

ITEM#: 2  
DATE: October 13, 2020

## RESCUE UNION SCHOOL DISTRICT

**AGENDA ITEM:**        **Resolution #20-14**  
                                 **Week of the School Administrator**

### **BACKGROUND:**

In observance of the importance of educational leadership at the school, school district, and county levels, the State of California has declared the second full week in the month of October of each year shall be designated as “Week of the School Administrator”  
Education Code 44015.1

### **STATUS:**

Schools, school districts, and county superintendents of schools are encouraged to observe the week with public recognition of the contribution that school administrators make to successful pupil achievement. District administration has prepared and recommends approval of Resolution #20-14.

### **FISCAL IMPACT:**

None

### **BOARD GOAL:**

Board Focus Goal IV – STAFF NEEDS

Attract and retain diverse, knowledgeable, dedicated employees who are skilled and supported in their commitment to provide quality education for our students.

Board Focus Goal VI – CULTURE OF EXCELLENCE

Create and promote programs that support, reward and incentivize employees to perform at exceptional levels for the benefit of our students.

### **RECOMMENDATION:**

Approve Resolution #20-14 Week of the School Administrator.

RESOLUTION OF THE RESCUE UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES

**Resolution No. 20-14**  
***Week of the School Administrator***

**October 11-17, 2020**

**WHEREAS**, leadership matters for California’s public education system and the more than 6 million students it serves;

**WHEREAS**, school administrators are passionate, lifelong learners who believe in the value of quality public education, and

**WHEREAS**, the title “school administrator” is a broad term used to define many education leadership posts. Superintendents, assistant superintendents, principals, assistant principals, special education and adult education leaders, curriculum and assessment leaders, school business officials, classified educational leaders, and other school district employees are considered administrators; and

**WHEREAS**, providing quality service for student success is paramount for the profession; and

**WHEREAS**, most school administrators began their careers as teachers. The average administrator has served in public education for more than a decade. Most of California’s superintendents have served in education for more than 20 years. Such experience is beneficial in their work to effectively and efficiently lead public education and improve student achievement; and

**WHEREAS**, public schools operate with lean management systems. Across the nation, public schools employ fewer managers and supervisors than most public and private sector industries including transportation, food service, manufacturing, utilities, construction, publishing and public administration; and

**WHEREAS**, school leaders depend on a network of support from school communities – fellow administrators, teachers, parents, students businesses, community members, board trustees, colleges and universities, community and faith-based organizations, elected officials and district and county staff and resources – to promote ongoing student achievement and school success; and

**WHEREAS**, research shows great schools are led by great principals, and great districts are led by great superintendents. These site leaders are supported by extensive administrative networks throughout the state; and

**WHEREAS**, the State of California has declared the second full week of October as the “Week of the School Administrator” in Education Code 44015.1; and

**WHEREAS**, the future of California’s public education system depends upon the quality of its leadership; now therefore

**BE IT RESOLVED**, by the Board of Trustees of the Rescue Union School District that all school leaders be commended for the contributions they make to successful student achievement.

**PASSED AND ADOPTED** on the 13<sup>th</sup> of October 2020 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Kim White, President of the Board

Attest:

\_\_\_\_\_  
Tagg Neal, Clerk of the Board

**Rescue Union School District**

**9-Sep-20**

	Green Valley	Frontier	Lake Forest	Frontier	Jackson	Lakeview	Rescue		Pleasant Grove	Frontier	Marina Village	Tot.
TR. KDG	10	21	12		13	16	16					<b>88</b>
KDG.*	33	79	39		47	66	55					<b>319</b>
FIRST	45	69	56		46	61	50					<b>327</b>
SECOND	40	94	47		59	67	62					<b>369</b>
THIRD	47		53	80	57	57	55					<b>349</b>
FOURTH	37		54	97	71	67	52					<b>378</b>
FIFTH	49		57	84	53	75	57					<b>375</b>
SIXTH									120	94	162	<b>376</b>
SEVENTH									115	76	208	<b>399</b>
EIGHTH									125	91	211	<b>427</b>
SDC			15						10			
*Frontier		263		261						261		<b>785</b>
<b>TOTAL</b>	<b>261</b>		<b>333</b>		<b>346</b>	<b>409</b>	<b>347</b>		<b>370</b>		<b>581</b>	<b>3436</b>

**Low Housing Projection 2017-18	Variance
100	-12
389	-70
348	-21
349	20
362	-13
363	15
393	-18
393	-17
348	51
438	-11
0	15
0	785
<b>3483</b>	<b>-47</b>

\*\*Projected enrollment is from Table 10 of the Demographic Study

**NPS 4**

**ENROLLMENT HISTORY**

	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
<b>2020/2021</b>	3445	3438	3436								
<b>2019/2020</b>	<b>NA</b>	<b>3611</b>	<b>3608</b>	<b>3609</b>	<b>3636</b>	<b>3652</b>	<b>3653</b>	<b>3666</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>2018/2019</b>	3606	3619	3635	3638	3643	3691	3698	3694	3692	3692	3683
<b>2017/2018</b>	NA	3624	3632	3642	3655	3685	3688	3682	3684	3679	3672
<b>2016/2017</b>	3723	3709	3723	3731	3734	3774	3792	3792	3786	3794	3766
<b>2015/2016</b>	3666	3658	3673	3673	3676	3686	3707	3717	3734	3740	3733
<b>2014/2015</b>	3690	3697	3699	3702	3712	3735	3753	3771	3772	3775	N/A
<b>2013/2014</b>	3797	3775	3770	3776	3774	3797	3804	3821	3823	3825	N/A
<b>2012/2013</b>	3889	3902	3895	3900	3893	3885	3912	3919	3920	3929	N/A
<b>2011/2012</b>	3984	3984	3989	3995	3995	4002	4019	4024	4032	4038	N/A
<b>2010/2011</b>	4124	4088	4070	4071	4074	4083	4092	4099	4097	4095	N/A
<b>2009/2010</b>	4173	4123	4115	4116	4113	4119	4122	4121	4112	4115	4110
<b>2008/2009</b>	4176	4105	4104	4106	4115	4110	4095	4091	4097	4099	4117
<b>2007/2008</b>	4093	4079	4090	4094	4091	4097	4110	4096	4101	4085	4082
<b>2006/2007</b>	3916	3905	3918	3927	3934	3933	3952	3967	3964	3972	3973

Diff 2019-2020 2020-2021

**173 172**

Avg Diff

**RESCUE UNION SCHOOL DISTRICT**

**AGENDA ITEM:     **Teacher Supports****

**BACKGROUND:**

Our teachers are working incredibly hard. We know that there has been a steep learning curve in this new way of teaching. We appreciate that our teachers want to do their best to support student learning. We know that this has been a difficult start to the year with new platforms, new materials, new programs, navigating Frontier Virtual Academy, the hybrid model, following all the new health and safety procedures and protocols, student absences, movement between programs, answering many questions online and via email and phone, supporting technology needs, and many other things. We understand that it has been overwhelming. Additionally, because we have moved to a hybrid model and also distance learning, our teachers have lost the valuable Wednesday collaboration time we have had in years past.

In order to be sure we understood the need and also to be sure we heard everyone’s voice, we worked with RUFT leadership to create a short survey to clearly define the issues so we can then meet the needs to the best of our ability. RUFT leadership and District administration analyzed the survey data, developed options for additional support.

**STATUS:**

District administration worked with RUFT Leadership to create a parent survey regarding how the year is going, whether part of the Hybrid program or Frontier, as directed by the Board. Additionally, the survey also sought input about synchronous and asynchronous learning time, and about the distance learning Wednesdays. This survey data will be presented to the RUSD Board of Trustees at the October 13 meeting.

The District negotiations team met with the RUFT negotiations team to develop possible plans for teacher supports and a full return to school. These options will be presented to the Board on October 13<sup>th</sup> as well.

**FISCAL IMPACT:**

Unkown at this time.

**BOARD GOALS:**

Board Focus Goal I – STUDENT NEEDS

- A. Student Safety and Well Being: Enhance and encourage social, emotional, ethical and civic learning by providing a safe, supportive and diverse environment
- B. Curriculum and Instruction: Provide a meaningful, innovative learning environment using Common Core, and other student content standards and research-based, progressive, effective instructional methodology, instructional materials, staff development and technology that will ensure student success in career and college.

Board Focus Goal IV – STAFF NEEDS

Attract and retain diverse, knowledgeable, dedicated employees who are skilled and supported in their commitment to provide quality education for our students.

Board Focus Goal VI. – EXCELLENCE

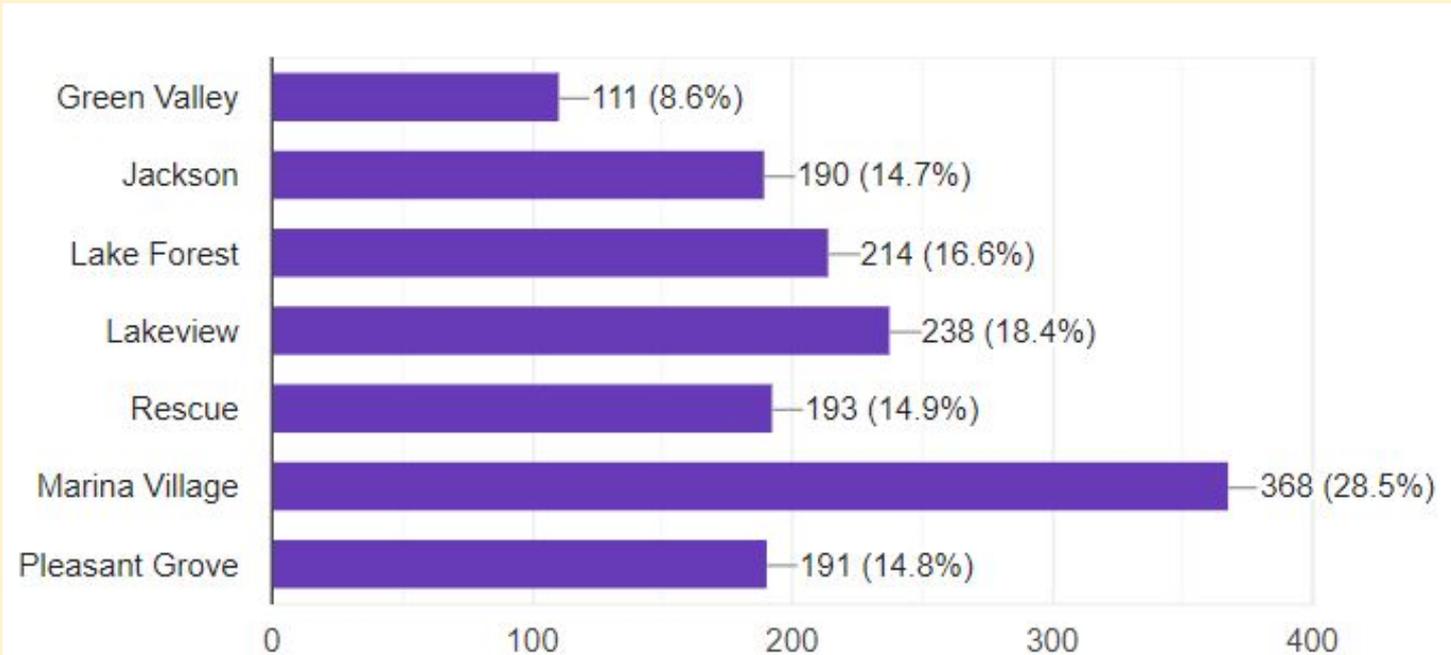
Create and promote practices that support, reward and incentivize employees to perform at exceptional levels for the benefit of our students.

**RECOMMENDATION:**

District administration recognizes that the teachers are working extremely hard to navigate both synchronous and asynchronous teaching, and also support students and families during both synchronous and asynchronous learning time. As a district we need to support our teachers during this unprecedented time so they can prepare instructional materials, collaborate, and differentiate for our students to ensure that our students continue receiving high quality materials for all learning, as well as plan for the full time return to school, should we be allowed to do so.

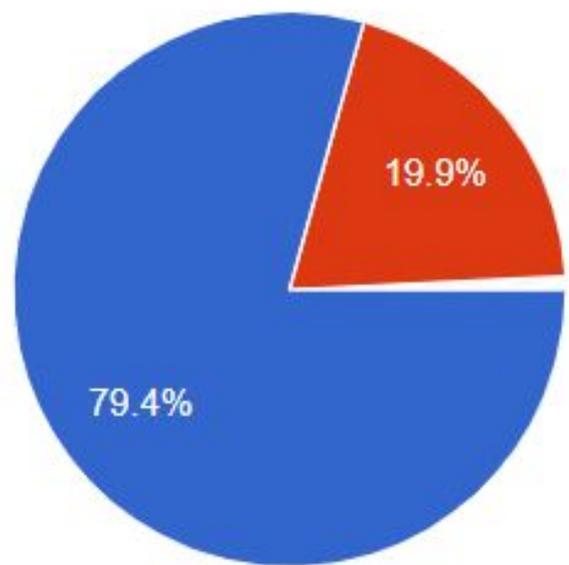
# Mid-trimester Parent Survey Results

# What is your child's school of residence?



## What program does your child attend?

1,293 responses

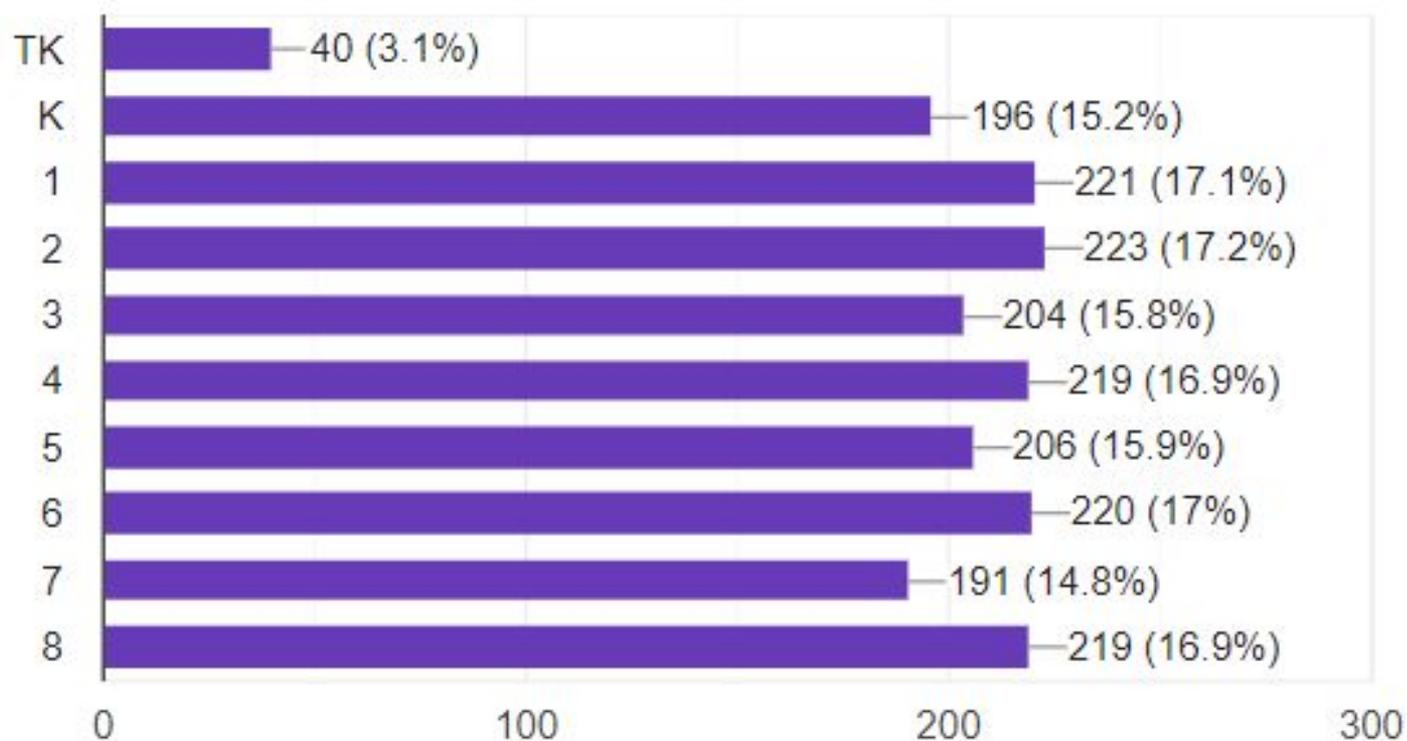


- Hybrid (in-person)
- Frontier (distance learning)
- 1 child hybrid, 1 child DL
- One child in each program
- All day because of IEP
- SDC
- I have one child in hybrid, and...
- Special ed

▲ 1/2 ▼

## What grade level(s) is your child in?

1,293 responses



# Hybrid Only

**When thinking about academic needs, social emotional issues, and general health concerns, what instructional model would you most prefer to have your child participate in?**

Traditional	807	77.9%
Hybrid	223	21.5%
Frontier	6	0.6%
Total	1036	

# Hybrid Only

**When thinking about health and safety protocols (social distancing, hand washing, disinfecting, mask requirements, physical barriers, etc.), how effective do you believe our current practices have been?**

Highly Effective	680	66.0%
Effective	321	31.1%
Marginally effective	19	1.8%
Not Effective	11	1.1%
Total	1031	

# Hybrid Only

**Assuming the El Dorado County Health Department approves, and existing safety protocols are continued (hand washing, disinfecting, mask requirements, physical barriers, and social distancing as practicable), how likely would you be to send your child back to school in a full, traditional model, five days per week?**

[Brackets indicates Frontier only]

			F	F
Very Likely or Certain	805	77.7%	[45]	[17.3%]
Likely	124	12.0%	[30]	[11.5%]
Not Likely or Unsure	91	8.8%	[91]	[35%]
Will not send back	16	1.5%	[94]	[36.2%]

# Hybrid Only

**When you think about asynchronous instruction (the time that students are working on schoolwork without their teacher), which statement best describes your child's experience?**

Able to find success with minimal or no parental involvement or additional support	92	8.9%
Able to find success with some parental involvement or additional support	436	42.2%
Requires a great deal of parental involvement or additional support	437	42.3%
Not found much success in asynchronous learning	69	6.7%
Total	1034	

# Hybrid Only

**Distance Learning Wednesdays provided opportunities for our teachers to engage in professional development, collaborate with other teachers, and plan synchronous and asynchronous lessons and activities for students. How would you feel about continuing Distance Learning Wednesdays for this purpose?**

I support continued Distance Learning Wednesdays	248	24%
I feel neutral when it comes to Distance Learning Wednesdays	332	32.1%
I would not support continued Distance Learning Wednesdays	453	43.9%
Total	1033	

# Hybrid Only

**If you answered in support of Distance Learning Days, how many days per month would you prefer?**

Once a week	214	21.6%
Twice a month	151	15.2%
Once a month	119	12.0%
No additional Distance Learning Days	509	51.3%
Total	993	

# Hybrid Only

**As a possible alternative to Distance Learning Days, Early Release Wednesdays could provide teachers one hour per week for collaboration, planning, and professional development. How would you feel about adding Early Release Wednesdays instead of Distance Learning Days?**

I support Distance Learning Days instead of Early Release Wednesdays	313	30.5%
I support Early Release Wednesdays instead of Distance Learning Days	464	45.3%
I do not prefer that we add Distance Learning Days or Early Release Wednesdays	248	24.2%
Total	1025	

# Hybrid and Frontier

## How has our overall instructional model (Hybrid or Frontier) impacted your child care needs?

(Parenthesis indicates hybrid only)

			H
Child care has not been a challenge or concern	414	31.8%	(28.4%)
Child care has been a minimal challenge or concern	281	21.6%	(21.5%)
Child care has been a moderate challenge or concern	289	22.2%	(24.0%)
Child care has been a significant challenge or concern	319	24.5%	(26.1%)
Total	1303		

# Hybrid and Frontier

**When thinking about your child's experience in our new instructional models (Frontier or Hybrid), how would you describe the impact to your child's social emotional well-being?**

(Parenthesis indicates hybrid only)

H

F

[Brackets indicates Frontier only]

My child's social emotional well-being has improved	420	32.2%	(39.3%)	[5.7%]
My child's social emotional well-being has remained unchanged	410	31.4%	(25.5%)	[53.8%]
My child's social emotional well-being has suffered.	474	36.3%	(35.3%)	[40.5%]
Total	1304			

**RESCUE UNION SCHOOL DISTRICT**

**AGENDA ITEM: School Calendar for Distance Learning Days and Transitional Reopening**

**BACKGROUND:**

In March of 2020, the RUSD Board of Trustees approved a school calendar for the 2020-2021 school year. Shortly thereafter, the coronavirus pandemic forced schools to close for what would be the remainder of the 2019-2020 school year. As part of our efforts to reopen RUSD Schools, the board took action in August to approve a new school calendar. This calendar offered distance learning for interested families, along with a hybrid in-person option for those families who desired to have their children return to school.

Recognizing the need for professional development and planning time to prepare for virtual and asynchronous instruction, the RUSD Board of Trustees also approved eight additional student distance-learning days. On these days, teachers are scheduled to provide 60 minutes of virtual instruction followed by asynchronous learning activities satisfying the requisite number of instructional minutes. Four of those days have elapsed and the remaining distance learning days are scheduled for October 30, December 18, January 27, and April 5.

Representatives from the Rescue Union Federation of Teachers have voiced a desire to add additional distance learning days in order to collaborate, plan, and prepare to meet the needs of students under our new instruction models. Parent survey data shows that approximately 43% of hybrid parents also support adding some level of ongoing distance learning days to the school calendar. The same survey also found that approximately 90% of hybrid parents were “Likely” or “Very Likely or Certain” that they would send their child back to school five days a week in a more traditional model if given the opportunity.

**STATUS:**

The board will discuss the 2020-2021 school calendar, additional Student Distance Learning Days and a transition to reopening under a more traditional instructional model.

**FISCAL IMPACT:**

NA

**BOARD GOAL(S):**

Board Focus Goal I – STUDENT NEEDS

- A. Student Safety and Well Being: Enhance and encourage social, emotional, ethical and civic learning by providing a safe, supportive and diverse environment
- B. Curriculum and Instruction: Provide a meaningful, innovative learning environment using Common Core and other student content standards and researched-based, progressive, effective instructional methodology, instructional materials, staff development and technology that will ensure student success in career and college.

Board Focus Goal III – COMMUNICATION/COMMUNITY INVOLVEMENT:

Establish and maintain consistent and effective communication that is transparent and timely in an effort to provide and receive information that will engage and educate our District community.

**RECOMMENDATION:**

The District recommends that the RUSD Board of Trustees discuss and consider for approval revisions to the 2020-2021 calendar.

**RESCUE UNION SCHOOL DISTRICT**

**AGENDA ITEM: COVID Update -**

**BACKGROUND:**

Due to the continued guidance of El Dorado County Public Health, El Dorado County Office of Education, and California Department of Public Health, our District made the decision in July to begin the year in an AM/PM Hybrid Model, which allows students to attend school for half of each day. If families were not comfortable with this option, they could opt for the virtual learning model through Frontier Virtual Academy. We currently have about 800 in the Frontier Virtual Academy and 2,700 in the Hybrid model. We have over 30 teachers in the Frontier Academy, and a number of classified aides also.

School started on Monday, August 17. Students either participated virtually or in person. Students took great care to wash their hands often, wear their masks, and socially distance. We were very proud of our students, teachers, and staff for all their work to make the first day go smoothly. It was impressive to see everyone take the health and safety procedures seriously.

The first four Wednesdays of the year were online learning days for students, which gave teachers additional time for planning and collaboration. There is ongoing concern that with all the preparation time needed for both synchronous and asynchronous learning in both the hybrid and Frontier models, our teachers may need additional time so that they can adequately provide the acceleration, modifications, and differentiation needed by individual students. While we are extremely grateful that we have been one of the few districts offering in person instruction, we know that in order for it to be successful and beneficial for our students, we need to support our teachers and staff so that they have what they need to be effective.

**STATUS:**

Surveillance testing has begun. Every staff member will have 2 opportunities to be COVID tested between September 28-December 18.

We continue collaborating with EDCPH and EDCOE in regard to next steps and how to plan for reopening fully. We are also discussing with RUFT and CSEA what protocols and procedures we will need to have in place in order to reopen fully when the time comes that we can do so.

**FISCAL IMPACT:**

The Mitigation of Learning Loss funding will be utilized to cover costs of our programs offered

**BOARD GOALS:**

Board Focus Goal I - STUDENT NEEDS

- A. Student Safety and Well Being: Enhance and encourage social, emotional, ethical and civic learning by providing a safe, supportive and diverse environment.
- B. Curriculum and Instruction: Provide a meaningful, innovative learning environment using Common Core, and other student content standards and research-based, progressive, effective instructional methodology, instructional materials, staff development and technology that will ensure student success in career and college.

Board Focus Goal II – FISCAL ACCOUNTABILITY

Keep the district fiscally solvent through prudent LCAP aligned budget processes in order to meet the needs of our students.

Board Focus Goal II - COMMUNICATION / COMMUNITY INVOLVEMENT

Establish and maintain consistent and effective communication that is transparent and timely in an effort to provide and receive information that will engage and educate our District and community.

Board Focus Goal IV - STAFF NEEDS

Attract and retain diverse, knowledgeable, dedicated employees who are skilled and supported in their commitment to provide quality education for our students.

Board Focus Goal V - FACILITY / HOUSING

Build, improve and maintain school facilities to meet current and future education needs while integrating the most effective and efficient use of resources.

Board Focus Goal VI – CULTURE OF EXCELLENCE

Create and promote programs that support, reward and incentivize employees to perform at exceptional levels for the benefit of our students.

**RECOMMENDATION:**

Information and update only.

**RESCUE UNION SCHOOL DISTRICT**

**AGENDA ITEM: Superintendent Goals**

**BACKGROUND:**

Each year the Board determines its Focus Goals for the year. These goals are critical in communicating what is important to the Board of Trustees and providing direction to the Superintendent and staff. Each administrator develops site and department strategies to support the Superintendent and Board goals. As administrators are meeting with teachers and classified staff, the goals and strategies are used to direct the work of staff in support of our students.

**STATUS:**

The Board will develop the Superintendent's annual goals for alignment with the Board's priorities for the 2020-2021 school year as part of the process for moving our schools and district forward in a positive direction.

**FISCAL IMPACT:**

None

**BOARD GOAL(S):**

Board Focus Goal I – STUDENT NEEDS

- A. Student Safety and Well Being: Enhance and encourage social, emotional, ethical and civic learning by providing a safe, supportive and diverse environment.
- B. Curriculum and Instruction: Provide a meaningful, innovative learning environment using Common Core, and other student content standards and research-based, progressive, effective instructional methodology, instructional materials, staff development and technology that will ensure student success in career and college.

Board Focus Goal II – FISCAL ACCOUNTABILITY:

Keep the district fiscally solvent through prudent LCAP aligned budget processes in order to meet the needs of our students.

Board Focus Goal III – COMMUNICATION/COMMUNITY INVOLVEMENT:

Establish and maintain consistent and effective communication that is transparent and timely in an effort to provide and receive information that will engage and educate our District and community.

Board Focus Goal IV – STAFF NEEDS:

Attract and retain diverse, knowledgeable, dedicated employees who are skilled and supported in their commitment to provide quality education for our students.

Board Focus Goal V – FACILITY/HOUSING:

Build, improve and maintain school facilities to meet current and future education needs while integrating the most effective and efficient use of resources.

Board Focus Goal V – CULTURE OF EXCELLENCE:

Create and promote programs that support, reward and incentivize employees to perform at exceptional levels for the benefit of our students.

**RECOMMENDATION:**

The Board will develop the Superintendent's performance goals and Board priorities for the 2020-2021 school year.

**RESCUE UNION SCHOOL DISTRICT**

**AGENDA ITEM: Board Policy Updates**

**BACKGROUND:**

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

**STATUS:**

Policies identified for review and/or changes are submitted to the Board for first reading and possible consideration of approval. A table providing a listing of revised policies and summary of changes is included.

**FISCAL IMPACT:**

NA

**BOARD GOAL(S):**

Board Focus Goal III – COMMUNICATION/COMMUNITY INVOLVEMENT:

Establish and maintain consistent and effective communication that is transparent and timely in an effort to provide and receive information that will engage and educate our District and community.

**RECOMMENDATION:**

Board receive board policies for first reading and possible consideration for action.

**RUSD Board Policy, Administrative Regulations and Board Bylaws  
October 13, 2020**

POLICY	TITLE	REQUIREMENT
<i>First Reading</i>		
BP 0460	Local Control and Accountability Plan REVISE	Policy updated to delete the section on "Technical Assistance/Intervention," as that material is now addressed in BP 0520 - Intervention for Underperforming Schools. Paragraph added to generally address actions that may be taken whenever a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the local control and accountability plan (LCAP). Regulation updated to reflect <b>NEW LAW (AB 1240)</b> which adds, as a measure of student achievement, the percentage of students who have successfully completed both college entrance courses and career technical education courses. <span style="float: right;">10/19</span>
BP 0520	Intervention for Underperforming Schools ADOPT	New policy contains material formerly in BP 0460 - Local Control and Accountability Plan regarding interventions to support the continuous improvement of student performance within the priorities identified in the district's LCAP. Paragraph added to reference interventions that will be provided to schools identified by the California Department of Education (CDE) for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI). <span style="float: right;">10/19</span>
BP 0520.1	Comprehensive and Targeted Support for Improvement ADOPT	New policy addresses the state's accountability system, developed in response to federal Title I requirements, to provide interventions to schools identified by CDE for CSI, TSI, or ATSI. Policy includes criteria for the identification of schools, requirements for a school improvement plan, and actions to be taken if implementation of the school plan is unsuccessful after a specified period of years. <span style="float: right;">10/19</span>
BP/AR 1312.3	Uniform Complaint Procedures REVISE	Policy updated to add medical condition as a characteristic that is protected from discrimination, reflect <b>NEW LAW (SB 75, 2019)</b> which extends the use of uniform complaint procedures (UCP) to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and add an item indicating the use of the UCP for complaints regarding health and safety in a license-exempt California State Preschool Program (CSPP) consistent with CDE's Federal Program Monitoring Instrument. Regulation updated to reflect <b>NEW LAW (SB 75, 2019)</b> which extends the use of UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and to add a section reflecting requirements for complaints alleging noncompliance with health and safety standards for CSPP programs, formerly in AR 1312.4 - Williams Uniform Complaint Procedures. <span style="float: right;">5/20</span>
BP 4112.9 4212.9 4312.9	Employee Notifications REVISE	Policy updated to make change for gender neutrality and to revise legal references to reflect corresponding revisions in the Exhibit. <span style="float: right;">5/20</span>

**RUSD Board Policy, Administrative Regulations and Board Bylaws  
October 13, 2020**

POLICY	TITLE	REQUIREMENT
<p>E 4112.9 4212.9 4312.9</p>	<p>Employee Notifications REVISE</p>	<p>Exhibit updated to reflect <b>NEW LAWS</b> adding requirements to notify employees regarding the district's policy on lactation accommodation (<b>SB 142</b>) and the deadline to withdraw funds from a flexible spending account before the end of the plan year (<b>AB 1554</b>). Exhibit also revises the policy reference for the March 15 reelection notice for certificated employees, now addressed in BP 4116, and adds the requirement to notify the superintendent at least 45 days before the expiration of the employment contract of any decision not to reemploy the superintendent, as specified in BP 2121.</p> <p>Exhibit updates Section I (All Employees) to (1) delete cite to 2 CCR 11024 which does not directly include a sexual harassment notice requirement; (2) indicate that the notification regarding a public hearing on an alternative schedule for secondary grades is addressed in BP 6112 rather than the AR; (3) delete an item regarding the oath or affirmation for disaster service workers since law does not specifically require an employee notification; (4) indicate that the notification regarding AIDS and hepatitis B was moved from AR 4119.43/4219.43/4319.43 to the BP; (5) indicate that the notification of workers' compensation benefits is addressed in AR 4157.1/4257.1/4357.1 rather than the BP; and (6) indicate that the notification regarding the district's nondiscrimination policy and complaint procedures are addressed in AR 4030 rather than the BP. Section II (Certificated Employees) updated to expand legal cites for the reelection notice for probationary employees and broaden the item to apply to districts with less than 250 average daily attendance. Section III (Classified Employees) updated to (1) delete the dismissal notice for merit system districts since the personnel commission establishes dismissal procedures for such districts and the notice is not reflected in policy; (2) add another legal cite pertaining to the notice of employee drug testing requirements and indicate that the notification is addressed in AR 4112.42/4212.42/4312.42 rather than the BP; and (3) add a requirement to provide school bus drivers with information regarding post-accident procedures. Section V (Individual Employees Under Special Circumstances) updated to indicate that the notice on potential eligibility for</p>

# Rescue Union ESD

## Board Policy

### Local Control And Accountability Plan

BP 0460

#### Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

*(cf. 0000 - Vision)*

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

*(cf. 0415 - Equity)*

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

*(cf. 3100 - Budget)*

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

*Unduplicated students* include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 6173.1 - Education for Foster Youth)*

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

*Numerically significant student subgroups* include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students. (Education Code 52052)

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

*(cf. 6173 - Education for Homeless Children)*

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

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

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5030 - Student Wellness)*

*(cf. 6171 - Title I Programs)*

*(cf. 7110 - Facilities Master Plan)*

As part of the LCAP adoption and annual update to the LCAP, the Board shall separately adopt an LCFF budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

## **Plan Development**

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 4140/4240/4340 - Bargaining Units)*

*(cf. 6020 - Parent Involvement)*

## **Public Review and Input**

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners to review and comment on the LCAP. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

*(cf. 5145.6 - Parental Notifications)*

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

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

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

*(cf. 9320 - Meetings and Notices)*

## **Adoption of the Plan**

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

## **Submission of Plan to County Superintendent of Schools**

Not later than five days after adoption of the LCAP, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. (Education Code 52071)

## **Monitoring Progress**

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

*(cf. 0500 - Accountability)*

Note: Pursuant to Education Code 52071, when a school or a numerically significant student subgroup is not making sufficient progress toward its LCAP goals, the County Superintendent may be required to provide technical assistance or the Board may request technical assistance. In addition, the Superintendent of Public Instruction may intervene in any school which has been identified as in need of intervention based on criteria specified in Education Code 52072. Pursuant to Education Code 52059.5, CDE has established a unified system of support for districts and schools that meets state requirements as well as federal Title I requirements and ensures consistency between technical assistance provided under both sets of requirements. For more information, see BP 0520 - Intervention for Underperforming Schools.

## ~~Technical Assistance/Intervention~~

~~At its discretion, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to:—~~

~~1. Assistance in identifying district strengths and weaknesses in regard to state priorities, which includes the review of performance data on the state and local indicators included in the Dashboard and other relevant local data, and in identifying effective, evidence-based programs or practices that address any areas of weakness.~~

~~2. Assistance from an academic, programmatic, or fiscal expert, or team of experts, in identifying and implementing effective programs and practices that are designed to improve performance in any identified areas of weakness. The district may engage other service providers, including, but not limited to, other school or districts, county offices of education, or charter schools, to provide such assistance.~~

~~In the event that the County Superintendent requires the district to receive technical assistance based on one or more numerically significant student subgroups meeting the criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent, or another service provider at district expense, and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. —(Education Code 52071)~~

~~If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)~~

~~If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:—(Education Code 52072)~~

~~1. — Revision of the district's LCAP~~

~~2. — Revision of the district's budget in accordance with changes in the LCAP~~

~~3. — A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement~~

The Superintendent or designee shall seek and/or accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072 or 20 USC 6311 when a school

or a numerically significant student subgroup is not making sufficient progress toward the goals in the LCAP.

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

*Legal Reference:*

EDUCATION CODE

305-306 English language education

17002 State School Building Lease-Purchase Law, including definition of good repair

33430-33436 Learning Communities for School Success Program; grants for LCAP implementation

41020 Audits

41320-41322 Emergency apportionments

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

47604.33 Submission of reports by charter schools

47606.5 Charter schools, local control and accountability plan

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

64001 ~~School~~Single plan for student achievement

99300-99301 Early Assessment Program

WELFARE AND INSTITUTIONS CODE

300 Dependent child of the court

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

15494-15497 Local control and accountability plan and spending requirements

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plan

6826 Title III funds, local plans

*Management Resources:*

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016

LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

Local Control and Accountability Plan and Annual Update (LCAP) Template

Family Engagement Framework: A Tool for California School Districts, 2014

California Career Technical Education Model Curriculum Standards, 2013  
California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

**Policy**

adopted: October 7, 2014

revised: October 13, 2015

revised: November 14, 2017

revised: April 9, 2019

Considered: October 13, 2020

RESCUE UNION SCHOOL DISTRICT

Rescue, California

# CSBA Sample Board Policy

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

BP 0520(a)

## **INTERVENTION FOR UNDERPERFORMING SCHOOLS**

Note: Pursuant to Education Code 52059.5, the California Department of Education (CDE) has established a single statewide system of support for districts and schools that meets state requirements as well as federal Title I requirements. The following policy reflects the purposes and requirements of the statewide system and may be revised to reflect district practice.

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

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

*(cf. 0500 - Accountability)*

Note: Pursuant to Education Code 52071, the Governing Board may, at its discretion, request technical assistance from the County Superintendent of Schools as described in items #1-2 below. The County Superintendent may charge a fee, not to exceed the cost of the service, when the district has otherwise not been identified for technical assistance or state intervention and the service requested would create an unreasonable or untenable cost burden for the County Superintendent.

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent and shall provide the County Superintendent timely

documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

With the approval of the County Superintendent, the district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

Note: Pursuant to Education Code 52074, either the County Superintendent or the Superintendent of Public Instruction (SPI) may refer a district to the California Collaborative for Educational Excellence (CCEE) if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. Additionally, if a district receives an emergency apportionment pursuant to Education Code 41320-41322, the district shall be deemed to have been referred to CCEE.

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

Note: Education Code 52072 provides that the SPI, with approval of the State Board of Education (SBE), may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the CCEE has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE's recommendations or that the district's inadequate performance, based on the California School Dashboard, is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)

1. Revision of the district's LCAP
2. Revision of the district's budget, in conjunction with changes in the LCAP, that would allow the district to improve the outcomes for all student subgroups in regard to state and local priorities
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

Note: Pursuant to 20 USC 6311, based on data in the Dashboard, schools that are in the lowest performing five percent statewide of schools receiving federal Title I funding, as well as high schools with a graduation rate lower than 67 percent averaged over two years, are identified by CDE for comprehensive support and improvement (CSI). Schools are identified for targeted support and improvement (TSI) if one or more numerically significant student subgroups meet the criteria for the lowest performing five percent of Title I schools, or for additional targeted support and improvement (ATSI) if one student group, on its own, meets these criteria. For program requirements, see BP 0520.1 - Comprehensive and Targeted Support and Improvement.

In addition, any school identified by the California Department of Education for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

(cf. 0420 - School Plans/Site Councils)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

*Legal Reference:*

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

California School Dashboard: <http://www.caschooldashboard.org>

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

**Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.1(a)

### COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT

Note: Pursuant to 20 USC 6311, the California Department of Education (CDE) has established a system of school support and improvement to assist low-performing schools. Based on data in the California School Dashboard (or other performance data if a school is too small to receive a color-coded performance level on the Dashboard), every three years CDE identifies schools that need comprehensive support and improvement (CSI), including (1) schools in the lowest performing five percent of Title I schools and (2) all high schools (including Title I, non-Title I, traditional, and alternative schools) with a graduation rate lower than 67 percent averaged over two years. A district with school(s) that meet the criteria for CSI is eligible to apply to CDE for Title I, Part A funding to assist with the development and implementation of a plan to improve student outcomes. Such a district may also choose to provide all students in a CSI school the option to transfer to another district school, provided that priority is given to the lowest achieving students from low-income families, and may use up to five percent of its Title I allocation to pay for transportation for this purpose.

Schools will be annually identified for targeted support and improvement (TSI) if one or more student subgroups, for two consecutive years, meet the criteria for the lowest performing five percent of Title I schools. Every three years, TSI schools that have not improved will be identified for additional targeted support and improvement (ATSI).

Identification of schools for CSI and ATSI began in the 2018-19 school year. Schools will be identified for TSI for the first time beginning in 2020-21.

The Governing Board is committed to enabling all district students to meet state academic achievement standards. The district shall provide support and assistance to increase student achievement in all district schools, especially any school that has been identified by the California Department of Education (CDE) as in need of comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI).

*(cf. 0500 - Accountability)*

*(cf. 0520 - Intervention for Underperforming Schools)*

*(cf. 6011 - Academic Standards)*

*(cf. 6171 - Title I Programs)*

When any school is identified for CSI, TSI, or ATSI, the Superintendent or designee shall notify the school community, including the principal, teachers, and parent/guardians of students of the school, of the identification and, if applicable, shall inform the school of the student subgroup(s) which are consistently underperforming at the school.

## School Plan

Note: Pursuant to 20 USC 6311, the district is required to develop a school improvement plan for each school identified for CSI, TSI, or ATSI, which must be based on all state indicators in the California School Dashboard. In accordance with the discretion granted to state agencies under 20 USC 6311, CDE has determined that schools eligible for Dashboard Alternative School Status pursuant to Education Code 52052 that have fewer than 100 students are not exempted from this requirement, but they do have flexibility within the school planning process to focus on the Dashboard state indicators that are more applicable to the nature of their program. See the [Frequently Asked Questions on CDE's web site](#).

20 USC 6311 also requires that the plan include evidence-based interventions. Such interventions are described in the U.S. Department of Education's [Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments](#).

Upon receiving notification from CDE that a district school has been identified as eligible for CSI, TSI, or ATSI, the district shall, in partnership with principals, other school leaders, teachers, and parents/guardians, develop and implement a plan to improve student outcomes at the school. The plan shall: (20 USC 6311)

1. Be based on all state indicators in the California School Dashboard, including student performance against state-determined long-term goals, except that any school subject to the state's Dashboard Alternative School Status that has fewer than 100 students may focus on the state indicators that are more applicable to the nature of its program
2. Be based on a school-level needs assessment
3. Include evidence-based interventions
4. If the school is identified for CSI or ATSI, identify resource inequities, which may include a review of district and school-level budgets, to be addressed through implementation of the plan

*(cf. 0400 - Comprehensive Plans)*

The school plan for student achievement developed pursuant to Education Code 64001 may serve as the school improvement plan required for CSI, TSI, or ATSI, provided that the plan meets the requirements of 20 USC 6311. (Education Code 64001)

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

The school improvement plan shall be submitted to the Board for approval. (20 USC 6311)

Note: In addition to requiring district approval of school plans, 20 USC 6311 requires that CSI plans be approved by the state educational agency. However, CDE does not directly review and approve school-level plans. Instead, the template adopted by the State Board of Education for the local control and accountability plan requires a district with school(s) identified for CSI to provide the following information within the plan summary.

If any district school is identified for CSI, the district's local control and accountability plan shall include descriptions of how the district provides support to CSI school(s) in developing the CSI

plan and how the district will monitor and evaluate the implementation and effectiveness of the CSI plan to support student and school improvement.

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

## **Monitoring and Intervention**

The Board and the Superintendent or designee shall regularly review the performance of each school identified for CSI, TSI, or ATSI.

Note: For schools identified for TSI, 20 USC 6311 requires the district to monitor the school's implementation of its plan and take action if implementation of the plan is unsuccessful after a period of years established by the district. The following paragraph extends this requirement to CSI and ATSI schools and may be modified to reflect district practice, including the number of years for determining if the plan has been successful.

After two years of implementing the school plan, if any such school has been unsuccessful in improving student outcomes to a level that exceeds initial eligibility criteria, the district shall identify the problem and take additional action as necessary.

Note: In accordance with 20 USC 6311 and CDE's California ESSA Consolidated State Plan, schools identified for ATSI and CSI are expected to meet exit criteria after four years. A school is considered to have met exit criteria if it no longer has any combination of performance levels on state indicators that meet the criteria used for identification at the time the school was identified.

For schools identified for CSI, CDE must monitor and periodically review the implementation of the school's plan. The following paragraph reflects interventions established by CDE that may be imposed if a school fails to satisfy the exit criteria for CSI within four years of the initial identification. For further information, see CDE's California ESSA Consolidated State Plan.

If a school identified for CSI fails to improve student outcomes within four years to a level that exceeds the CSI eligibility criteria, it shall be subject to more rigorous interventions that include, but are not limited to, partnering with an external entity, agency, or individual with demonstrated expertise and capacity to:

1. Conduct a new needs assessment that focuses on systemic factors and conduct a root cause analysis that identifies gaps between current conditions and desired conditions in student performance and progress
2. Use the results of the analysis along with stakeholder feedback to develop a new improvement plan that includes:
  - a. A prioritized set of evidence-based interventions and strategies
  - b. A program evaluation component with support to conduct ongoing performance and progress monitoring

*Legal Reference:*

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

California School Dashboard: <http://www.caschooldashboard.org>

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

# Rescue Union ESD

## Board Policy

### Uniform Complaint Procedures

BP 1312.3

#### Community Relations

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

#### Complaints Subject to UCP

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

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; ~~American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs;~~ federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; ~~Economic Impact Aid;~~ the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; ~~special education programs;~~ California State Preschool Programs; ~~Tobacco Use Prevention Education programs;~~ and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. ~~5131.62 - Tobacco~~)*

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

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

*(cf. 5148.3 - Preschool/Early Childhood Education)*

*(cf. ~~6159 - Individualized Education Program~~)*

*(~~cf. 6171 - Title I Programs~~)*

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

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*

*(cf. 6178.2 - Regional Occupational Center/Program)*  
*(cf. 6200 - Adult Education)*

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)
5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

*(cf. 3260 - Fees and Charges)*  
*(cf. 3320 - Claims and Actions Against the District)*

6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 3100 - Budget)*

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)

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

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 6173.1 - Education for Foster Youth)*

Note: Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends the UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12.

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement ~~students in elementary school~~ (Education Code 51210, 51222, 51223)

*(cf. 6142.7 - Physical Education and Activity)*

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

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the

subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

*(cf. 5125 - Student Records)*

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3580 - District Records)*

### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

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

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

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

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments, ~~or health and safety violations in any license exempt California State Preschool Program~~ shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

~~33380-33384 California Indian Education Centers~~

35186 Williams uniform complaint procedures

~~44500-44508 California Peer Assistance and Review Program for Teachers~~

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student fees

49060-49079 Student records, especially:

49069.5 Records of foster youth

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

52060-52077 Local control and accountability plan, especially:

52075 Complaint for lack of compliance with local control and accountability plan requirements

~~52160-52178 Bilingual education programs~~

52300-52462 Career technical education

52500-52616.24 Adult schools

~~54000-54029 Economic Impact Aid~~

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

~~56000-56865 Special education programs~~

59000-59300 Special schools and centers

64000-64001 Consolidated application process; school plan for student achievement

65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 *California Child Day Care Act; general provisions and definitions*

1596.7925 *California Child Day Care Act; health and safety regulations*

~~104420 Tobacco Use Prevention Education~~

PENAL CODE

422.55 *Hate crime; definition*

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 2

11023 *Harassment and discrimination prevention and correction*

CODE OF REGULATIONS, TITLE 5

~~3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities~~

4600-4670 *Uniform complaint procedures*

4680-4687 *Williams uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX of the Education Amendments of 1972*

6301-6576 *Title I Improving the Academic Achievement of the Disadvantaged*

6801-7014 *Title III language instruction for limited English proficient and immigrant students*

UNITED STATES CODE, TITLE 29

794 *Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000e-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*

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

6101-6107 *Age Discrimination Act of 1975*

12101-12213 *Title II equal opportunity for individuals with disabilities*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

100.3 *Prohibition of discrimination on basis of race, color or national origin*

104.7 *Designation of responsible employee for Section 504*

106.8 *Designation of responsible employee for Title IX*

106.9 *Notification of nondiscrimination on basis of sex*

110.25 *Notification of nondiscrimination on the basis of age*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

[Uniform Complaint Procedure 2020-21 Program Instrument](#)

[Sample UCP Board Policies and Procedures](#)

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

[Dear Colleague Letter, September 22, 2017](#)

[Dear Colleague Letter: Title IX Coordinators, April 2015](#)

[Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014](#)

[Dear Colleague Letter: Harassment and Bullying, October 2010](#)

[Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001](#)

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

[Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002](#)

WEB SITES

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

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

*Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>  
U.S. Department of Justice: <http://www.justice.gov>*

Policy RESCUE UNION SCHOOL DISTRICT  
adopted: December 11, 2012          Rescue, California  
revised: February 26, 2013  
revised: December 9, 2014  
revised: October 13, 2015  
revised: April 12, 2016  
revised: December 13, 2016  
revised: October 10, 2017  
revised: April 10, 2018  
revised: October 8, 2019  
Considered: October 13, 2020

# **Rescue Union ESD**

## **Administrative Regulation**

### **Uniform Complaint Procedures**

AR 1312.3

#### **Community Relations**

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

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 4030 - Nondiscrimination in Employment)*

#### **Compliance Officers**

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 4331 - Staff Development)*

*(cf. 9124 - Attorney)*

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

## **Notifications**

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

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

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 5145.6 - Parental Notifications)*

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

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

*(cf. 3260 - Fees and Charges)*

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred
5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

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

*(cf. 6173.3 - Education for Juvenile Court School Students)*

*(cf. 6175 - Migrant Education Program)*

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints
7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
10. A statement that copies of the district's UCP are available free of charge

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

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

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

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

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

### **Filing of Complaints**

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

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

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

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

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

## **Mediation**

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

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

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

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

## **Investigation of Complaint**

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

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

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

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

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

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

### **Timeline for Final Decision**

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

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

### **Final Written Decision**

For all complaints, the district's final written decision shall include: (5 CCR 4631)

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

- a.- Statements made by any witnesses
  - b.- The relative credibility of the individuals involved
  - c.- How the complaining individual reacted to the incident
  - d.- Any documentary or other evidence relating to the alleged conduct
  - e.- Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
  3. Disposition of the complaint
  4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent

- b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

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

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

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

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

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

## **Corrective Actions**

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

*(cf. 5137 - Positive School Climate)*

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

1. Counseling

*(cf. 6164.2 - Guidance/Counseling Services)*

2. Academic support

3. Health services

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

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

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

7. Restorative justice

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

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

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

2. Parent/guardian conference

3. Education regarding the impact of the conduct on others

4. Positive behavior support

5. Referral to a student success team

*(cf. 6164.5 - Student Success Teams)*

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

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

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

*(cf. 5144 - Discipline)*

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

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

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

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

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

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, and to noncompliance with required instructional minutes for physical education, pursuant to Education Code 51222 and 51223. Districts that do not maintain elementary schools should delete reference to physical education below.

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

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes ~~for students in elementary schools~~, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

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

## **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that the district's decision has been appealed, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

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

Regulation RESCUE UNION SCHOOL DISTRICT  
approved: December 11, 2012 Rescue, California  
revised: February 26, 2013  
revised: December 9, 2014  
revised: October 13, 2015  
revised: April 12, 2016  
revised: December 13, 2016  
revised: October 10, 2017  
revised: April 10, 2018  
revised: October 8, 2019  
Considered: October 13, 2020

# Rescue Union ESD

## Board Policy

### Employee Notifications

BP 4112.9 - 4212.9 - 4312.9

#### Personnel

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

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

#### Legal Reference:

##### EDUCATION CODE

- 231.5 Sexual harassment policy
- 17612 Notification of pesticide use
- 22455.5 STRS information to potential members
- 22461 Postretirement compensation limitation
- 35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services
- 35171 Notice of regulations pertaining to certificated employee evaluations
- 37616 Notice of public hearing on year-round schedule
- 44031 Personnel file contents, inspection
- 44663-44664 Evaluation of certificated employees
- 44842 Reemployment notices, certificated employees
- 44896 Transfer of administrator or supervisor to teaching position
- 44916 Written statement of employment status
- 44929.21 Reelection or nonreelection of probationary employee after second year
- 44929.23 Reelection notice, districts with less than 250 ADA
- 44934 Notice of disciplinary action for cause
- 44934.1 Suspension or dismissal for egregious misconduct
- 44936 Notice of suspension or dismissal
- 44938 Notice of unprofessional conduct and opportunity to correct
- 44940.5-44941 Notification of suspension and intent to dismiss
- 44948.3-~~44948.5~~ Dismissal of probationary employees
- 44948.5 Nonreelection procedures, districts under 250 ADA
- 44949 Cause, notice and right to hearing
- 44951 Continuation in position unless notified, administrative or supervisory personnel
- 44954 Nonreelection of temporary employees
- 44955 Reduction in number of employees

45113 Notification of charges, classified employees

Legal Reference: (continued)

EDUCATION CODE (continued)

45117 Notice of layoff, classified employees

45169 Employee salary data, classified employees

45192 Industrial and accident leave

45195 Additional leave

46162 Notice of public hearing on block schedule

49013 Complaints regarding student fees

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

49414 Epinephrine auto-injectors

49414.3 Administration of opioid antagonist

CIVIL CODE

1798.29 District records, breach of security

GOVERNMENT CODE

1126 Incompatible activities of employees

~~3100 3109 Oath or affirmation of allegiance~~

8355 Certification of drug-free workplace, including notification

12950 Sexual harassment

21029 Retirement credit for period of military service

54957 Complaints against employees; right to open session

54963 Unauthorized disclosure of confidential information

HEALTH AND SAFETY CODE

1797.196 Automated external defibrillators; notification of use and locations

104420 Tobacco-free schools

120875 Information on AIDS, AIDS-related conditions, and hepatitis B

120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B

LABOR CODE

245-249 Healthy Workplaces, Healthy Families Act of 2014

1034 Lactation accommodation

2800.2 Notification of availability of continuation health coverage

2810.7 Notice to participate in flexible spending account

3550-3553 Notifications re: workers' compensation benefits

5401 Workers' compensation; claim form and notice of potential eligibility

PENAL CODE

11105 Access to criminal history information

11105.2 Subsequent arrest notification

11165.7 Child Abuse and Neglect Reporting Act; notification requirement

11166.5 Employment; statement of knowledge of duty to report child abuse or neglect

UNEMPLOYMENT INSURANCE CODE

2613 Disability insurance; notice of rights and benefits

CODE OF REGULATIONS, TITLE 2

11023 Nondiscrimination in employment

11049 Notice of right to request pregnancy disability leave or transfer

11091 California Family Rights Act, designation notice

11096 Notice of right to request family care leave

~~7288.0 Sexual harassment training, provision of district policy~~

CODE OF REGULATIONS, TITLE 5

4622 Uniform complaint procedures

80303 Reports of change in employment status, alleged misconduct

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 8

3204 *Employees exposed to bloodborne pathogens, access to exposure and medical records*

5191 *Chemical hygiene plan*

5194 *Hazard communication program*

CODE OF REGULATIONS, TITLE 13

1234 *Reports regarding school buses and bus drivers*

2480 *Vehicle idling, limitations*

~~5193~~ **California bloodborne pathogens standard**

UNITED STATES CODE, TITLE 38

~~4334~~4344 *Uniformed Services Employment and Reemployment Rights Act, notice requirement*

UNITED STATES CODE, TITLE 41

8101-8106 *Drug-Free Workplace Act*

CODE OF FEDERAL REGULATIONS, TITLE 29

825.300 *Family and Medical Leave Act; notice requirement*

CODE OF FEDERAL REGULATIONS, TITLE 34

84.205-84.210 *Drug-free workplace statement*

104.8 *Nondiscrimination*

106.9 *Dissemination of policy, nondiscrimination on basis of sex*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 *Asbestos inspections, response actions and post-response actions*

763.93 *Asbestos management plans*

CODE OF FEDERAL REGULATIONS, TITLE 49

382.113 *Controlled substance and alcohol use and testing notifications*

382.303 *Post-accident information, procedures, and instructions*

382.601 *Controlled substance and alcohol use and testing notifications*

Policy RESCUE UNION SCHOOL DISTRICT  
adopted: November 13, 2012      Rescue, California  
Considered: October 13, 2020

# CSBA Sample Exhibit

All Personnel

E 4112.9(a)

4212.9

EMPLOYEE NOTIFICATIONS

4312.9

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. To All Employees</b>			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

## EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. To All Employees</b> (continued)			
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2 4354	AR 4154 4254	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year

## EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. To All Employees (continued)</b>			
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act(CFRA); obligation to provide 30 days' notice of need for leave when possible
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
<b>II. To Certificated Employees</b>			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation

## EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>II. To Certificated Employees</b> (continued)			
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. To Certificated Employees (continued)</b>			
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
<b>III. To Classified Employees</b>			
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing

## EMPLOYEE NOTIFICATIONS (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. To Classified Employees (continued)</b>			
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions
<b>IV. To Administrative/Supervisory Personnel</b>			
To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term

## EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>IV. To Administrative/Supervisory Personnel (continued)</b>			
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
<b>V. To Individual Employees Under Special Circumstances</b>			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>V. To Individual Employees Under Special Circumstances</b> (continued)			
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

(3/17 3/20) 5/20

**Policy Reference UPDATE Service**

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**RESCUE UNION SCHOOL DISTRICT**

**AGENDA ITEM:** Resolution Adopting Accounting of Developer Fees – Fiscal Year 2019-20

**BACKGROUND:**

Pursuant to Government Code Section 66000 et seq., the District is required to make public an annual accounting of developer fees collected by the District within 180 days after the last day of each fiscal year.

**STATUS:**

This report provides the accounting and findings related to the collection of developer fees in Fiscal Year 2019-20. The report includes information on the type of fee collected, the amount of the fee, the balance of the funds collected, the public improvement to which the fees are to be put, the approximate date by which the public improvement construction will commence, the reasonableness of the relationship between the fee charged and the purpose for which it is charged, the sources of funding available for completing any incomplete projects and the approximate dates for completion of such projects.

**FISCAL IMPACT:**

As of June 30, 2020, the District collected \$2.17 per square foot (*Note: District portion is 61% of \$3.48 = \$2.12, but high school is collecting at rate of \$3.36 x 39%=\$1.31, as they have not completed an updated justification study at the higher rate. Difference of \$0.05 goes to Rescue.*) of assessable space of residential construction; and \$0.34 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the District’s determination that a particular project is exempt from all or part of these fees.

The District’s School Facility Fee Justification Report from June of 2016 demonstrated Rescue Union School District was justified to collect the legal maximum fee of \$3.48 per square foot of residential development as authorized by Government Code 65995 (Level 1 fees) as future residential development creates a school facility cost of \$4.39 per square foot.

The beginning and ending balance of the Fund were:

<i>Beginning Fund Balance:</i>		<i>\$ 1,867,089</i>
<i>Fees/Revenues Collected (all sources)</i>	<i>\$375,239</i>	
<i>Expenditures</i>	<i>(\$321,693)</i>	
<b><i>Ending Fund Balance:</i></b>		<b><u><i>\$ 1,920,634</i></u></b>

**BOARD GOAL:**

Board Focus Goal II – FISCAL ACCOUNTABILITY:

Keep the district fiscally solvent through prudent LCAP aligned budget processes in order to meet the needs of our students.

**RECOMMENDATION:**

District staff recommends the Board of Trustees adopt the Resolution Adopting the Accounting of Developer Fees for Fiscal Year 2019-20.



## RESOLUTION #20-15

RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE RESCUE UNION SCHOOL DISTRICT  
ADOPTING ACCOUNTING OF DEVELOPER FEES

*In the Matter of the Public Report of Information Regarding Capital Facilities Fees for the 2019-20 Fiscal Year, and Findings Thereon, Pursuant to Government Code Sections 66001 and 66006A*

WHEREAS, Rescue Union School District ("District") has received and expended reportable capital school facilities fees paid on new commercial and industrial construction, new residential construction and other residential construction as authorized pursuant to Education Code section 17620, et and Government Code section 65995, et seq. ("Developer Fees"); and

WHEREAS, said Developer Fees have been deposited in a separate capital facilities account (Fund 25 – Capital Facilities Fund) pursuant to Government Code section 66006, subdivision (a), in a manner to avoid commingling of Developer Fees with other revenues and funds of the District, except for temporary investments; and

WHEREAS, said Developer Fees expended for the sole purpose for which they were collected; and

WHEREAS, Government Code section 66006, subdivision (b) (1), provides that the District shall, within 180 days after the last day of each fiscal year, make available to the public the following information regarding Developer Fees for the fiscal year:

- (A) A brief description of the type of fee in the account or Fund;
- (B) The amount of the fee;
- (C) The beginning and ending balance of the account or fund;

- (D) The amount of the fees collected and the interest earned;
- (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees;
- (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Government Code section 66001, subdivision (a)(2), and the public improvement remains incomplete;
- (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan; and
- (H) The amount of refunds made pursuant to Government Code section 66001, subdivision (e), and any allocations pursuant to Government Code section 66001, subdivision (f); and

WHEREAS, Government Code section 66001, subdivision (d), provides that for the fifth fiscal year following the first deposit into the account or fund of Developer Fees, and every five years thereafter, the District shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- (A) Identify the purpose to which the fee is to be put;
- (B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;

- (C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code section 66001, subdivision (a)(2); and
- (D) Designate the approximate dates on which the funding referred to in Government Code section 66001, subdivision (d)(1)(C), is expected to be deposited into the appropriate account or fund; and

WHEREAS, pursuant to Government Code section 66001, subdivision (e), except as otherwise provided by law, when sufficient funds have been collected, as determined pursuant to Government Code section 66006, subdivision (b)(1)(F), to complete financing on an incomplete public improvement identified in Government Code section 66001, subdivision (a)(2), and the public improvements remain incomplete, the District must identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or must refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment role, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon; and

WHEREAS, pursuant to Government Code section 66001, subdivision (d), those findings required by that section must be made in connection with the public information required by Government Code section 66006, subdivision (b); and

WHEREAS, Government Code section 66006, subdivision (b)(2) provides that the District must review the information made available to the public pursuant to Section 66006 at a regularly scheduled public meeting occurring not less than 15 days after the information is made public; and

WHEREAS, that information required by Government Code sections 66001 and 66006, including but not limited to a report entitled the "Annual Accounting of Developer Fees – Fiscal Year 2019-20" ("Public Report"), was made available to the public on or before September 22, 2020, more than 15 days prior to the hearing held on October 13, 2020 before the Governing Board of the Rescue Union School District ("Board"); and

WHEREAS, the Public Report was presented to the Board at its duly noticed public meeting of October 13, 2020.

NOW THEREFORE BE IT RESOLVED that the Board receives, incorporates by reference, approves and adopts the Public Report;

AND BE IT FURTHER RESOLVED that the Board makes the following findings:

1. That the above recitals are true and correct.
2. That, pursuant to Government Code section 66001, subdivision (d) and Government Code section 66006, subdivisions (b)(1) and (b)(2), the District has made available to the public and to the Board the requisite information and proposed findings concerning Developer Fees received, deposited, invested and expended by the District.
3. That the Board, at its regularly scheduled public meeting of October 13, 2020, has publicly reviewed the following information as contained in the Public Report (See Exhibit A) pursuant to Government Code section 66006, subdivision (b)(1), as required by Government Code section 66006, subdivision (b)(2).
4. That the findings set forth in the Public Report (See Exhibit B) as provided by Government Code section 66001, subdivision (d), are hereby adopted by the Board.

5. That all Developer Fees have been received, deposited, invested and expended in compliance with all applicable laws, including but not limited to Education Code section 17620, et seq., Government Code section 65995, et seq., and Government Code section 66000, et seq.
6. That no refunds or allocations of Developer Fees are required pursuant to Government Code section 66001, subdivision (e).
7. That the District is in compliance with the requirements of Government Code sections 66001 and 66006.

This Resolution is adopted this 13<sup>th</sup> day of October, 2020, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Governing Board

**EXHIBIT A**  
**ACCOUNTING OF DEVELOPER FEES FOR FISCAL YEAR 2019-2020**  
**CAPITAL FACILITIES FUND (the “Fund”)**

Per Government Code section 66006(b)(1)(A)-H) as indicated:

- A. A brief description of the type of fee in the Fund.

*Statutory School Facilities Fees*

- B. The amount of the fee.

*As of June 30, 2020, the District collected \$2.17 per square foot of assessable space of residential construction; and \$0.34 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the District’s determination that a particular project is exempt from all or part of these fees.*

*The District’s School Facility Fee Justification Report from June of 2016 demonstrated Rescue Union School District is justified to collect the legal maximum fee of \$3.48 per square foot of residential development as authorized by Government Code 65995 (Level 1 fees) as future residential development creates a school facility cost of \$4.39 per square foot.*

- C. The beginning and ending balance of the Fund.

<i>Beginning Fund Balance:</i>	\$ 1,867,089
<i>Ending Fund Balance:</i>	\$ 1,920,634

- D. The amount of the fees collected and the interest earned.

<i>Fees Collected:</i>	\$ 340,513
<i>Interest Earned:</i>	\$ 34,726

- E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

*See Attachment A*

- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Paragraph (2) Subdivision (a) of Section 66001, and the public improvement remains incomplete:

*Not applicable. The District has not made this determination.*

- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan:

*Not applicable. The District has not made any such interfund transfers.*

- H. The amount of refunds made pursuant to Subdivision (e) of Section 66001 and any allocations pursuant to Subdivision (f) of Section 66001:

*One refund was completed November 20, 2019 in the amount of \$12,016.00*

**EXHIBIT B**  
**ACCOUNTING OF DEVELOPER FEES FOR FISCAL YEAR 2019-2020**  
**CAPITAL FACILITIES FUND (the “Fund”)**

Per Government Code Section 66001(d)(1)-(4) as indicated:

- A. With respect to only that portion of the Fund remaining unexpended at the end the 2019-2020 fiscal year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary caused by the development on which the fees were levied, which facilities are more specifically identified as follows:

*Demographic Studies, School Facility Analysis & Developer Fee Justification Studies; Master planning services; Legal fees related to developer impact fees; Marina Village Middle School, Pleasant Grove Middle School, Lakeview Elementary, Rescue Elementary, Jackson Elementary, Lake Forest Elementary, and Green Valle Elementary; Planning, design and construction of future school properties including Sienna Ridge; COP Rental and Interest payments; Administrative costs in overseeing school facility construction projects; and, EDCOE developer fee collection administrative costs.*

- B. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

*Future residential development will cause new families to move into the District and, consequently, will generate additional students in the District. The District’s School Facility Fee Justification Report from June of 2016 demonstrated adequate school facilities do not exist for these students. Future residential development, therefore, creates a need for additional school facilities. The fee’s use (acquiring school facilities) is, therefore, reasonably related to the type of project (future residential development) on which it is imposed.*

*New commercial/industrial development will cause new workers to move into the District. Because some of these workers will have school-age children, commercial /industrial development will also generate new students in the District. The District’s School Facility Fee Justification Report from June of 2016 demonstrated adequate school facilities do not exist for these students. New commercial/industrial development, therefore, creates a need for additional school facilities. The fee’s use (acquiring school facilities) is, therefore, reasonably related to the type of project (new commercial/industrial development) on which it is imposed.*

- C. With respect to only that portion of the Fund remaining unexpended at the end of the 2019-2020 fiscal year, the sources and amounts of funding anticipated to complete financing on any incomplete improvements identified in Paragraph A above are as follows:

*General Obligation Bond Proceeds (requires voter approval), Community Facilities District Funds and State matching funds.*

- D. With respect to only that portion of the Fund remaining unexpended at the end of 2019-2020 fiscal year, the following are the approximate dates on which the funding referred to in Paragraph C above is expected to be deposited into the appropriate account or fund:

*This cannot be determined for certain at this time. The determining factor is the availability of State funding on certain new construction projects, housing development progress and completion dates throughout the District.*



Rescue Union School District  
Annual Accounting of Developer Fees - Fiscal Year 2019-20  
Per Government Code 66001-66008

09.22.20

Attachment A

<b>Beginning Balance (July 1, 2019 Unaudited)</b>			<b>\$ 1,867,089</b>
<b>Revenues:</b>			
	Fees Collected	\$ 340,513	
	Interest Earned	\$ 34,726	
	Other:	\$ -	
<b>Total Revenue:</b>			<b>\$ 375,239</b>
<b>Total Funds Available</b>			<b>\$ 2,242,328</b>
<b>Expenditures:</b>		<b>Amount Expended</b>	<b>Percentage of Cost Funded by Developer Fees</b>
<b>Construction Projects:</b>			
<i>Rescue Elementary School Capital Improvements:</i>			
	The District has embarked on a plan to upgrade facilities needed to accommodate growth.	\$ 91,625	100%
<b>Debt Service - 2010 Certificates of Participation Refunding</b>		\$ 162,800	31.25%
	Rental Payments and Interest were paid on the 2010 Certificates of Participation used to refund the 2001 and 2008 COP's. Proceeds from the original sale of Certificates of Participation (2001) were used to plan, design, and construct school facilities and to accommodate growth in constructing the Pleasant Grove Middle School (\$2.5M of \$8M COP).		
<b>EDCOE Fee</b>		\$ 10,215	100%
	The El Dorado County Office of Education administers the collection of Developer Impact Fees for the school districts in El Dorado County. This is the administrative fee charged by EDCOE for their services.		
<b>Contracts - School Facility Consultants/ School Works</b>		\$ 3,919	100%
	The District contracted with contractors to perform the following - Prepare and update school boundary information, and Prepare Modernization Eligibility Analysis for Rescue USD		
<b>New Project Services - CDE and California Desing West</b>		\$ 5,330	100%
	The District has modernization projects related to GV, LF, and Rescue which include activites for plan check.		
<b>Administrative Expenses</b>		\$ 47,805	25%
	Administrative expenses including payroll and benefits related to the Facilities Department's oversight of the capital improvements and projects being planned, designed and constructed to accommodate growth were incurred by the District.		
<b>Total Expenditures:</b>			<b>\$ 321,693</b>
<b>Ending Balance (June 30, 2020)</b>			<b>\$ 1,920,634</b>

**RESCUE UNION SCHOOL DISTRICT  
2390 BASS LAKE ROAD  
RESCUE, CA 95672**

# **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that at 6:30 p.m. on Tuesday, October 13, 2020 at the District Office Board Room, located at 2390 Bass Lake Road, Rescue, CA, the Governing Board of the Rescue Union School District will consider the adoption of a Resolution in the Matter of the Annual Developer Fee Report for 2019-2020, pursuant to Government Code sections 66001 [and 66006].

Any interested party may make an oral or written presentation at the meeting. Rescue Union School District has made available to the public information regarding the capital facilities fees received, deposited, invested and expended by the District, particularly through a document entitled Annual Accounting Developer Fees 2019-2020.

Such information may be obtained at the District Office at the address listed above, by contacting Sean Martin at 530-677-4461, or at the following link: <http://www.rescueusd.org/School-Board/Agendas-Minutes/index.html>

By: Sean Martin  
Assistant Superintendent of Business Services

Posted: September 24, 2020