required to submit an annual debt transparency report no later than January 31, 2018.

Minimum annual debt transparency report information and additional requirements/stipulations apply. Please see the Guidance from CDIAC for more detailed information.

Reporting Requirements for Proposed Debt Issuances

AB 2274 amended Government Code Section 8855 and is effective January 1, 2015. It requires LEAs to notify the California Debt Investment Advisory Commission (CDIAC) of **any proposed debt issuance**, which would include refinancing and other secondary issuances. In addition, the bill established reporting timeframes. No later than 30 days *prior to the sale* of any debt issue, the issuer shall submit a report of the proposed issuance to CDIAC. Not later than 21 days *after*

the sale of the debt, the issuer shall submit a report of final sale to CDIAC. Instructions to all of the requirements that CDIAC needs depending on the type of debt transaction and applicable reporting forms are available at: <http://www.treasurer.ca.gov/cdiac/reporting.asp>

AB 2551 enhances transparency requirements for local bond elections, including Proposition 39 (2000) and two-thirds vote general obligation bonds. The bill requires LEAs attempting to pass local bonds to *submit to their local elections office* the total estimated debt service, including principal and interest, if all bonds are issued, as part of the Tax Rate Statement required pursuant to Elections Code Sections 9400-9401. The aforementioned reporting requirements are applicable to any issuance of debt after AB 2274 adds reporting requirements to debt from bonds already approved by voters. It requires agencies to notify CDIAC of *any* proposed debt issuance, which **would include refinancing and other secondary issuances. The provisions of AB 2551 will be required for any local bond elections after January 1, 2015.**

Reporting Requirements for Non-Voter-Approved Debt

Education Code Section 17150 requires school districts to notify the County Superintendent of Schools and County Auditor at least 30 days prior to the governing boards' approval of the issuance of certificates of participation (COPs) or other non-voter-approved debt secured by real property such as: Lease purchases (LP) secured by real property; Qualified Zone Academy Bonds (QZABs) secured by real property; Revenue bonds; Energy Loans or Bond Anticipation Notes (BANs). Under the new law, the district must provide repayment schedules, evidence of the ability to repay, and costs of issuance as well as information necessary to assess the anticipated effect of the debt issuance. Within 15 days of the receipt of the information, the County Superintendent of Schools and the County Auditor are authorized to comment publicly regarding the district's capacity to repay the debt obligation, based on the information provided.

Additional Standard Reminders for School Districts with Qualified or Negative Certifications

Debt Issuance

The statutory requirements for debt issuance for school districts with qualified or negative interim report certifications are specifically addressed by E.C. Section 42133(a), and read as follows:

"A school district that has a qualified or negative certification in any fiscal year may not issue, in that fiscal year or in the next succeeding fiscal year, certificates of participation, tax anticipation notes, revenue bonds, or any other debt instruments that do not require the approval of the voters of the district, nor may the district cause an information report regarding the debt instrument to be submitted pursuant to subdivision (e) of Section 149 of Title 26 of the United States Code, unless the county superintendent of schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. A school district is deemed to have a qualified or negative certification for purposes of this subdivision if, pursuant to this article, it files that certification or the county superintendent of schools classifies the certification of that fiscal year to be qualified or negative."

E.C. Section 15140 (b) notes that a district that has received a qualified or negative certification in its most recent interim report, may not issue and sell bonds on its own behalf pursuant to this chapter without further action of the board of supervisors or officers of that county or of any other county in which a portion of the school district or community college district is located.

Collective Bargaining

Government Code Section 3540.2 provides added oversight related to the collective bargaining process. Any school district with a Qualified or Negative certification under Education Code Section 42131 **shall allow the county office of education at least ten working days to review and comment on any proposed agreement made between the exclusive representative and the public school employer, or designated representative, before it is ratified.** The school district shall provide the county office with all information relevant to yield an understanding of financial impact of that agreement. The county superintendent shall notify the school district, county board of education, district superintendent, governing board of the school district, and each parent and teacher organization of the district within those 10 days if, in his or her opinion, the agreement would endanger the fiscal well-being of the school district.

Per Government Code 3540.2(d), a school district shall, upon request, provide the county superintendent of schools with all information relevant to provide an understanding of the financial impact of any final collective bargaining agreement reached.

Checks Dated 03/01/2021 through 03/31/2021

Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1824848	03/04/2021	Business Card	01-5800	School Software	2.25	
			01-5869	Bank fees	122.74	
			03-5800	School Software	27.00	
			04-5800	School Software	15.75	167.74
1824849	03/04/2021	Focused Behavioral Solutions	04-5830	Focused Behavioral Solutions		100.00
1824850	03/04/2021	Juvo	04-5830	Autism and Behavioral Services		1,338.33
1824851	03/04/2021	Verizon	01-4440	Verison Hotspots- Grav and Hillcrest	5.70	
			03-4440	Verison Hotspots- Grav and Hillcrest	68.42	
			04-4440	Verison Hotspots- Grav and Hillcrest	39.91	114.03
1824852	03/04/2021	Dawson, Karen	01-5862	Reimb.Fingerprinting	2.85	
			03-5862	Reimb.Fingerprinting	34.20	
			04-5862	Reimb.Fingerprinting	19.95	57.00
1824853	03/04/2021	All-Guard Alarm Systems, Inc	03-5800	Alarms-Hillcrest & Gravenstein 2020-21 SY	116.76	
			04-5800	Alarms-Hillcrest & Gravenstein 2020-21 SY	82.74	199.50
1824854	03/04/2021	Ally Technology Consulting LLC	01-5840	IT Consultant 2020-21	162.50	
			03-5840	IT Consultant 2020-21	1,950.00	
			04-5840	IT Consultant 2020-21	1,137.50	3,250.00
1824855	03/04/2021	Alpha Analytical Laboratories,	01-5830	Water testing for Gravenstein	2.56	
			03-5830	Water testing for Gravenstein	29.44	32.00
			01-5830	Gravenstein-Electrical Receptical Instalation	188.08	
1824856	03/04/2021	Blakeslee Electric Inc	03-5830	Gravenstein-Electrical Receptical Instalation	2,162.84	
			04-5630	Gravenstein-Electrical Receptical Instalation	3,406.09	5,757.01
			01-5200	CASBO- Workshops	5.13	
1824857	03/04/2021	CASBO	03-5200	CASBO- Workshops	61.50	
			04-5200	CASBO- Workshops	35.87	
			13-5200	CASBO- Workshops	152.50	255.00
1824858	03/04/2021	Clover-Stornetta Farms Inc.	13-4700	Milk Purchases 2020-21		26.00
1824859	03/04/2021	Office Depot	03-4310	School Supplies-Multi-Parks/Steen/ Brown	91.83	
			04-4350	School Supplies-Multi-Parks/Steen/ Brown	42.19	134.02
1824860	03/04/2021	Pacific Gas & Electric	01-5520	Light Poles at Grav Elem 2020-21	2.78	
			03-5520	Light Poles at Grav Elem 2020-21	31.98	34.76
1824861	03/04/2021	Pitney Bowes Global Financial	01-5600	Postage Machine Lease Rental 2020-21	10.22	
			03-5600	Postage Machine Lease Rental 2020-21	123.31	
			04-5600	Postage Machine Lease Rental 2020-21	71.88	205.41

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. (Limited to Checks issued from the COUNTY bank account.)

ESCAPE ONLINE

Checks Dated 03/01/2021 through 03/31/2021

Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1824862	03/04/2021	RTW Health Services, LLC	01-5830	Coordinate and Execute Covid -19 Site Testing	199.50	
			03-5840	Coordinate and Execute Covid -19 Site Testing	2,394.00	
			04-5840	Coordinate and Execute Covid -19 Site Testing	1,396.50	3,990.00
1824863	03/04/2021	West Sonoma County Union High	01-5830	Balance of Nurse Services MOU for 2019-20	536.12	
				MOU for Nurse Services for 2020-21 School Year	976.25	
			03-5830	Balance of Nurse Services MOU for 2019-20	6,433.50	
				MOU for Nurse Services for 2020-21 School Year	11,715.00	
			04-5830	Balance of Nurse Services MOU for 2019-20	3,752.88	
				MOU for Nurse Services for 2020-21 School Year	6,833.75	30,247.50
1825810	03/11/2021	Benz, Lisa	04-5830	Reimb. Covid Supply Testing		27.93
1825811	03/11/2021	Hoppes, Eric L	04-4400	Materials to build window -Covid		66.06
1825812	03/11/2021	American Storage LLC	01-5830	Storage Container for Gravenstein USD	39.60	
			03-5830	Storage Container for Gravenstein USD	455.40	495.00
1825813	03/11/2021	Mirimus, Inc.	01-5830	Covid-19 DistrictTesting 2020-21	5,853.40	
			03-5830	Covid-19 DistrictTesting 2020-21	21,682.80	
			04-5830	Covid-19 DistrictTesting 2020-21	8,601.80	36,138.00
1825814	03/11/2021	Office Depot	01-4350	School Secretary Supplies- Grav	.23	
			03-4310	School Supplies- Mattish-Parsons-Barrera	38.01	
			03-4350	School Secretary Supplies- Grav	2.63	
			04-4310	School Supplies- Mattish-Parsons-Barrera	140.47	181.34
1825815	03/11/2021	Rhona Berens, Inc.	04-5830	5 Weekly Parent Workshops- Covid-19		500.00
1825816	03/11/2021	SyTech Solutions	01-5830	Document Management Services 2020-21	13.33	
			03-5830	Document Management Services 2020-21	159.90	
			04-5830	Document Management Services 2020-21	93.27	266.50
1825817	03/11/2021	AT&T Mobility	01-5840	Wireless Service - year 1	77.19	
			03-5840	Wireless Service - year 1	926.30	
			04-5840	Wireless Service - year 1	540.34	1,543.83
1825818	03/11/2021	Clover-Stornetta Farms Inc.	13-4700	Milk Purchases 2020-21		65.00
1825819	03/11/2021	Counterpoint Construction Services, Inc.	40-6200	Facilities Project Management Services	1,020.00	
				Hillcrest Temperature Mitigation	7,051.65	8,071.65

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ReqPay12d

Board Report

Checks Dated 03/01/2021 through 03/31/2021

Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1825820	03/11/2021	Office Depot	01-4310	School Supplies-Multi	.17	
			01-4390	Laminating film-Gravenstein	4.71	
			03-4310	School Supplies-Multi	2.41	
			03-4390	Laminating film-Gravenstein	54.22	
			04-4310	Class Supplies - Cole	83.92	
1825821	03/11/2021	Pacific Gas & Electric		School Supplies-Multi	.39	145.82
			01-5520	Electric and Gas for 2020-21 @ Gravenstein	412.76	
1825822	03/11/2021	Pitney Bowes Postage By Phone	03-5520	Electric and Gas for 2020-21 @ Gravenstein	5,608.81	6,021.57
1825822	03/11/2021	Pitney Bowes Postage By Phone	01-5950	Postage for postage machine	21.52	
			03-5950	Postage for postage machine	258.23	
			04-5950	Postage for postage machine	150.63	430.38
1825823	03/11/2021	T-Mobile USA, Inc.	01-5840	T-Mobile Hotspots	16.50	
			03-5840	T-Mobile Hotspots	198.00	
			04-5840	T-Mobile Hotspots	115.50	330.00
1825824	03/11/2021	U.S. Bank Equipment Finance	01-5631	Copier Lease for Schools and DO for 2020-21	35.29	
			03-5631	Copier Lease for Schools and DO for 2020-21	423.38	
			04-5631	Copier Lease for Schools and DO for 2020-21	246.96	705.63
1825825	03/11/2021	Carey, Paul R	01-4310	Reimb.STEM Supplies	13.10	
1825826	03/11/2021	Alpha Analytical Laboratories.	03-4310	Reimb. STEM Supplies	150.65	163.75
			03-5830	Water testing for Gravenstein	32.00	
1825827	03/11/2021	Grainger Inc.	04-5830	Water testing for Hillcrest	32.00	64.00
			01-4370	Fumace Filters for Grav	36.98	
1825828	03/11/2021	Recology Sonoma Marin	03-4370	Fumace Filters for Grav	425.26	462.24
			01-5560	Recology-Gravenstein	73.82	
			03-5560	Recology-Gravenstein	848.94	
1825829	03/11/2021	U.S. Bank Corporate Payment	04-5560	Recology-Hillcrest 2020-21	649.50	1,572.26
			01-4362	District Fuel	5.12	
			01-4370	Lowes-Maint Supplies	25.41	
			01-4390	Amazon-Label Maker Tape	2.70	
			01-5830	All Guard Alarm-Grav	31.92	
			01-5869	Finance Charge	21.61	
			03-4310	Class Supply-Haas	45.45	
			03-4362	District Fuel	61.54	

32

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ESCAPE ONLINE

Checks Dated 03/01/2021 through 03/31/2021

Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1825829	03/11/2021	U.S. Bank Corporate Payment	03-4370	Lowes-Maint Supplies	292.21	
			03-4390	Amazon-Label Maker Tape	32.47	
			03-5202	Creating Trauma-Sensitive Schools Conference	500.00	
			03-5830	All Guard Alarm-Grav	367.08	
			04-4310	Maker Lab Supplies- Amazon-Collins	118.80	
			04-4362	District Fuel	35.90	
			04-4370	Lowes	124.23	
			04-4380	Kelly Moore-HMS	569.53	
			04-4390	Amazon-Label Maker Tape	18.94	
			04-5202	Creating Trauma-Sensitive Schools Conference	250.00	
			04-5830	All Guard Alarm-HMS 1 of 2	798.00	3,300.91
1825830	03/11/2021	Weeks Drilling & Pump Co. Inc.	01-5530	Gravenstein Elem Water Service for 2020-21	38.00	
			03-5530	Gravenstein Elem Water Service for 2020-21	437.00	
			04-5530	Hillcrest Water Service for 2020-21	487.95	962.95
1826912	03/18/2021	Trivunovic, Beth	03-4310	Reimb. Curriculum Bundle		120.00
1826913	03/18/2021	ACSIG	01-9573	Employee's Dental Plan Coverage 2020-21		9,509.00
1826914	03/18/2021	ARC Alternatives	40-5830	Board Approved Prop 39 Consulting		8,625.00
1826915	03/18/2021	AT&T Calnet 3	01-5911	Gravenstein AT&T CALNET 3 Charges 2020-21	36.89	
			03-5911	Gravenstein AT&T CALNET 3 Charges 2020-21	439.88	
			04-5911	Gravenstein AT&T CALNET 3 Charges 2020-21	219.24	
				Hillcrest AT&T CALNET 3 Charges 2021-21	67.28	763.29
1826916	03/18/2021	Fishman Supply Company	01-4370	District Wide Custodial Supplies	2.65	
			03-4370	District Wide Custodial Supplies	31.71	
			04-4370	District Wide Custodial Supplies	18.50	52.86
1826917	03/18/2021	Grainger Inc.	04-4370	Furnace Filters for HMS		828.45
1826918	03/18/2021	Juvo	04-5830	Autism and Behavioral Services		1,419.00
1826919	03/18/2021	Office Depot	01-4310	Toner for Printer-Staff rm and Students	11.59	
			01-4350	District Office Supplies	14.19	
				School Secretary Supplies- Grav	4.78	
			01-4390	Toner for Printer-Staff rm and Students	11.60	
			03-4310	Toner for Printer-Staff rm and Students	133.06	

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ESCAPE ONLINE

ReqPay12d

Board Report

Checks Dated 03/01/2021 through 03/31/2021

Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1826919	03/18/2021	Office Depot		Tri fold boards-Gravenstein Day Camp	128.60	
			03-4350	District Office Supplies	170.24	
				School Secretary Supplies- Grav	54.91	
			03-4390	Toner for Printer-Staff rm and Students	133.06	
			04-4350	District Office Supplies	53.70	
				School Secretary Supplies-Hillcrest-printer ink	89.86	805.59
1826920	03/18/2021	Ray Morgan Company	01-5633	Copier Contract Charges 2020-21		828.48
1826921	03/18/2021	Redwood Pediatric Therapy Asso	03-5811	OT/Consult Svcs for Students RH and JZ		230.74
1826922	03/18/2021	Alpha Analytical Laboratories,	04-5830	Water testing for Hillcrest		32.00
1826923	03/18/2021	Employment Development Dept.	01-9555	Unemployment Taxes for the year 2020-21		90.01
1826924	03/18/2021	Fitness Finders, Inc.	03-4310	Supplies for 4th Grade PE Unit		132.20
1826925	03/18/2021	Focused Behavioral Solutions	04-5830	Focused Behavioral Solutions		450.00
1826926	03/18/2021	Mirimus, Inc.	01-5830	Covid-19 DistrictTesting 2020-21	349.86	
			03-5830	Covid-19 DistrictTesting 2020-21	1,296.00	
			04-5830	Covid-19 DistrictTesting 2020-21	514.14	2,160.00
1826927	03/18/2021	myDevices, Inc.	01-5830	CO2 Sensors-District	124.17	
			03-5830	CO2 Sensors-District	1,490.10	
			04-5830	CO2 Sensors-District	869.23	2,483.50
1826928	03/18/2021	Quattrocchi Kwok Architects	40-6210	Architectural Services-HMS Heat Mitigation Project	28,294.88	
			40-6215	Architectural Services-HMS Heat Mitigation Project	880.12	29,175.00
1826929	03/18/2021	RTW Health Services, LLC	01-5830	Coordinate and Execute Covid -19 Site Testing	138.00	
			03-5840	Coordinate and Execute Covid -19 Site Testing	1,656.00	
			04-5840	Coordinate and Execute Covid -19 Site Testing	966.00	2,760.00
1826930	03/18/2021	Santa Rosa City Schools	01-4710	Lunch Program for 2020-21	1,371.51	
			13-4710	Lunch Program for 2020-21	3,015.99	4,387.50
1827908	03/25/2021	Sporrer, Kelly A	04-4340	Reimb. Computer Program		60.00
1827909	03/25/2021	Deeths, William H	01-4440	Reimb. Computers for Staff	123.34	
			03-4440	Reimb. Computers for Staff	1,480.09	
			04-4390	Food for Student	10.78	
			04-4440	Reimb. Computers for Staff	863.39	2,477.60
1827910	03/25/2021	CalPERS Cash & Payment Processing Unit	01-9572	Employee's CalPERS Health Plan Coverage 2020-21		46,150.33

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ESCAPE ONLINE

Checks Dated 03/01/2021 through 03/31/2021 Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1827911	03/25/2021	CASBO	01-5200	Registration: CASBO-HR Summit	4.45	
			03-5200	Registration: CASBO-HR Summit	53.40	
			04-5200	Registration: CASBO-HR Summit	31.15	89.00
1827912	03/25/2021	Clover-Stornetta Farms Inc.	13-4700	Milk Purchases 2020-21		45.00
1827913	03/25/2021	Fishman Supply Company	01-4400	Aeramax Pro. Air Purifier Filters -District	160.05	
				Air Purifier-District	31.37	
			03-4400	Aeramax Pro. Air Purifier Filters -District	1,920.64	
				Air Purifier-District	360.79	
			04-4400	Aeramax Pro. Air Purifier Filters -District	1,120.37	
				Air Purifier-District	218.16-	3,375.06
1827914	03/25/2021	Houghton Mifflin Harcourt	04-4110	Go Math! Hillcrest- Additional books 6th grade		58.77
1827915	03/25/2021	Lakeshore Learning Materials	03-4310	TK Trikes and Toys - Tomsky		976.12
1827916	03/25/2021	MCI Comm Service	12-5911	Daycare Phone Line for 2020-21		14.98
1827917	03/25/2021	Office Depot	01-4310	Megaphone for Students-Covid	11.26	
			03-4310	Megaphone for Students-Covid	129.44	140.70
1827918	03/25/2021	Santa Rosa City Schools	01-4710	Lunch Program for 2020-21	1,688.01	
			13-4710	Lunch Program for 2020-21	3,711.99	5,400.00
1827919	03/25/2021	Wildcare	03-5826	Virtual Field Trip 3rd Grade (1 Class)		100.00
1827920	03/25/2021	California Municipal Statistics Inc	01-5830	Services for Continuing Disclosure 2020-21	18.75	
			03-5830	Services for Continuing Disclosure 2020-21	225.00	
			04-5830	Services for Continuing Disclosure 2020-21	131.25	375.00
1827921	03/25/2021	Jack Schreder & Associates, In c.	40-5830	February 2021 - School Facilities Program		1,278.75
1827922	03/25/2021	Juvo	04-5830	Autism and Behavioral Services		1,734.33
Total Number of Checks					71	234,551.38

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	General Fund	43	69,620.33
03	Gravenstein Elementary Charte	45	69,504.45
04	Hillcrest Middle Charter	45	41,244.74
12	Child Development Fund	1	14.98
13	Cafeteria Fund	6	7,016.48
40	Special Reserve-capital Proj	4	47,150.40

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Checks Dated 03/01/2021 through 03/31/2021

Board Meeting Date 4/13/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
				Total Number of Checks		71
					234,551.38	
				Less Unpaid Tax Liability		.00
				Net (Check Amount)	234,551.38	

Includes checks for only Bank Account COUNTY

36

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ESCAPE ONLINE

Page 7 of 7

Gravenstein Union School District
March Payroll Report

April 2021 Regular Board Meeting

Certificated Salary & Benefits

Regular: \$ 529,361.83

Supplemental: \$ 10,155.27

Classified Salary & Benefits

Regular: \$ 177,290.10

Supplemental: \$ 14,457.42

Total Salary & Benefits

\$ 731,264.62

Board of Education

Minutes of Regular Meeting

DATE: Thursday, March 11, 2021
TIME: 5:00 PM
LOCATION: Gravenstein Elementary, Multipurpose Room

Gregory Appling, President
Joyce Eichelberger, Trustee
Alexander Kahn, Trustee
Jennifer Koelemeijer, Clerk
Patrick Lei, Trustee

Zoom Link

I. CALL TO ORDER AT 5:00 PM

Meeting called to order at 5:12 pm with all Board members present. Delay due to technical difficulty.

Meeting opened with one minute of silence in recognition of the passing of Barbara Oakley. Beth Trivunovic (BT) wished to express thanks on behalf of GUTA to the Oakley family for opening memorial services to the GUSD community. We are all very grateful to Barbara for her work, she will be greatly missed.

BT further wished to acknowledge, on behalf of GUTA, the support GUSD has offered with regard to reopening and wished to express GUTA's sincere thanks and gratitude. GUTA recognizes it has GUSD's support and wants GUSD to know it has GUTA's support.

II. ADOPTION AND APPROVAL OF THE AGENDA **Approval of the agenda for March 11, 2021 (2 min.)**

Action taken/comments:

Gregory Appling (GA): No changes requested; agenda is accepted as written

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JE: _____

III. GENERAL ACTION ITEM

- A. (p.1, GUSD COVID-19 Safety Plan) **Resolution to extend the Declared Instructional Method for 2020-2021 School Year, Resolution #210311-01** (20 min)

Situation: Sonoma County is currently in the “purple tier (widespread)” according to the state’s *Blueprint for a Safer Economy* due to COVID-19 case and positivity rates. Additionally, on July 17, 2020, Governor Gavin Newsom declared that full time in-person instruction would not be allowed in California schools until further notice.

Plan: To begin adding in-person instruction for grade levels in tiered fashion while continuing to provide a distance learning program for students as needed beginning April 6, 2021 pursuant to the resolution language.

Recommended motion: For the Board to approve Resolution #210311-01.

Action taken/comments:

David Rose (DR):

- Plan has been submitted to the County. Contains 96 elements, and the County has requested changes on 3 items. Will Deeths (WD) and staff are addressing these concerns.
- Good chance we are moving into red tier as early as this weekend
- Will open at least TK-2, even if we remain in purple tier
- If we move to red tier, then we will open TK-6
- Working with GUTA Leadership to iron out details of MOU

Various questions from parents answered by Dave.

JK motions to approve the adoption of Resolution #210311-01

Motion JK Second AK

Vote: GA: A PL: A JK: A AK: A JE:

IV. REPORTS, AND ORAL COMMUNICATIONS

- A. (p.6) **Gravenstein Principal** (10 min.)

Keri Pugno (KP)

- See report in packet
- Health and puberty classes for 4th and 5th grades have started. Last year they were cancelled. This year we were able to plan for digital format.
- Projected numbers for next year -looking very healthy: roughly 60 to 68 Kinders thus far; Class sizes expected to fill up; 3rd already has a wait list. Our numbers are almost exactly the same as what we have now.

B. (p.7) Hillcrest Principal (10 min.)

- See report in packet
- Working hard to prepare for in-person instruction. HMS teachers are very excited about students returning. Could not have been done without incredible collaboration and willingness of the teachers.

C. (p.9) Gravenstein Union Teachers' Association (5 min.)

See report in packet.

Aimee Otterson (AO): Third - Fifth is ready for April 6.

D. District Site Council (0 min.)

E. (p.11) Gravenstein Parent Association, GPA (5 min.)

1. **Financials for January 2021**
2. **Minutes for December 19, 2021**
3. **Agenda for February 16, 2021**

See Board minutes in packet.

Beth Dawson (BD): Readathon coming up and current book fair; that is all for fundraisers at the moment. Actively recruiting board members and would love to have interested people attend the board meeting next Tuesday. Just completed teacher appreciation gifts. Many thanks to Sarah Tendall and team for their hard work.

F. Trustee Reports (5 min.)

No reports. All Trustees are excited for the return to in-person learning. Thanks to all for the hard work and extra effort to make this happen.

Joyce Eichelberger (JE) - Is going to be leaving the board. She has gotten so much out of this time and is honored to have been able to have done that. Thank you for what you are doing.

GA - At the April board meeting we will interview and appoint someone new to the vacant board seat. DR will announce this in the next Monday Message.

G. (p.21) Racial Justice Committee (5min.)

WD - Report in board packet. Had a mid-year meeting two weeks ago with the public and 8 new members plus 8 committee members. Gathering proposals from consultants and hope for action in the near future. Then will have a recommendation to present to the Board.

H. Master Plan Committee (5 min.)

Committee has not met; focus has been on heat mitigation - update later in agenda.

I. (p.23) Facilities Report (5 min.)

DR: see Brian Sposato's report

J. CBO Report (5 min.)

Wanda Holden (WH) - Discussed the report contained in the Board Packet and answered questions.

2020-21 Second Interim Budget Report [See Agenda Item VII(B)]

HR Office has been extremely busy with new hires to support in-person instruction.

K. Superintendent Report/District Correspondence (15 min.)

- 1. Questions from the February Board Meeting**
- 2. (p.24) Grants**
- 3. Tobacco Use Prevention Program Update - George Sotiras**
- 4. (p.31) Review of Emergency Powers**

There were three major areas of carryover from the February questions:

1. Return to in-person instruction -- we have already covered this
2. Mental Health - Board Policy -- this will be addressed later
3. District and Superintendent Goals -- this will be discussed later

In addition to the garden grants received by Mr. Blanco and Ms. Byrne, we applied for and received a grant for air purifiers (originally 8 units/\$1K each). Our grant funding increased to \$14K which has allowed us to expand our number of purifiers.

We have received another round of Sonoma County Business Entrepreneurs tech grants (a \$10K grant this time) to support our tech efforts -- hotspots, connectivity, etc.

Used emergency powers to order the CO2 monitors ahead of this meeting, assuming that the Board would approve, so that we can receive them in time. Since this is a State requirement, demand will be high. Also purchased more

Covid tests, over limit. They have been ordered and have arrived, and we are using them on a weekly basis.

DR introduces Mr. Sotiras, who gives a brief overview and presentation of the anti-tobacco program we are implementing at both Gravenstein and Hillcrest campuses.

GA opens for public comments

V. PUBLIC COMMENT (15 min.)

At this time the public may address the Board on any item not listed on the agenda. Presentations are limited to three minutes per person per topic. The Board may not respond to presentations. The public may address the Board on any item listed on the agenda at the time the matter is taken up by the Board.

No comments.

VI. CONSENT AGENDA (2 min.)

ACTION ITEM

- A. (p.40) Warrants
- B. (p.46) Payroll
- C. (p.47) Minutes from the Regular Board Meeting of January 14, 2021, the Regular Board Meeting of February 11, 2021, and the Special Board Meetings of February 20, 2021 and March 2, 2021
- D. (p.75) Board Policy 5141.5, Mental Health

Action taken/comments:

JK requests that all Board Policies that come before the Board be presented as General Action Items instead of Consent Items.

GA motions to approve. Approved consent as written.

Motion ___GA___ Second ___PL___

Vote: GA: ___A___ PL: ___A___ JK: ___A___ AK: ___A___ JE: ___

VII. GENERAL ACTION ITEMS

B. Second Interim Report (10 min.)

Situation: School districts are required to file two reports during a fiscal year (interim reports) on the status of the LEA's financial health. The first interim report for GUSD was presented and approved during our December Board Meeting. The second interim report is due March 17 for the period ending January 31. The interim reports must include a certification of whether or not the LEA is able to meet its financial obligations (positive, qualified, or negative).

Plan: For the Board to approve the Second Interim Report confirming the positive certification for GUSD.

Recommended motion: For the Board to approve the Second Interim Report.

Action taken/comments:

WH - Recommends positive certification. We will meet all bills for the current year and next two years. We do have deficit spending this year and subsequent years because the supplement is not budgeted and therefore we have a deficit. We do not budget the supplement because it is volatile.

Assumptions:

- ADA is based on prior year.
- \$1.5M set aside for enrichments.
- Budget is aligned with LCAP.
- We have some federal funding to assist with operating revenue and expenses regarding distance learning and pandemic safety.
- We are doing well based on salaries to benefits ratios.

Further discussion regarding deficit spending, ESSER funds, heat mitigation project at HMS. WH will have more accurate numbers and information at the April Board meeting; still waiting for actual numbers and current numbers are estimates.

JK motions to approve the Second Interim Report. Approved

Motion JK Second AK

Vote: GA: A PL: A JK: A AK: A JE:

5 minute break 7:20 pm to 7:25 pm

C. (p.79) Board Meeting Calendar (2 min.)

Situation: During the Board Retreat on February 20, 2021, Board Members discussed adjusting the Board Meeting Calendar.

Plan: For the Board to review and discuss the proposed draft calendar.

Recommended motion: For the Board to adopt the proposed edits to the current Board Meeting Calendar.

1. Board meetings to be moved from Thursday to Tuesday evenings

2. Need to select dates for Board retreat.
3. Need to add calendar item / Draft of Superintendent / Board Goals due from DR to GA

Action taken/comments:

Question from JK regarding date of evaluation. Remove item 6 on July13 meeting.

April starts in-person Board meetings (at Gravenstein MPR). There will be a cap on in-person attendance in the MPR

GA moves to approve draft board calendar as revised

Motion _____ GA _____ Second _____ AK _____

Vote: GA: ___ A ___ PL: ___ A ___ JK: ___ A ___ AK: ___ A ___ JE: _____

D. GUSD Actions to Support Distance Learning and Other Related Essential Services (15 min.)

Situation: With the constant changes in guidelines and mandates related to the suspension of in-person instruction due to the Coronavirus for GUSD students, this item is a placeholder in the event that any action items arise between the time this agenda is posted and the time of the meeting, as well as serving as a potential action item that arises based on Board discussion during the meeting.

Plan: For the Board to consider any new action item based on new or additional mandates as well as any action item put forth by the Board during the meeting.

Recommended motion: None at this time.

Action taken/comments - no action

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JE: _____

E. (p.82) Adoption of GUSD Board and Superintendent Goals

Situation: In December of 2019 the Board adopted Vision and Mission Statements for the district. During retreats in February and March of 2021, the Board has worked with staff to review and update the Vision and Mission statements, and draft goal statements and activities to support the Vision and Mission statements.

Plan: For the Board to consider the updated Vision and Mission statements, and draft goal statements and activities. If approved the newly adopted goals will guide the work that is underway to draft and submit our Local Control Accountability Plan (LCAP) which becomes our work and resource allocation plan for the next three years.

Recommended motion: For the Board to adopt the Board and Superintendent Goals.

Action taken/comments

GA: As part of our work, we must draft goals and action statements that support that mission and vision. DR presents draft of the Board’s work from the retreat.

GA: We went from three missions to four missions at the retreat, specifically to call out “maintain our fiscal strength”

PL - Notices that on statement #3 we didn’t remove “..... of fiscal strength” and we should remove that last portion because it is now part of #4. “. . .[a]nd to maintain a position of fiscal strength” should now go to #4/

AK motions to adopt Board and Superintendent Goals with edits as proposed.

Motion AK Second PL

Vote: GA: A PL: A JK: A AK: A JE:

VIII. PUBLIC COMMENT ON ITEMS IN CLOSED SESSION

No comments.

GA adjourns to closed session at 7:43 pm.

IX. ADJOURNMENT TO CLOSED SESSION (15 min.)

A. With respect to every item of business to be discussed in closed session pursuant to Section 54957.6

1.0 Student Discipline

2.0 Pending litigation

3.0 Administrator Performance Updates

**4.0 Conference with Negotiations team:
GUTA negotiations update**

X. RECONVENE TO OPEN SESSION

**XI. PUBLIC REPORT OF ACTION ON ITEMS HEARD IN CLOSED SESSION
(2 min.)**

Action taken/comments: no actions taken

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JE: _____

XII. FUTURE BOARD MEETINGS

- A. April 8, 2021 at 5pm**
- B. May 13, 2021 at 5pm**
- C. June 10, 2021 at 5pm**
- D. June 18, 2021 at 5pm**

XIII. ADJOURNMENT

ADA Compliance: In compliance with Government Code 54954.2(a), the Gravenstein Union School District, will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. 12132) and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact Dave Rose, District Superintendent, Gravenstein Union School District, 3840 Twig Ave., Sebastopol, CA 95472. Telephone (707) 823-7008.

Measure M Bond
\$3,000,000
Issued
May 2013

And

Measure M Bond
\$3,000,000
Issued May 2015

Continuing Disclosure Annual Report

Fiscal Year ended
June 30, 2020

Table of Contents

I.	Introduction	3
II.	Audited Financial Statements	3
III.	Adopted Budget	3
IV.	Average Daily Attendance	3
V.	Pension Plan Contributions	4
VI.	Short-Term Borrowing	4
VII.	Lease Obligations	4
VIII.	Long-Term Obligations	4
IX.	General Fund Revenues and Expenditures from Audited Financial Statements	6
X.	General Fund Revenues and Expenditures from Adopted Budget 2020-21	7
XI.	Secured Tax Charges and Delinquencies	8
XII.	Assessed Valuation and Largest Local Secured Taxpayers	8

I. Introduction

The Gravenstein Union School District (“District”) hereby provides its continuing disclosure annual report pursuant to the Continuing Disclosure Agreements in connection with the following financing for the fiscal year ended June 30, 2020 (“Annual Report”):

Exhibit 1 Financings Gravenstein Union School District	
Base CUSIP	Financing
389062	General Obligation Bonds, Election of 2012, Series A
	General Obligation Bonds, Election of 2012, Series B

II. Audited Financial Statements

The District’s audited financial statements for the fiscal year ended June 30, 2020 have been submitted separately to EMMA (Electronic Municipal Market Access).

III. Adopted Budget

The District’s adopted budget for fiscal year 2020-21 has been submitted separately to EMMA (Electronic Municipal Market Access).

IV. Average Daily Attendance

The following exhibit displays Average Daily Attendance for the District.

Exhibit 2 Average Daily Attendance Gravenstein Union School District	
Fiscal Year	Average Daily Attendance
2019-20	736

⁽¹⁾ Second Period Report, does not include the County supplement
Source: Gravenstein Union School District, Audited Financial Statement dated June 30, 2020

V. Pension Plan Contributions

See the District’s audited financial statements for fiscal year ended June 30, 2020, which have been submitted separately to EMMA, for information regarding pension plan contributions to California State Teachers’ Retirement System (CalSTRS) and California Public Employees’ Retirement System (CalPERS) for the preceding fiscal year.

VI. Short-Term Borrowing

During the year ended June 30, 2020, the District did not have any short term borrowing.

Source: Gravenstein Union School District Audited Financial Statements dated June 30, 2020.

VII. Lease Obligations

The District has entered into various operating leases for copiers with lease terms in excess of one year. None of these agreements contain purchase options. All agreements contain a termination clause providing for cancellation after a specified number of days written notice to lessors, but it is unlikely that the District will cancel any of the agreements prior to the expiration dates.

Source: Gravenstein Union School District Audited Financial Statements dated June 30, 2020.

VIII. Long-Term Obligations

Changes in Long-Term Debt

The following is a summary of changes in long-term debt:

Exhibit 5 Changes in Long Term Debt Gravenstein Union School District					
	Balances July 1, 2019	Additions	Deductions	Balances June 30, 2020	Due within One Year
General Obligation Bonds	\$6,375,981		\$ 127,050	\$ 6,248,931	\$ 135,050
Compensated Absences	27,432	29,026	27,432	29,026	29,026
Other Post Employment Benefits	2,253,126	(1,557,687)	5,000	690,439	
<u>Net Pension Liability</u>	<u>7,826,924</u>	<u>234,037</u>		<u>8,060,961</u>	
Total	<u>\$16,483,463</u>	<u>\$ (1,294,694)</u>	<u>\$ 159,482</u>	<u>\$ 15,029,357</u>	<u>\$ 164,076</u>

Source: Gravenstein Union School District Audited Financial Statement dated June 30, 2020, Note 10, page 51.

Bonded Debt

The outstanding general obligation bonded debt is as follows:

Exhibit 6 Bonded Debt Gravenstein Union School District							
Issue Date	Interest Rate %	Maturity Date	Amount of Original	Outstanding July 1, 2019	Issued in Current Year	Redeemed in Current Year	Outstanding June 30, 2020
2012	3.20	2024	1,105,000	539,000	0	102,000	437,000
2013	2.00-4.00	2044	3,000,000	2,675,000	0	15,000	2,660,000
2015	2.00-5.00	2043	3,000,000	<u>2,930,000</u>	<u>0</u>	<u>0</u>	<u>2,930,000</u>
Totals			<u>\$7,105,000</u>	<u>\$6,144,000</u>	<u>\$ 0</u>	<u>\$ 117,000</u>	<u>\$6,027,000</u>

Source: Gravenstein Union School District Audited Financial Statement dated June 30, 2020, Note 6, page 35.

IX. General Fund Revenues and Expenditures from Audited Financial Statements

Exhibit 7
General Fund Revenues and Expenditures
from FY 2019-20 Audited Financial Statements
Gravenstein Union School District

	<u>Actual</u>
REVENUES	
LCFF Sources	
State Apportionment	\$ 5,625,247
Local Sources	<u>3,202,633</u>
Total LCFF Sources	8,827,880
Federal Source	148,904
Other State Sources	709,968
Other Local Sources	<u>521,212</u>
Total Revenues	<u>10,207,964</u>
EXPENDITURES	
Certificated Salaries	4,350,428
Classified Salaries	1,108,598
Employee Benefits	2,295,038
Books and Supplies	574,127
Services and Other Operating Expenditures	994,774
Capital Outlay	232,904
Total Expenditures	<u>9,555,869</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	652,095
Net Financing Sources (Uses)	<u>(44,937)</u>
Net Increase (Decrease) in Fund Balance	607,158
Fund Balance – Beginning	10,042,520
Fund Balance – Ending	<u>\$ 10,649,678</u>

Source: Gravenstein Union School District Audited Financial Statement dated June 30, 2020, page 55

X. General Fund Revenues and Expenditures from Adopted Budget

**Exhibit 8
FY 2020-21 General Fund Adopted Budget
Gravenstein Union School District**

	Adopted Budget
REVENUES	
LCFF Sources	\$ 7,615,090
Federal Source	135,220
Other State Sources	532,147
Other Local Sources	361,423
Total Revenues	<u>8,643,880</u>
EXPENDITURES	
Certificated Salaries	4,584,137
Classified Salaries	1,228,022
Employee Benefits	2,222,302
Books and Supplies	352,329
Services and Other Operating Expenditures	826,281
Capital Outlay	39,400
Other Outgo	0
Total Expenditures	<u>9,252,471</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	(608,591)
Net Financing Sources (Uses)	<u>(44,937)</u>
Net Increase (Decrease) in Fund Balance	(653,528)
Fund Balance – Beginning	<u>8,581,799</u>
Fund Balance – Ending	<u>\$ 7,928,271</u>

Source: Gravenstein Union School District 2020-21 Adopted Budget

XI. Secured Tax Charges and Delinquencies

Sonoma County does not report secured tax charges and delinquencies for individual districts. The County operates a Teeter Plan and it has not changed.

XII. Assessed Valuation

The exhibit below shows the assessed valuation of taxable properties in the District.

Exhibit 11 Assessed Valuations Gravenstein Union School District			
Fiscal Year	Local Secured	Unsecured	Total
2020-21	\$1,005,521,992	\$12,941,978	\$1,018,463,970

Source: California Municipal Statistics, Inc.

Exhibit 12 Largest 2020-21 Local Secured Taxpayers Gravenstein Union School District			
Property Owner	Primary Land Use	Assessed Valuation	% of Total (1)
Hall Sonoma Vineyard LP	Vineyards	\$8,073,315	0.80%
Vidinsky Gravenstein LLC	Warehouse	6,245,465	0.62
Pinot Hill LLC	Vineyards	4,084,283	0.41
Graven 456 LLC	Light Industrial	3,495,000	0.35
Edward A. & Jessica Green	Residence	3,198,351	0.32
Kitty G. Jones	Residence	2,991,680	0.3
William D. Grasse, Trust	Residence	2,865,228	0.28
Michael W. & Linda Sutliff	Residence	2,739,167	0.27
Steven T. & Helen C. Mosiman,	Residence	2,319,657	0.23
Kate R. Schaffner, Trust	Residence	2,275,390	0.23
Susan Jean & William Louis	Residence	2,271,563	0.23
Dara Rip, Trust	Residence	2,182,016	0.22
Cita Ventures LLC	Residence	2,028,780	0.2
Benjamin K. Stephens and Crystal	Residence	2,016,294	0.2
Giel and Marie Witt	Residence	2,005,451	0.2
Carol Ann Molln	Residence	2,000,000	0.2
Denny Abrams Trust	Residence	1,913,096	0.19
Grow Gardens LLC	Residence	1,906,465	0.19
Gus R. & Tina L. Golobe	Residence	1,905,136	0.19
Barbara Anne Buck, Trust	Residence	1,899,431	0.19
		\$58,415,768	5.81%

(1) 2020-21 Local Secured Assessed Valuation: \$1,005,521,992

(2) Source: California Municipal Statistics, Inc.



Williams Settlement Quarterly Uniform Complaint Report - January 1, 2021 - March 31, 2021

Education Code §35186(d): A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

*** Required**

Name of District

Gravenstein Union School District

Name and Title of Person Reporting *

David Rose

Phone Number *

7078237008

Email Address *

drose@grav.k12.ca.us

INSTRUCTIONAL MATERIALS

- There were 0 complaints received during this quarter.
- YES, there were complaints, there were complaints resolved and/or there were complaints unresolved - please give detailed information below by listing each complaint and associated solution

Clear selection

TEACHER VACANCY AND/OR MISASSIGNMENT *

- There were 0 complaints received during this quarter
- YES, there were complaints, there were complaints resolved and/or there were complaints unresolved - please give detailed information below by listing each complaint and associated solution

FACILITIES *

- There were 0 complaints received during this quarter
- YES, there were complaints, there were complaints resolved and/or there were complaints unresolved - please give detailed information below by listing each complaint and associated solution

CAHSEE Intensive Instruction and Services *

There were 0 complaints received during this quarter

YES, there were complaints, there were complaints resolved/and or there were complaints unresolved - please give detailed information below by listing each complaint and associated solution

INSTRUCTIONAL MATERIALS

Complaint Details

n/a

TEACHER VACANCY AND/OR MISASSIGNMENT

Complaint Details

n/a

FACILITIES

Complaint Details

n/a

CAHSEE Intensive Instruction and Services

Complaint Details



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
serving school and college
districts throughout the
state.*

March 24, 2021

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

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Jennifer E. Nix
Steven P. Reiner
Kaitlyn A. Schwendeman
Loren W. Soukup
Erin E. Stagg

Of Counsel
Robert J. Henry
Frank Zotter, Jr.

To: Dave Rose, Superintendent
Gravenstein Union School District

From: Carl D. Corbin, General Counsel

Subject: RETAINER CONTINUATION AGREEMENT FOR LEGAL SERVICES

This memo invites the GRAVENSTEIN UNION SCHOOL DISTRICT to continue its Retainer Agreement with SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA (“SCLS”) effective July 1, 2021.

As you consider your legal service needs for the coming year, I want to be clear about our commitment to provide you with excellent services. I welcome your input on how we can best meet your needs, so please do not hesitate to call me. As a reminder SCLS is a Joint Powers of Authority (“JPA”) public agency. As such, SCLS does not make a profit. We are a school related agency just like our clients and we are also subject to the Education Code, Brown Act, etc. All of our employees are public employees just like you.

The SCLS JPA Board, comprised of some of our clients, carefully considered for the 2021-2022 school year the increase in fees necessary to address SCLS’s fiscal needs while continuing to ensure the lowest possible rates for our clients. Effective July 1, 2021, our rates will be increasing \$10 per hour. This means our retainer rate will be \$270 per hour. Many of our clients also consult or use limited services from private law firms so you know that even with our increased rate of \$270 per hour we charge generally below the private firm hourly rate. Essentially, our rates (with this increase) will have increased over approximately the past ten years at less than \$8.50 an hour per year. We believe this represents extraordinary cost containment for our clients.

I also want to emphasize that unlike many private law firms, we do not charge additional fees for secretarial time, photocopies, facsimile transmissions, on-line research costs, a flat “administrative” fee or the many other “hidden/add-on” fees associated with doing business with a private law firm, except we do charge for hotel and airline costs if necessary. If you have any questions regarding our services or fees, please do not hesitate to call me.

Please select and note your retainer amount on the Selection of Retainer Amount form. The form should be signed and returned to us along with a purchase order after the governing board has acted on it. Your district will be invoiced for the full retainer amount. In the event that your district does not use all hours originally retained, pursuant to the April 3, 2013, policy adopted by the Joint Powers Board of SCLS, the unused portion will be carried over to the next school term for one year only. If you have any questions about this or the number of hours that you should retain, please do not hesitate to call me.

We very much look forward to working with you.
Enc.

**SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA
CONTRACT FEE SCHEDULE**

Effective July 1, 2021

**Attorney Retainer Hours of
Attorney Service**

***Retainer @ \$270**

30	\$ 8,100.00
60	16,200.00
120	32,400.00
180	48,600.00
200	54,000.00
300	81,000.00

Districts that wish to contract for a lesser or greater number of hours than that set forth above may do so by calculating a retainer based on the \$270.00 per hour rate and making that change in the fee schedule. Minimum level is 20 hours.

Included within the retainer fee are all of the workshops, newsletters, legal updates, and all other work we do for all clients. We do, however, charge a fee not to exceed the actual costs for facilities, meals and copy fees for materials provided at workshops.

The retainer amounts set forth above are based on a rate of \$270.00 per hour for all attorney time. In the event that your District does not use all hours originally retained, pursuant to the April 3, 2013, policy adopted by the Joint Powers Board of SCLS, the unused portion will be carried over to the next school term for one year only.

No additional fee is charged for meals while traveling to or from your district. No additional fee for secretarial time, nor for the cost of photocopies, telephone calls, or "facsimile" transmissions to or from your District. There are no postage charges for regular mail, no "administrative fee," and no on-line research costs. Set fees may be charged for formed contracts and bid documents. If required, overnight lodging and air travel costs would be charged.

Mandated costs services are based on a rate of \$270.00 per hour and do not count against the retainer, unless you specifically indicate that it be included.

Litigation services are based on a rate of \$280.00 per hour and also do not count against the retainer.

* Please designate on next page.

**SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA
FEE SCHEDULE**

Effective July 1, 2021

Retainer Contract Clients

All Attorneys	\$270.00 per hour
Excess Hours over Retainer*		\$280.00 per hour
Litigation		\$280.00 per hour
Mandated Services		\$270.00 per hour
Labor Relations Coordinator		\$245.00 per hour
Paralegal/Paraprofessional		\$155.00 per hour
Law Clerk		\$120.00 per hour

Billable Contract Clients

All Attorneys	\$290.00 per hour
Litigation		\$290.00 per hour
Mandated Services		\$290.00 per hour
Labor Relations Coordinator		\$260.00 per hour
Paralegal/Paraprofessional		\$155.00 per hour
Law Clerk		\$120.00 per hour

*Not applicable to clients retaining 500 or more hours.

SELECTION OF RETAINER AMOUNT

Effective July 1, 2021

The GRAVENSTEIN UNION SCHOOL DISTRICT hereby selects the following annual retainer amount effective July 1, 2021: \$ 16,200.00 for 60 hours of service.

- I want mandated services charged against this amount.
- I do not want mandated services charged against this amount and instead want to be separately billed for such services.

The Retainer Contract is a commitment to use specified hours at the reduced hourly rate. Should the District decide to terminate the Contract during the course of the school year (July 1, 2021, through June 30, 2022) and seek a refund of unexpended hours/dollars, it is mutually agreed that the hours used to date of termination will be re-billed at the full Billable hourly rate (\$290.00) and then any remaining dollars will be refunded to the district.

A purchase order, check or warrant for this amount is enclosed or will be delivered to SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA within 30 days of the date this agreement is signed by the district representative.

By: _____
Dave Rose, Superintendent

Date: _____



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

February 14, 2020

Current Agreement

*A Joint Powers Authority
serving school and college
districts throughout the
state.*

5350 Skylane Boulevard
Santa Rosa, CA 95403

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Of Counsel
Robert J. Henry
Patrick C. Wilson
Frank Zotter, Jr.

To: Dave Rose, Superintendent
Gravenstein Union School District

From: Carl D. Corbin, General Counsel

Subject: RETAINER AGREEMENT FOR LEGAL SERVICES

This memo invites the GRAVENSTEIN UNION SCHOOL DISTRICT to enter into a Retainer Agreement with SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA (SCLS) effective July 1, 2020.

As you consider your legal service needs for the coming year, I want to be clear about our commitment to provide you with excellent services. I welcome your input on how we can best meet your needs, so please do not hesitate to call me. As a reminder SCLS is a Joint Powers of Authority public agency. As such, SCLS does not make a profit. We are a school related agency just like our clients and we are also subject to the Education Code, Brown Act, etc. All of our employees are public employees just like you.

The SCLS JPA Board, comprised of some of our clients, carefully considered for the 2020-2021 school year the increase in fees necessary to address SCLS's fiscal needs while continuing to ensure the lowest possible rates for our clients. Effective July 1, 2020, our rates will be increasing \$15 per hour. This means our retainer rate will be \$260 per hour. Many of our clients also consult or use limited services from private law firms so you know that even with our increased rate of \$260 per hour we charge generally below the private firm hourly rate. Essentially, our rates (with this increase) will have increased over approximately the past ten years at less than \$8 an hour per year. We believe this represents extraordinary cost containment for our clients.

I also want to emphasize that unlike many private law firms, we do not charge additional fees for secretarial time, photocopies, facsimile transmissions, on-line research costs, a flat "administrative" fee or the many other "hidden/add-on" fees associated with doing business with a private law firm, except we do charge for hotel and airline costs if necessary. If you have any questions regarding our services or fees, please do not hesitate to call me.

Please select and note your retainer amount on the Selection of Retainer Amount form. The form should be signed and returned to us along with a purchase order after the governing board has acted on it. Your district will be invoiced for the full retainer amount. In the event that your district does not use all hours originally retained, pursuant to the April 3, 2013, policy adopted by the Joint Powers Board of SCLS, the unused portion will be carried over to the next school term for one year only. If you have any questions about this or the number of hours that you should retain, please do not hesitate to call me.

We very much look forward to working with you.
Enc.

**RETAINER AGREEMENT
BETWEEN
GRAVENSTEIN UNION SCHOOL DISTRICT
AND
SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA**

The GRAVENSTEIN UNION SCHOOL DISTRICT (DISTRICT) and SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA (a legal service program operating under a Joint Powers Agreement pursuant to California Government Code sections 6500 et seq.) (COUNSEL), mutually agree as follows:

**I.
RECITALS**

This agreement, effective July 1, 2020, is entered into by and between the DISTRICT and COUNSEL.

COUNSEL has the background, experience, and expertise to perform the work to be done and agrees to do so in accordance with the terms and conditions of this agreement.

**II.
WORK TO BE PERFORMED**

COUNSEL shall provide legal and labor relations services as requested by the DISTRICT.

COUNSEL shall have the right to retain court reporters, professional experts, and other independent contractors as appropriate and to recommend to DISTRICT the employment and association of outside legal counsel in cases and matters that singly or cumulatively require an inordinate amount of time or which require, in the opinion of COUNSEL, specialized legal services and expertise. In the event DISTRICT fails to approve the employment of such outside counsel, COUNSEL reserves the right to terminate its representation of DISTRICT on the specific case or matter involved.

COUNSEL shall decline any assignment which would result in a conflict of interest or violations of professional ethical standards.

**III.
COMPENSATION**

The DISTRICT shall compensate COUNSEL for all time spent on DISTRICT's work, including necessary travel time, at the rates specified in the attached Fee Schedule. Such rates may be changed by COUNSEL no earlier than July 1, 2021, provided, however, that COUNSEL shall first give DISTRICT at least thirty (30) days advance written notice of such change.

Time will be accounted for in an initial minimum increment of .2 hour per entry (i.e., 12-minute minimum). This reflects the time it takes to respond to and record the nature of short-term assignments. After the initial minimum of .2, all assignments will be recorded in increments of one-tenth of an hour.

IV.
RETENTION OF CLIENT RECORDS


Client records will be maintained by COUNSEL for at least 10 calendar years. Following the determination by COUNSEL that either the client records no longer need to be maintained or 10 calendar years have passed, whichever is later, COUNSEL will contact the DISTRICT by letter to inform the DISTRICT that the records will be destroyed unless the DISTRICT has indicated it would like to take possession of the records. In this case, the DISTRICT will be billed for the cost of producing the records from storage and providing the records to the DISTRICT. If the DISTRICT does not provide any response within 90 calendar days or if the DISTRICT indicates no desire to take possession of the records, then COUNSEL will have the records destroyed through shredding. SCLS reserves the right to make an electronic copy (scan into PDF) of client records and then shred the paper records; however, if SCLS does make an electronic copy then these electronic records will be maintained indefinitely by SCLS and available to our clients upon request.

V.
TERM OF AGREEMENT

This agreement, effective July 1, 2020, is ongoing for up to four years and may be modified by mutual written agreement of the parties. This agreement may be terminated by either party at any time upon thirty (30) days written notice.

**SCHOOL AND COLLEGE LEGAL
SERVICES OF CALIFORNIA**

By: _____


Carl D. Corbin
General Counsel

Dated: _____

February 14, 2020

GRAVENSTEIN UNION SCHOOL DISTRICT

By: _____

Dave Rose, Superintendent

Dated: _____

**SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA
CONTRACT FEE SCHEDULE**

Effective July 1, 2020

**Attorney Retainer Hours of
Attorney Service**

***Retainer @ \$260**

30	\$ 7,800.00
60	15,600.00
120	31,200.00
180	46,800.00
200	52,000.00
300	78,000.00

Districts that wish to contract for a lesser or greater number of hours than that set forth above may do so by calculating a retainer based on the \$260.00 per hour rate and making that change in the fee schedule. Minimum level is 20 hours.

Included within the retainer fee are all of the workshops, newsletters, legal updates, and all other work we do for all clients. We do, however, charge a fee not to exceed the actual costs for facilities, meals and copy fees for materials provided at workshops.

The retainer amounts set forth above are based on a rate of \$260.00 per hour for all attorney time. In the event that your district does not use all hours originally retained, pursuant to the April 3, 2013, policy adopted by the Joint Powers Board of SCLS, the unused portion will be carried over to the next school term for one year only.

No additional fee is charged for meals while traveling to or from your district. No additional fee for secretarial time, nor for the cost of photocopies, telephone calls, or "facsimile" transmissions to or from your district. There are no postage charges for regular mail, no "administrative fee," and no on-line research costs. Set fees may be charged for formed contracts and bid documents. If required, overnight lodging and air travel costs would be charged.

Mandated costs services are based on a rate of \$260.00 per hour and do not count against the retainer, unless you specifically indicate that it be included.

Litigation services are based on a rate of \$270.00 per hour and also do not count against the retainer.

* Please designate on next page.

**SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA
FEE SCHEDULE**

Effective July 1, 2020

Retainer Contract Clients

All Attorneys	\$260.00 per hour
Excess Hours over Retainer*	\$270.00 per hour
Litigation	\$270.00 per hour
Mandated Services	\$260.00 per hour
Labor Relations Coordinator	\$235.00 per hour
Paralegal/Paraprofessional	\$145.00 per hour
Law Clerk	\$110.00 per hour

Billable Contract Clients

All Attorneys	\$280.00 per hour
Litigation	\$280.00 per hour
Mandated Services	\$280.00 per hour
Labor Relations Coordinator	\$250.00 per hour
Paralegal/Paraprofessional	\$145.00 per hour
Law Clerk	\$110.00 per hour

*Not applicable to clients retaining 500 or more hours.

SELECTION OF RETAINER AMOUNT

Effective July 1, 2020

The GRAVENSTEIN UNION SCHOOL DISTRICT hereby selects the following annual retainer amount effective July 1, 2020:

\$ 15,600 for 60 hours of service.

- I want mandated services charged against this amount.
- I do not want mandated services charged against this amount and instead want to be separately billed for such services.

The Retainer Contract is a commitment to use specified hours at the reduced hourly rate. Should DISTRICT decide to terminate the Contract during the course of the school year (July 1, 2020, through June 30, 2021) and seek a refund of unexpended hours/dollars, it is mutually agreed that the hours used to date of termination will be re-billed at the full Billable hourly rate (\$280.00) and then any remaining dollars will be refunded to DISTRICT.

A purchase order, check or warrant for this amount is enclosed or will be delivered to SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA within 30 days of the date this agreement is signed by the District representative.

By: _____
Dave Rose, Superintendent

Date: _____

**MEMORANDUM OF UNDERSTANDING
BETWEEN
GRAVENSTEIN UNION SCHOOL DISTRICT
AND
GRAVENSTEIN UNION TEACHERS' ASSOCIATION (GUTA)
REGARDING THE COVID-19 PANDEMIC AND RETURN TO IN-PERSON INSTRUCTION
DURING THE 2020-2021 SCHOOL YEAR.**

March 29 , 2021

Gravenstein Union School District (“District”) and Gravenstein Union Teachers’ Association (“GUTA”), jointly known as the Parties (Parties”) enter into this Memorandum of Understanding (“MOU”) regarding the issues related to the Coronavirus (COVID-19) and the safe return to in-person instruction during the 2020-2021 school year.

The District and GUTA recognize the importance of maintaining a safe learning environment and opportunities and services for the benefit of the students and communities served by the District and staff.

As of the date of this MOU, the Parties recognize that the COVID-19 pandemic necessitates significant modifications to the operation of schools to minimize the health risks associated with COVID-19 infection for all students, staff, and their families while also providing equitable access to education for students.

Unless otherwise noted below, the provisions of this MOU shall supersede any provisions of the Collective Bargaining Agreement between the Parties that are in conflict for the duration of this MOU, or until modified by mutual agreement of the District and the GUTA. The Parties affirm the obligation to comply with all provisions of the Collective Bargaining Agreement (“CBA”) not in conflict with this MOU. Further, the Parties affirm that all provisions of the Educational Employment Relations Act (“EERA”) California Government Codes 3540 et seq. apply and remain in effect.

The parties agree that the COVID-19 pandemic has severely impacted student access to on-campus instruction. Also, students have been severely impacted in social and emotional development by limiting social interaction between peers and teachers. The in-person interaction between students and staff is valued and necessary.

1. Health and Safety

- a. The parties agree that for a safe return to school for in-person instruction, compliance with state and county guidelines will be followed as specified in the Gravenstein Union School District COVID-19 Safety Plan. The COVID-19 Safety Plan consists of the following parts:
 - i. The COVID-19 Safety Plan (CSP), pursuant to California Department of Public Health (CDPH) guidance
 - ii. The COVID-19 Prevention Program (CPP), pursuant to CAL/OSHA requirements
 - iii. CDPH COVID-19 Guidance Checklist which satisfies the requirements for the safe reopening of schools per the CDPH.

CDPH Guidance - California Reopening In-Person Instruction Framework

- b. If Sonoma County is in the “purple tier,” according to the *Blueprint For a Safer Economy*, the CSP requires county and state approval prior to a school reopening to ensure safety measures have been met and implemented. If Sonoma County is in the “red tier” or lower, the District is required to post the CSP on the district website.
- c. The District will utilize the *Blueprint For a Safer Economy* criteria to determine any future changes to operating procedures (distancing guidelines, testing requirements, masks, etc.). Any change in operating procedures not addressed in this MOU, the CSP, or the CBA will be considered by both parties and added as addenda to this document before implementation (except operating procedures mandated by the Sonoma County Department of Health Services or CDPH).
- d. Gravenstein Union School District employees shall have access and opportunity to receive an FDA approved COVID-19 vaccinations series, but it is not required for a safe return to in-person instruction.

2. In preparation for in-person instruction, teachers will conduct at least two (2) asynchronous days of instruction for students in order to prepare the classroom for social distancing guidelines.

3. In-Person/Substitute Need

- a. In the event a stable group or virtual class is without a teacher or a substitute teacher, the school site administrator will arrange coverage with teachers not currently dedicated to a stable student group from the bargaining unit not primarily assigned to teach a stable student group to provide any necessary instructional minutes to students, to provide daily live interaction, or to assist students as needed.
- b. If no certificated bargaining unit member is available to provide substitute teaching coverage, the group may be instructed by an administrator until such time as a bargaining unit member or certificated substitute teacher becomes available.

4. In-person Instruction

- a. Students will be formed into stable groups for in-person instruction pursuant to the grade level schedule included in the GUSD Return to In-Person Instruction Parent Guide.
- b. According to Education Code 43501 as amended by SB98 the minimum daily instructional minutes for grades TK-K (180 daily minutes), 1-3 (230 daily minutes), 4-8 (240 daily minutes) are in effect for the 2020-2021 school year.
- c. Teachers will have a 15-minute duty free break during the course of in-person instruction.
- d. In-person class sizes will be maintained at current levels to the greatest extent possible based on residency and class size past practice as well as classroom capacity.

5. Evaluation

- a. The evaluation process for the 2020-2021 school year shall be noted that the observations were completed over Zoom. These circumstances shall be considered and documented in the final evaluation

document. Regular evaluations as described in the CBA will occur for all staff scheduled to be evaluated for the 2020-2021 school year.

6. Grievance and Arbitration

- a. All provisions of this MOU are subject to the negotiated grievance procedure in the CBA.

7. Consultation Rights and Reserve Right to Further Negotiate

- a. The District and Association agree to meet as needed during the pandemic to discuss concerns and issues.
- b. Due to the evolving nature of the pandemic, GUTA and the District reserve the right to negotiate safety and/or any impacts and effects related to the COVID-19 pandemic as needed.

8. Duration

- a. The Parties share joint interests in keeping communications open and working collaboratively for the benefit of students, staff, parents, and the community. Communication will remain frequent as events continue to unfold during the pandemic.
- b. All components of the current Collective Bargaining Agreement between GUTA and District not addressed by the terms of this agreement shall remain in full effect. This MOU is non-precedent setting. This MOU resolves the negotiable effects of distance learning due to COVID-19. The District and/or GUTA reserve the right to negotiate any additional impacts related to COVID-19 and/or additional school closures in the 2020-2021 school year not addressed in this MOU.
- c. This Distance Learning MOU shall expire in full without precedent on June 30, 2021 unless extended by mutual written agreement of the Parties.

FOR THE ASSOCIATION:

FOR THE DISTRICT:

Beth Turunovic

Date 3-30-21

Date _____

**MEMORANDUM OF UNDERSTANDING
BETWEEN
GRAVENSTEIN UNION SCHOOL DISTRICT
AND
GRAVENSTEIN UNION CLASSIFIED ASSOCIATION (GUCE)
REGARDING THE COVID-19 PANDEMIC AND RETURN TO IN-PERSON INSTRUCTION
DURING THE 2020-2021 SCHOOL YEAR.**

March 18, 2021

Gravenstein Union School District (“District”) and Gravenstein Union Classified Association (“GUCE”), jointly known as the Parties (Parties”) enter into this Memorandum of Understanding (“MOU”) regarding the issues related to the coronavirus (COVID-19) and the safe return to in-person instruction during the 2020-2021 school year.

The District and GUCE recognize the importance of maintaining a safe learning environment and opportunities and services for the benefit of the students and communities served by the District and staff.

As of the date of this MOU, the Parties recognize that the COVID-19 pandemic necessitates significant modifications to the operation of schools to minimize the health risks associated with COVID-19 infection for all students, staff, and their families while also providing equitable access to education for students.

Unless otherwise noted below, the provisions of this MOU shall supersede any provisions of the Collective Bargaining Agreement between the Parties that are in conflict for the duration of this MOU, or until modified by mutual agreement of the District and the GUCE. The Parties affirm the obligation to comply with all provisions of the Collective Bargaining Agreement (“CBA”) not in conflict with this MOU. Further, the Parties affirm that all provisions of the Educational Employment Relations Act (“EERA”) California Government Codes 3540 et seq. apply and remain in effect.

The parties agree that the COVID-19 pandemic has severely impacted student access to on-campus instruction. Also, students have been severely impacted in social and emotional development by limiting social interaction between peers and teachers. The in-person interaction between students and staff is valued and necessary.

1. Health and Safety

- a. The parties agree that for a safe return to school for in-person instruction, compliance with state and county guidelines will be followed as specified in the Gravenstein Union School District COVID-19 Safety Plan. The COVID-19 Safety Plan consists of the following parts:
 - i. The COVID-19 Safety Plan (CSP), pursuant to California Department of Public Health (CDPH) guidance
 - ii. The COVID-19 Prevention Program (CPP), pursuant to CAL/OSHA requirements
 - iii. CDPH COVID-19 Guidance Checklist which satisfies the requirements for the safe reopening of schools per the CDPH.

CDPH Guidance - California Reopening In-Person Instruction Framework

- b. If Sonoma County is in the “purple tier,” according to the *Blueprint For a Safer Economy*, the CSP requires county and state approval prior to a school reopening to ensure safety measures have been met and implemented. If Sonoma County is in the “red tier” or lower, the District is required to post the CSP on the district website.
- c. The District will utilize the *Blueprint For a Safer Economy* criteria to determine any future changes to operating procedures (distancing guidelines, testing requirements, masks, etc.). Any change in operating procedures not addressed in this MOU, the CSP, or the CBA will be considered by both parties and added as addenda to this document before implementation (except operating procedures mandated by the Sonoma County Department of Health Services or CDPH).
- d. Gravenstein Union School District employees shall have access and opportunity to receive an FDA approved COVID-19 vaccinations series, but it is not required for a safe return to in-person instruction.

2. In-Person/Substitute Need

- a. In the event a stable group or virtual class is without a teacher or a substitute teacher, the school site administrator will seek volunteers from the bargaining unit not primarily assigned to teach a stable student group to provide any necessary instructional minutes to students, to provide daily live interaction, or to assist students as needed.
- b. If no certificated bargaining unit member is available to provide substitute teaching coverage, the group may be instructed by an administrator until such time as a bargaining unit member or certificated substitute teacher becomes available.

4. In-person Instruction

- a. Students will be formed into stable groups for in-person instruction pursuant to the grade level schedule included in the [GUSD Return to In-Person Instruction Parent Guide](#).

5. Grievance and Arbitration

- a. All provisions of this MOU are subject to the negotiated grievance procedure in Board Policy.

6. Consultation Rights and Reserve Right to Further Negotiate

- a. The District and Association agree to meet as needed during the pandemic to discuss concerns and issues.
- b. Due to the evolving nature of the pandemic, GUCE and the District reserve the right to negotiate safety and/or any impacts and effects related to the COVID-19 pandemic as needed.

7. Duration

- a. The Parties share joint interests in keeping communications open and working collaboratively for the benefit of students, staff, parents, and the community. Communication will remain frequent as events continue to unfold during the pandemic.
- b. All components of the current Collective Bargaining Agreement between GUCE and District not addressed by the terms of this agreement shall remain in full effect. This MOU is non-precedent setting. This MOU resolves the negotiable effects of distance learning due to COVID-19. The District and/or

GUCE reserve the right to negotiate any additional impacts related to COVID-19 and/or additional school closures in the 2020-2021 school year not addressed in this MOU.

- c. This Distance Learning MOU shall expire in full without precedent on June 30, 2021 unless extended by mutual written agreement of the Parties.

FOR THE ASSOCIATION:

Meghan Young

Date 3/30/2021

FOR THE DISTRICT:

Date _____

GRAVENSTEIN UNION SCHOOL DISTRICT

Board Policy

Complaints Concerning District Employees

DRAFT

BP 1312.1

Community Relations

~~***Note: The following Board policy may be subject to collective bargaining and should be revised to reflect district practice. See the accompanying administrative regulation for a sample complaint procedure.***~~

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

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

~~***Note: In *Baca v. Moreno Valley Unified School District*, a federal district court found that a district policy barring criticism of employees at public board meetings violated the plaintiff's First Amendment rights by restricting the content of speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. Thus, although the Governing Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit public criticism of district employees. See BB-9323 Meeting Conduct.***~~

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

(cf. 9323 - Meeting Conduct)

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful

discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3555 - Nutrition Program Compliance)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4144/4244/4344 - Complaints)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

~~***Note: The following paragraph may be revised to reflect district practice. It is recommended that districts investigate all complaints, including those submitted anonymously, since failure to do so may subject the district to liability depending on the nature of the allegation. For example, the district can be held liable for civil damages for the sexual harassment of a student by an employee if the district is found to have been "deliberately indifferent" in its response to a complaint; see BP 5145.7 - Sexual Harassment.***~~

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

Appeals

~~***Note: The following optional section is for use by districts that allow appeals to the Board and may be revised to reflect district practice.***~~

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without

hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

(cf. 9130 - Board Committees)

~~***Note:—Government Code 54957 authorizes the use of closed session for hearing specific complaints or charges against employees, unless the employee requests an open session. For detailed procedures and notice requirements, see BB 9321—Closed Session Purposes and Agendas.***~~

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

The Board's decision shall be final.

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

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

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719

(6/93 6/94) 5/19

GRAVENSTEIN UNION SCHOOL DISTRICT

Administrative Regulation

Complaints Concerning District Employees

DRAFT

AR 1312.1

Community Relations

~~***Note: The following optional administrative regulation outlines a process for handling complaints concerning district personnel and may be subject to collective bargaining (Article XIX). This process should not be used for complaints concerning a Governing Board member; such complaints should be filed in writing directly with the Board.***~~

~~***Note: The following regulation should be modified to reflect district practice.***~~

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days ~~or~~ in accordance with the collective bargaining agreement.
2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.
3. Both the complainant and employee shall be notified in writing of the final decision

regarding the resolution of the complaint.

4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.

5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:

a. The full name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved

(6/94 3/01) 5/19

GRAVENSTEIN UNION SCHOOL DISTRICT

Board Policy

Nondiscrimination In Employment

DRAFT

BP 4030

Personnel

~~***Note:—The following Board policy and accompanying administrative regulation are mandated pursuant to Government Code 11138 and 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, physical or mental disability, medical condition, genetic information, military and veteran 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.***~~

~~***Note:—The same or similar protections are available to employees and job applicants 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), 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).***~~

~~***Note:—For policy addressing sexual harassment of and by employees, see BP/AR-4119.11/4219.11/4319.11—Sexual Harassment.***~~

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

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

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

~~***Note:—2 CCR 11027.1, as added by Register 2018, No. 20, provides a definition of "national origin" for the purpose of implementing state nondiscrimination laws.***~~

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

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

~~***Note: 2 CCR 11028, as amended by Register 2018, No. 20, 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 it is required to do so in order to comply with federal immigration law. Districts should consult 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 it is necessary to comply with federal immigration law. (2 CCR 11028)

~~***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.***~~

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

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

(cf. 4151/4251/4351 - Employee Compensation)
(cf. 4154/4254/4354 - Health and Welfare Benefits)

2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment

~~***Note: Item #4 below addresses the specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. For example, because "sex" as defined in Government Code 12926 includes pregnancy, childbirth, breastfeeding, or related medical conditions, any of these conditions may be the basis for an employee's sex-discrimination claim. As the specific prohibitions are too numerous to list in policy, it is~~

~~recommended that district legal counsel be consulted 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

(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

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

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

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

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

(cf. 4032 - Reasonable Accommodation)

~~***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, 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)

~~***Note: Pursuant to Government Code 12964.5, as added by SB 1300 (Ch. 955, Statutes of 2018), 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.***~~

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

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

~~***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, as amended by SB 1300, provides that a district may be responsible for harassment of employees by nonemployees where 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. Also see BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment.***~~

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

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

~~***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. In addition, Government Code 12950 requires districts to post, in prominent and accessible locations on district premises, posters developed by the California Department of Fair Employment and Housing (DFEH), which are available on DFEH's web site. For further~~

~~information on prevention strategies, 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 related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act, especially:

12940-12952 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment, especially:

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

Transgender Rights in the Workplace

Workplace Harassment Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

EEOC Compliance Manual

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

(5/16 12/16) 3/19

GRAVENSTEIN UNION SCHOOL DISTRICT

Administrative Regulation

Nondiscrimination In Employment

DRAFT

AR 4030

Personnel

~~***Note: Pursuant to Government Code 11138 and 2 CCR 11023, districts are mandated to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in unpaid internship or other limited duration programs to gain unpaid work experience, volunteers, and independent contractors.***~~

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

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 1240 - Volunteer Assistance)
- (cf. 3312 - Contracts)
- (cf. 3600 - Consultants)
- (cf. 4032 - Reasonable Accommodation)

~~***Note: Many nondiscrimination laws and regulations require identification of an employee who is responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.***~~

~~***Note: 34 CFR 106.8, as amended by 85 Fed. Reg. 30026, 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. The Title IX Coordinator may be the same person designated below, or the district may designate separate employees to serve these functions. See AR-4119.11/4219.11/4319.11 Sexual Harassment. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the procedures specified in this administrative regulation or in accordance with AR 4119.12/4219.12/4319.12 Title IX Sexual Harassment Complaint Procedures; see section on "Complaint Procedure" below.***~~

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Superintendent

(position title)

3840 Twig Avenue, Sebastopol, CA 95472

(address)

707-823-7008

(telephone number)

(first initial last name)@grav.k12.ca.us

(email)

Measures to Prevent Discrimination

~~***Note: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.***~~

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

~~***Note: Pursuant to Government Code 12950, districts are required to post the California Department of Fair Employment and Housing's (DFEH) posters entitled California Law Prohibits Workplace Discrimination and Harassment and Transgender Rights in the Workplace, as provided in item #1. DFEH rules require that these materials be posted electronically and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on the DFEH web site.***~~

~~***Note: In addition, 2 CCR 11049 requires posting a notice of the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. Also see AR 4161.8/4261.8/4361.8 Family Care and Medical Leave.***~~

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

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

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

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

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

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

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

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

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

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

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

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

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

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

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

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

~~***Note: Optional item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.11 - Sexual Harassment.***~~

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

65. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

76. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

~~***Note: 2 CCR 11023 mandates that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.***~~

~~***Note: Courts have held that liability may be mitigated for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, the Equal Employment Opportunity Commission (EEOC) outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with EEOC or DFEH.***~~

~~***Note: While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation. The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.***~~

~~***Note: In lieu of using the procedures described below, complaints of sexual harassment~~

~~must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, Title IX sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. See BP/AR 4119.11/4219.11/4319.11 Sexual Harassment and AR 4119.12/4219.12/4319.12 Title IX Sexual Harassment Complaint Procedures.***~~

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

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

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

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

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

also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

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

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

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

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

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

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session)

Other Remedies

~~***Note: Items #1-3 below state the time limits within which complaints must be filed.***~~

~~***Note: EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about timeframes for filing charges of unlawful discrimination or harassment with EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to EEOC when the matter falls within EEOC's jurisdiction.***~~

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

~~***Note: As amended by AB 9 (Ch. 709, Statutes of 2019), Government Code 12960 extends the period of time in which a complaint alleging employment discrimination pursuant to Government Code 12940-12952 may be filed with DFEH, from one year to three years following the alleged discriminatory act(s). That period may be extended under certain circumstances. Districts should consult legal counsel if any questions arise.***~~

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

~~***Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.***~~

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

(3/19 12/19) 7/20

GRAVENSTEIN UNION SCHOOL DISTRICT

Board Policy

Child Abuse Prevention And Reporting

DRAFT

BP 5141.4

Students

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

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

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

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

~~***Note: Education Code 51220.5 specifies that the district's course of study for grades 7 and/or 8 may include parenting skills education, including instruction on child abuse and neglect; see AR 6143 - Courses of Study.***~~

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

~~***Note: The following paragraph is optional. Education Code 51900.6, as added by AB 2016 (Ch. 809, Statutes of 2014), authorizes districts to provide age-appropriate instruction in sexual abuse and sexual assault awareness and prevention in grades K-12, provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. It also requires the State Board of Education and Superintendent of Public Instruction to consider addressing these issues in the next revision of the state health education content standards and~~

~~curriculum framework. ***~~

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

~~***Note: The Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3) identifies persons who are mandated to report known or suspected child abuse or neglect and establishes procedures for filing a report; see the accompanying administrative regulation. ***~~

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

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

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

~~***Note: Education Code 44252, as amended by AB 2560 (Ch. 110, Statutes of 2014), requires that teachers applying to the Commission on Teacher Credential for a new credential or a renewal of their credential read and sign a statement that they understand the duties imposed on them as mandated reporters pursuant to Penal Code 11164-11174.3. ***~~

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

~~***Note: As amended by AB 1432 (Ch. 797, Statutes of 2014), Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees regarding the duties of mandated reporters; see the accompanying administrative regulation. However, pursuant to Penal Code 11165.7, a lack of training does not excuse any mandated reporter from the duty to report suspected child abuse and neglect. ***~~

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:
EDUCATION CODE

32280-32288 Comprehensive school safety plans
33195 Heritage schools, mandated reporters
33308.1 Guidelines on procedure for filing child abuse complaints
44252 Teacher credentialing
44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

(7/02 11/04) 12/14

GRAVENSTEIN UNION SCHOOL DISTRICT

Administrative Regulation

Child Abuse Prevention And Reporting

DRAFT

AR 5141.4

Students

~~***Note: Pursuant to Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), the California Department of Education (CDE) is required to disseminate information to all school districts regarding the detection and reporting of child abuse and to provide guidance on the responsibilities of mandated reporters. See the CDE web site for information and resources.***~~

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person

~~***Note: AB 1775 (Ch. 264, Statutes of 2014) amended Penal Code 11165.1 to revise the definition of sexual exploitation to also include knowingly downloading, streaming, or accessing through any electronic or digital media a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct.***~~

2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

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

(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within

the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

~~***Note: Education Code 44807 provides that physical control of a student under the conditions specified in item #3 below is not subject to criminal prosecution or penalties.***~~

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

~~***Note: Pursuant to Penal Code 11165.15, as added by AB 652 (Ch. 486, Statutes of 2013), the fact that a child is homeless or is classified as an unaccompanied minor, as defined in the federal McKinney-Vento Homeless Assistance Act (42 USC 11434a), is not, in and of itself, a sufficient basis for reporting child abuse or neglect.***~~

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

~~***Note: The following definition of "mandated reporters" does not list non-school persons (e.g., physicians, clergy members) who are also mandated to report suspected child abuse or neglect and may be revised to reflect additional positions applicable to the district as specified in Penal Code 11165.7.***~~

~~***Note: Penal Code 11165.7 clarifies that volunteers whose duties require direct contact with and supervision of children are not mandated reporters. However, the law encourages volunteers to obtain training in the identification and reporting of child abuse and neglect and to report known or suspected incidents of child abuse or neglect.***~~

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or

assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

~~***Note: Penal Code 11166 specifies that a mandated reporter has a duty to report when acting in his/her professional capacity or within the scope of employment. When a mandated reporter is acting in a private capacity, like other private citizens, he/she has the discretion whether or not to make a report.***~~

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

~~***Note: Pursuant to Penal Code 152.3, it may be a misdemeanor, with specified exceptions, for a witness to not report a murder, rape, or lewd or lascivious act as defined in Penal Code 288 where the victim is under age 14. Persons who fail to report such offenses may be subject to a fine and/or imprisonment.***~~

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance

of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

~~***Note: Penal Code 11166.01 provides that it may be a crime, punishable by a fine and/or imprisonment, for a supervisor or administrator to knowingly inhibit or impede a mandated reporter from making a report.***~~

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

~~***Note: Penal Code 11165.9 specifies the agencies that are authorized to receive reports of suspected child abuse and neglect, as detailed in the following paragraph. The agency must accept a report even if it lacks subject matter or geographical jurisdiction to investigate the case; the agency is then responsible for referring the case to an agency with proper jurisdiction.***~~

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

~~***Note: It is recommended that the district's administrative regulation include the name, address, and phone number of the appropriate agencies in its area.***~~

**Name of appropriate agency: Sonoma County Family, Youth and Children's Services,
Human Services Department**

Address: 1202 Apollo Way, Santa Rosa, CA 95407

Phone number: Child Protection Hotline 24/7 - (707) 565-4304 or (800) 870-7064

Law Enforcement: Sonoma County Sheriff's Department

Phone number: To report suspicious activity, call 707-565-2121. To report a crime happening now or an emergency, call 911.

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

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice Form SS 8572. (Penal Code 11166, 11168)

~~***Note: Pursuant to Penal Code 11168, the Department of Justice form shall be distributed by the police department, sheriff's department, county probation department, or county welfare department as appropriate and is available on the Department of Justice's web site. It may also be made available at the district office or school site. The following optional paragraph should be revised to reflect district practice.***~~

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

~~***Note: Penal Code 11167 requires the mandated reporter to give his/her name when reporting known or suspected child abuse. However, the reporter's name and the report are confidential and are only disclosed in limited circumstances provided by law.***~~

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known

or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

~~***Note: Item #3 below is optional and may be revised to reflect district practice. Pursuant to Penal Code 11166, school districts may establish internal reporting procedures encouraging employees to notify supervisors and administrators of reports that are made. These internal procedures must not inhibit or impede immediate and direct reporting by employees to appropriate agencies. Penal Code 11166 prohibits internal procedures from requiring the employee to make a report to the district or requiring that the identity of the mandated reporter be disclosed to the district.***~~

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

~~***Note: As amended by AB 1432 (Ch. 797, Statutes of 2014), Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees and any other mandated reporters working on their behalf regarding the duties of mandated reporters. Education Code 44691, as amended, also requires the CDE to develop an online training module to be provided to the California Department of Social Services for use by districts.***~~

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal

Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~***Note: Education Code 44691 requires school districts to use the online training module provided by the California Department of Social Services. However, if the online training module is not used, the Superintendent or designee is required to report to the CDE regarding the training being used in its place.***~~

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

~~***Note: Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), requires districts to develop a process by which all persons required to receive training must provide proof of receiving the training (e.g., the use of a sign-in sheet, submission of a certificate of completion). The following paragraph may be revised to reflect district practice.***~~

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

~~***Note: The following optional paragraph may be revised to reflect district practice. Education Code 44691, as amended by AB 1058 (Ch. 748, Statutes of 2015), encourages districts to provide training to all school employees, at least once every three years, on the prevention of child abuse on school grounds, by school personnel, or in school-sponsored programs. As amended, Education Code 44691 also requires the CDE to establish best practices for prevention of abuse and to provide links on its web site to training resources.***~~

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

~~***Note: Penal Code 11174.3 authorizes a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect to interview a student during school hours, on school grounds, concerning a report of child abuse or neglect that occurred at home or in an out-of-home care facility. However, there is no clear guidance regarding the procedures to be followed if a social worker is accompanied by law~~

~~enforcement. In Greene v. Camreta, the 9th Circuit Court of Appeals had ruled that, absent exigent circumstances, a social worker and sheriff could not question a student in school without obtaining a warrant, court order, or parent/guardian consent. Subsequently, that ruling was vacated by the U.S. Supreme Court on appeal (Camreta v. Greene) since the case was then moot. Districts should proceed with caution and consult with legal counsel as necessary.***~~

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

~~***Note: Education Code 48987 requires the district to disseminate guidelines, upon request, advising parents/guardians of procedures for filing child abuse complaints. As required by Education Code 33308.1, the CDE has prepared sample guidelines for this purpose, which were updated in March 2014 and are available on the CDE's web site.***~~

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

~~***Note: Parents/guardians of special education students also may file a complaint with the CDE as provided in the following paragraph. The CDE does not investigate allegations of child abuse or neglect, but may investigate conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child and which may result in denial of a free appropriate public education.***~~

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

~~Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.~~

~~***Note: The remainder of this section is optional and should be deleted by districts that do not provide these additional notifications.***~~

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

(11/10 12/14) 5/16

Board Policy

Volunteer Assistance

BP 1240

Community Relations

DRAFT

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

- (cf. 1000 - Concepts and Roles)
- (cf. 1700 - Relations Between Private Industry and the Schools)
- (cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
- (cf. 4222 - Teacher Aides/Paraprofessionals)
- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5148 - Child Care and Development)
- (cf. 5148.2 - Before/After School Programs)
- (cf. 6020 - Parent Involvement)
- (cf. 6171 - Title I Programs)

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

- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

~~***Note: Education Code 45347 and 45349 require certain volunteers, depending on the types of duties they will be performing, to meet qualifications pertaining to basic skills proficiency, tuberculosis testing, and/or criminal background checks; see the accompanying administrative regulation. In addition, beginning July 1, 2010, Education Code 49024, added by AB 1025 (Ch. 379, Statutes of 2009), requires any volunteer who supervises, directs, or coaches a student activity program sponsored by or affiliated with the district to submit to a criminal background check in order to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing.***~~

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

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

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

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021)

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)

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

(cf. 1150 - Commendations and Awards)

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

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety program

8484.7-8484.9 21st Century Community Learning Center program

35021 Volunteer aides

35021.1 Automated records check

35021.3 Registry of volunteers for before/after school programs

44010 Sex offense; definition
44227.5 Classroom participation by college methodology faculty
44814-44815 Supervision of students during lunch and other nutrition periods
45125 Fingerprinting requirements
45340-45349 Instructional aides
45360-45367 Teacher aides
49024 Activity Supervisor Clearance Certificate
49406 Examination for tuberculosis
GOVERNMENT CODE
3543.5 Prohibited interference with employees' rights
HEALTH AND SAFETY CODE
1596.871 Fingerprints of individuals in contact with child day care facility clients
LABOR CODE
1720.4 Public works; exclusion of volunteers from prevailing wage law
3364.5 Persons performing voluntary services for school districts
PENAL CODE
290 Registration of sex offenders
290.4 Information re: sex offenders
290.95 Disclosure by person required to register as sex offender
CODE OF REGULATIONS, TITLE 22
101170 Criminal record clearance
101216 Health screening, volunteers in child care centers
UNITED STATES CODE, TITLE 20
6319 Qualifications and duties of paraprofessionals, Title I programs
ATTORNEY GENERAL OPINIONS
62 Ops. Cal. Atty. Gen. 325 (1979)
COURT DECISIONS
Whisman Elementary School District, (1991) PERB Decision No. 868

Management Resources:

WEB SITES

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

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

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

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

National Coalition for Parent Involvement in Education: <http://www.ncpie.org> National
Parent Teacher Association: <http://www.pta.org>

(10/96 7/02) 3/10

Adopted: February 4, 2008
May 12, 2010

Gravenstein Union School District
Sebastopol, California

Administrative Regulation

Volunteer Assistance

AR 1240

Community Relations

DRAFT

Duties of Volunteers

~~***Note: Education Code 45349 authorizes the use of volunteers in the supervision and instruction of students, subject to Education Code 35021 and 45340-45349.***~~

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

Volunteers may supervise students during lunch, breakfast, or other nutritional periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may work on short-term facilities projects pursuant to Board policy and the section below entitled "Volunteer Facilities Projects."

Qualifications of Volunteers

Volunteers providing supervision or instruction of students pursuant to Education Code 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

(cf. 4212 - Appointment and Conditions of Employment)

~~***Note: Beginning July 1, 2010, Education Code 49024, added by AB 1025 (Ch. 379, Statutes of 2009), requires any volunteer who supervises, directs, or coaches a student activity program to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing (CTC). The certificate, valid for five years, requires a character and fitness review by the CTC and submission of fingerprints, which will be used for both state and federal criminal record checks.***~~

Beginning July 1, 2010, any volunteer who supervises, directs, or coaches a student activity program shall be required to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021. (Education Code 49024)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

~~***Note: Pursuant to Education Code 35021 and 45349, a district is prohibited from assigning a registered sex offender as a volunteer who assists certificated personnel in the performance of their duties; supervises students during lunch, breakfast, or other nutritional period; or serves as a nonteaching aide to perform noninstructional tasks. In addition, Penal Code 290.95 requires any person registered as a sex offender to disclose his/her status as a registrant when he/she applies for or accepts a position as a volunteer where the work would require him/her to work directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis, to have supervision or disciplinary power over minor children, or to touch minor children on more than an incidental basis. AB 307 (Ch. 430, Statutes of 2009) amended Penal Code 290.95 to also require disclosure when the person would be working directly and in an unaccompanied setting providing goods or services to minors. See BP/AR 3515.5 - Sex Offender Notification.***~~

The Superintendent or designee shall not assign any person required to register as a sex offender pursuant to Penal Code 290 as a volunteer who assists certificated personnel in the performance of their duties; supervises students during lunch, breakfast, or other nutritional period; or serves as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

~~***Note: Districts may verify whether a person is a registered sex offender by checking the Department of Justice's Megan's Law web site, asking law enforcement to conduct a check pursuant to Education Code 35021.1, and/or requiring volunteers to certify as to their status. The following paragraph should be modified to reflect district practice.***~~

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

~~***Note: Education Code 45347 and 45349 require that volunteers providing supervision or instruction meet the obligations required of classified staff. Pursuant to Education~~

~~Code 49406, tuberculosis testing is one of these obligations; see AR 4112.4/4212.4/4312.4 – Health Examinations. In areas where there is a high incidence of tuberculosis, the district may revise the following paragraph to require more frequent tests or to require that all volunteers be tested.***~~

No volunteer shall be assigned to supervise or instruct students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

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

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

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

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

Volunteer Facilities Projects

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

~~***Note: Pursuant to Labor Code 1720.4, volunteers are exempt from laws requiring workers employed in public works projects (e.g., construction and repair work) to be paid not less than the general prevailing rate of per diem wages.***~~

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance.

Projects approved by the principal shall also be approved in advance by the Superintendent or designee if they involve the following types of work:

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

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise appropriate to the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary. Projects shall be inspected upon completion to ensure that the work was done satisfactorily.

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7140 - Architectural and Engineering Services)

(10/97 7/02) 3/10

**Adopted: February 4, 2008
May 12, 2010**

**Gravenstein Union School District
Sebastopol, California**

Administrative Regulation

Business and Noninstructional Operations

AR 3541.1

Transportation for School-Related Trips

DRAFT

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

*****Note: Education Code 35330 authorizes the district to provide transportation to and from places in the state, any other state, the District of Columbia, or a foreign country; however, districts will not receive state transportation allowances for field trips or excursions that have an out-of-state destination. Requirements for trip approval and/or any Board limitations on travel destinations are addressed at BP/AR 6153 - School-Sponsored Trips. *****

The district may provide transportation for students, employees, and other individuals for field trips and excursions approved according to Board policy and administrative regulations.

(cf. 3541 - Transportation Routes and Services)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

(cf. 3312.2 - Educational Travel Program Contracts)

(cf. 3540 - Transportation)

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parent/guardian.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Governing Board.

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall ensure that the district has sufficient liability insurance when field trips or excursions involve either transportation by district vehicles or travel to and from a foreign country. When a trip to a foreign country is authorized, liability insurance shall be secured from a carrier licensed to transact insurance business in that country. (Education Code 35330)

(cf. 3530 - Risk Management/Insurance)

Transportation by Private Vehicle

*****Note: Options 1 and 2 below relate to the use of private vehicles for field trip transportation. Districts are advised to consult legal counsel regarding potential liability when private vehicles are used.*****

OPTION 1:

~~Private vehicles shall not be used to provide transportation for school-related trips.~~

OPTION 2:

~~***Note: The following section may be revised to reflect district practice, including changing the age requirement for drivers, allowing only school employees and parents/guardians to serve as drivers, increasing the amount of liability insurance required beyond the legal minimum, and/or adding other qualifications for drivers. According to the California Department of Motor Vehicles, nonresidents on active military duty in California must have either a California driver's license or a valid driver's license from their state of residence. Districts may contact the DMV to determine if a driver has a record of reckless driving. Sample driver registration and instruction forms are provided in the accompanying exhibits.***~~

~~***Note: The remainder of this section is for use by districts that select Option 2.***~~

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or a valid license from his/her state of residence if he/she is a nonresident on active military duty in California. To be approved, a driver shall have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation in a private vehicle shall register with the district for such purposes.

(cf. 1240 - Volunteer Assistance)

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

All student passengers shall submit permission slips signed by their parent/guardian. Teachers shall ensure that each driver has a copy of the permission slip for each student riding in his/her vehicle.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Motor trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall also ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

Passenger Restraint Systems

~~***Note: The following section is for use only by districts that selected Option 2 above. AB 2139 (Ch. 420, Statutes of 2004) amended Vehicle Code 27360 to require that children under age 6 or under 60 pounds be secured in a rear seat.***~~

All drivers shall wear safety belts in accordance with law. In addition, drivers shall ensure that: (Vehicle Code 27315, 27360, 27360.5, 27363)

1. A child who is under age 6 or under 60 pounds, unless exempted in accordance with Vehicle Code 27360 or 27363, is properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards
2. All other children are properly secured in either a child passenger restraint system or safety belt
3. All other passengers wear seat belts

Legal Reference:

EDUCATION CODE

35330 Excursions and field trips

35332 Transportation by air

39830 School bus

39830.1 School pupil activity bus

39860 Transportation to special activities by district

44808 Liability when students not on school property

VEHICLE CODE

27315 Mandatory use of seat belts in private passenger vehicles

27360-27360.5 Child passenger restraint systems

27363 Child passenger restraint systems, exemptions

Management Resources:

WEB SITES

California Department of Motor Vehicles: <http://www.dmv.ca.gov>

California Highway Patrol: <http://www.chp.ca.gov>

California Office of Traffic Safety: <http://www.ots.ca.gov>

National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>

National Transportation Safety Board: <http://www.ntsb.gov>

(3/02 7/03) 11/04

Adopted: 10-13-04

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California**

Gravenstein Union School District

Board Policy

Employee Use Of Technology

BP 4040

Personnel

DRAFT

The Governing Board recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students, and the community, supporting district and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

- (cf. 0440 - District Technology Plan)
- (cf. 1113 - District and School Web Sites)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 6163.4 - Student Use of Technology)

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources primarily for purposes related to their employment.

- (cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

- (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)

Online/Internet Services

~~***Note: 20 USC 6777 mandates that districts adopt an Internet safety policy as a condition of receiving technology funds under Title II, Part D of the No Child Left Behind Act (20 USC 6751-6777) for the purpose of purchasing computers with Internet access or paying for direct costs associated with accessing the Internet. 47 USC 254 mandates that districts adopt an Internet safety policy in order to qualify for federal universal service discounts for Internet access (E-rate discounts). Although these requirements focus on measures designed to protect students using district technology (see BP/AR 6163.4—Student Use of Technology), they also require policy that affects adult use of any district computers with Internet access. Districts applying for any of these funds must certify that district policy requires the operation and enforcement of a "technology protection measure" that blocks or filters Internet access to visual depictions that are obscene or child pornography. ***~~

~~***Note: The following paragraph is for use by districts that desire to use E-rate or federal technology funding sources and may be adapted by other districts that choose to install technology protection measures.***~~

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

~~***Note: 20 USC 6777 and 47 USC 254 require districts receiving federal Title II technology funds or E-rate discounts to enforce the operation of technology protection measures. The legislation clarified that nothing in the Children's Internet Protection Act shall be construed to require the tracking of individual students' or adults' Internet use; thus, it appears to be left to the discretion of districts and schools as to whether they wish to track Internet use through personally identifiable web monitoring software or other means. The following optional paragraph may be revised to reflect district practice.***~~

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the district's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the district's Acceptable Use Agreement.

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

Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

~~***Note: Vehicle Code 23125 prohibits a school bus driver from using a cell phone while driving, except for work related or emergency purposes. In addition, Vehicle Code 23123 prohibits any person from using a cell phone while driving unless using the phone in hands free mode. As added by SB 28 (Ch. 270, Statutes of 2008), Vehicle Code 23123.5 prohibits a person from using a mobile communications device to write, send, or read text messages while driving.***~~

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

(cf. 3513.1 - Cellular Phone Reimbursement)

(cf. 3542 - School Bus Drivers)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Legal Reference:

EDUCATION CODE

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses UNITED STATES CODE, TITLE 20
6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially: 6777 Internet safety
UNITED STATES CODE, TITLE 47
254 Universal service discounts (E-rate)
CODE OF FEDERAL REGULATIONS, TITLE 47
54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

WEB SITES

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

American Library Association: <http://www.ala.org>

California Department of Education: <http://www.cde.ca.gov>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

(6/96 7/01) 7/07

Adopted: November 12, 2014

**Gravenstein Union School District
Sebastopol, California**

Gravenstein Union School District

Administrative Regulation

Employee Use Of Technology

AR 4040

Personnel

Online/Internet Services: User Obligations and Responsibilities

DRAFT

~~***Note: The following section should be modified to reflect district practice. User obligations and responsibilities below are similar to those in AR 6163.4 – Student Use of Technology. The provisions in this section may be incorporated into the district's Acceptable Use Agreement which employees are required to sign as a condition for using the district's technological resources; see the accompanying Board policy.***~~

Employees are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the district's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account number to which they have been assigned.
2. Employees shall use the system safely, responsibly, and primarily for work-related purposes.
3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.
6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

7. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email.
8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the district or using district equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the district is not responsible for the content of the messages. The district retains the right to delete material on any such online communications.

(cf. 1113 - District and School Web Sites)

9. Users shall report any security problem or misuse of the services to the Superintendent or designee.

(6/96 7/01) 7/07

Adopted: November 12, 2014

**Gravenstein Union School District
Sebastopol, California**

Gravenstein Union School District

Board Policy

Promotion/Acceleration/Retention

BP 5123

Students

DRAFT

~~***Note: Education Code 48070 and 48070.5 mandate that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions. ***~~

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

~~***Note: Education Code 48070.5 mandates that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly. ***~~

~~***Note: Education Code 48070.5 further mandates that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable. ***~~

Teachers shall identify students in grades 2 and higher who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

***Note: Education Code 48070.5 mandates that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation. ***

***Note: Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regards to special education students, the determination as to the appropriate standards for promotion or retention should be made as part of the IEP process; see BP/AR 6159—Individualized Education Program. ***

***Note: Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below. ***

OPTION 1: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

Students shall be identified on the basis of their grades in Language Arts and Math with a minimum 2.0 GPA for grades 4-8 and using State and/or local assessments.

(cf. 5121—Grades/Evaluation of Student Achievement)

(cf. 5149—At Risk Students)

***Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), beginning in the 2013-14 school year, the state assessment system will transition from the Standardized Testing and Reporting (STAR) program to the California Assessment of Student Performance and Progress; see BP/AR 6162.51—State Academic Achievement Tests. Thus, districts selecting Option 2 below should determine the availability and appropriateness of state assessments for the purpose of identifying students who should be retained and who are at risk of being retained. ***

***Note: The California Department of Education's FAQs Pupil Promotion and Retention states that STAR results may not be the exclusive criterion for promotion or retention since the test has not been certified for that purpose; thus, other indicators must also be used. These other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below. ***

~~***Note: The remainder of this policy is for use by all districts.***~~

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

~~***Note: Education Code 48070.5 mandates that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).***~~

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

At the middle school level, the student's team of teachers will decide based on Language Arts or Math scores.

~~***Note: Education Code 48070.5 mandates that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.***~~

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

~~***Note: Education Code 48070.5 requires that the Board adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language fulfilling this mandate. However, funding for supplemental instructional categorical programs for students in grades 2-9 who have been retained or recommended for retention (Education Code 37252.2) and for students in grades 2-6 who have been identified as being at risk of retention (Education Code 37252.8) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the district may design supplemental instructional programs for these purposes in a manner that meets district and student needs.***~~

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

37252-37254.1 Supplemental instruction
41505-41508 Pupil Retention Block Grant
46300 Method of computing average daily attendance
48010 Admittance to first grade
48011 Promotion/retention following one year of kindergarten
48070-48070.5 Promotion and retention
56345 Elements of individualized education plan
60640-60649 California Assessment of Student Performance and Progress
60850-60859 Exit examination
CODE OF REGULATIONS, TITLE 5
200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
FAQs Promotion, Retention, and Grading (students with disabilities)
FAQs Pupil Promotion and Retention
Kindergarten Continuance Form
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>

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Revised: 6/11/2014

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, Ca**

Gravenstein Union School District

Administrative Regulation

Promotion/Acceleration/Retention

AR 5123

Students

Acceleration from Kindergarten to First Grade

DRAFT

~~***Note: Pursuant to Education Code 48010, a student will be admitted to first grade if his/her sixth birthday is on or before October 1 of the 2013-14 school year or September 1 of the 2014-15 school year and each school year thereafter; see AR 5111 - Admission. ***~~

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

(cf. 5111 - Admission)

~~***Note: Pursuant to Education Code 48011, if a student does not meet the age eligibility requirement specified in Education Code 48010, he/she may be admitted to the first grade at the discretion of the administration of the district and with the consent of the student's parents/guardians. 5 CCR 200 mandates that the district adopt regulations setting forth procedures for early admission into first grade which ensure that students meet the minimum criteria outlined below. The district may specify additional criteria if desired. ***~~

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.

5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

Continuation in Kindergarten

~~***Note: Education Code 46300 specifies that when a student has completed one year of kindergarten, his/her further attendance in kindergarten may be included in the computation of average daily attendance only if the district has on file for the student a signed continuance form, available on the California Department of Education's (CDE) web site, stating that the student shall continue in kindergarten for not more than one additional school year. This agreement is required for any student who continues in kindergarten after one year, even if he/she was admitted early pursuant to Education Code 48000. ***~~

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

~~***Note: The following optional paragraph is consistent with a recommendation on the CDE's kindergarten continuance form that the approval for a student's continuance not be given until near the anniversary of the student's admittance to kindergarten because children at this age often do not develop at steady or predictable rates. Permission obtained unreasonably far in advance could be found invalid. ***~~

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

~~***Note: The following section applies to grades 1-12. For indicators established by the Governing Board for the identification of students for retention at their current grade level, see the accompanying Board policy. ***~~

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

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

~~The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.~~

Appeal Process

~~***Note: Education Code 48070.5 mandates that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; also see the accompanying Board policy. The following section provides a sample appeal process and may be revised to reflect district practice.***~~

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

~~***Note: The following paragraph is for use by districts that choose to allow the Superintendent or designee's decision to be appealed to the Board. Districts that authorize the Superintendent or designee to make the final determination should delete the following paragraph.***~~

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 5125 - Student Records)
(cf. 5125.3 - Challenging Student Records)

(3/00 11/00) 12/13

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GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, Ca