

Burnt Ranch Elementary School District

Board of Trustees Regular Meeting

Burnt Ranch Elementary School
251 Burnt Ranch School Road
Burnt Ranch, California

**Meeting will be available remotely via ZOOM. Please call (530) 629-2543 before 3:00pm on 11/12/20 for information regarding remote access.*

**Thursday, November 12, 2020
4:00pm Regular Meeting**

AGENDA

1.0 Formal Opening

- 1.1 Call to Order
- 1.2 Roll Call
- 1.3 Additions or Changes to Agenda

2.0 Public Communication: Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to three minutes per person, per topic. Please state your name and address before speaking. In accordance with the Brown Act, unless an item has been placed on the agenda there shall be no action taken. The Board may 1) acknowledge receipts of the information; 2) refer to staff for further study; 3) refer the matter to the next agenda.

3.0 Accept Open Session Agenda

Motion _____ Second _____ Vote _____

4.0 Consent Agenda: The following consent agenda items are considered to be routine by the District Board and will be enacted with one motion. There will be no separate discussion of items unless a Board member so requests, in which the items will be considered following approval of the Consent Agenda.

- 4.1 Minutes – October 8, 2020
- 4.2 Warrants – October 1, 2020 to November 4, 2020

5.0 Correspondence

- 5.1 Division of State Architect
Re: Certification of Completion
- 5.2 Sarah Supahan, TCOE Superintendent of Schools
Re: Learning Continuity Plan

6.0 Reports

- 6.1 Building Projects
- 6.2 Superintendent
- 6.3 Business
- 6.4 Principal
- 6.5 Enrollment and attendance
- 6.6 Staff

7.0 General Business

- 7.1 Review/Approve the 2020-2021 School Plan for Student Achievement (SPSA)
- 7.2 Review Williams Quarterly Report
- 7.3 Review/Approve the following Board Policies:
 - E 1113 District and School Websites
 - BP/AR 4157/4257/4357 Employee Safety
 - BP/AR 5145.7 Sexual Harassment
- 7.4 Discussion Staff Evaluations

8.0 Future Business

Next board meeting:

Regular Board Meeting-Thursday, December 10, 2020 at 4:00pm

December Organizational Meeting – Monday, December 14, 2020 4:00pm

9.0 Adjourn to Closed Session

- 9.1 Pursuant to Government Code 54957 Personnel or 54956.9 Litigation

10.0 Return to Open Session

11.0 Adjourn

Burnt Ranch Elementary School District

Board of Trustees Regular Meeting

4.1

Burnt Ranch Elementary School
251 Burnt Ranch School Road
Burnt Ranch, California

Thursday, October 8, 2020
4:00pm Regular Meeting

Minutes

1.0 Formal Opening

- 1.1 Call to Order – *Board President Cyn Van Fleet called the meeting to order at 4:02pm.*
- 1.2 Roll Call – *Board members present were Cyn Van Fleet, James King, Sarah Brown, Michael Harding and Joshua McKnight. Also present were Kathleen Graham, Kristi Kilgore and Robin Dummer*
- 1.3 Additions or Changes to Agenda - *No additions or changes*

2.0 **Public Communication:** Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to three minutes per person, per topic. Please state your name and address before speaking. In accordance with the Brown Act, unless an item has been placed on the agenda there shall be no action taken. The Board may 1) acknowledge receipts of the information; 2) refer to staff for further study; 3) refer the matter to the next agenda.

3.0 Accept Open Session Agenda

Motion - James King Second Sarah Brown Vote – 5-0

4.0 **Consent Agenda:** The following consent agenda items are considered to be routine by the District Board and will be enacted with one motion. There will be no separate discussion of items unless a Board member so requests, in which the items will be considered following approval of the Consent Agenda.

- 4.1 Minutes – September 10, 2020 and September 24, 2020
 - 4.2 Warrants - September 9, 2020 to September 30, 2020
- 4.1 and 4.2 – *Approved by Consent*

5.0 Correspondence

No Correspondence to report

6.0 Reports

6.1 Building Projects

School:

- *We have received a response from Colburn Electric and will discuss in closed session.*
- *We had a major problem with our Fire Pump, tank, etc. starting on Friday, September 11th. We have been working with many of the professionals who were initially involved in the construction and/or set up of our system. Adam Dummer has also been instrumental in helping solve the issues. Julie was able to run the weekly test today and it was successful. Josh McKnight suggested the school purchase a hydrant lock.*

Well: *The well driller is here this week to drill in the designated spot in the corner of our property. Presently we are estimated amount to receive \$223,000 for the hardship grant.*

Generator: *PG&E installed the switch and have a rented generator in place and operational.*

Here's an excerpt from our newsletter: BRESD has been working with PG&E to install a whole school generator at our school to be used when the power goes out in our community. It is now fully operational! If the power goes out for any reason we will still be able to keep the school open as the generator will automatically turn on and power the school. If it's a planned PSPS (Public Safety Power Shutoff), a small crew from PG&E will arrive to set up an information and community resource station in the far end of the parking lot. They will follow all protocols for health and safety. They will have charging stations for cell phones and internet access for community members to use during the power outage. The PG&E employees will be monitoring all visitors to the school parking lot and making sure there is no contact between them and our students, as we still have a "closed" campus. If the power goes out due to "natural causes" or a downed pole, then there will be no PG&E crew on site.

So, if the power goes out at your home, please assume that school will still be held. If we do need to cancel, we will send out a Robo-call, text, and e-mail. Unfortunately, the generator may only be at our site until the end of December, but we are working on a plan to get our own generator now that the setup is in place.

Kathleen is continuing to work on the Generator project. She will be working on researching propane vs. diesel generators and well as the cost of continuing to rent the generator after December.

6.2 Superintendent –

- *The County SELPA (Special Education) agreed to hire a Behaviorist to help the county schools with addressing and meeting the needs of both at-risk behavior students and their teachers. Hopefully the part-time position will be up and running by late fall. Sarah Brown questioned behavior at BRS. Kathleen responded that BRS currently doesn't have "severe behavior issues" but the behaviorist would still be of valuable assistance to teachers in maintaining and strengthening positive classroom behaviors.*
- *Upcoming district plans due by December/January: 1) The Single Plan (needed because we have no LCAP this year but we do receive Federal Title I funding, 2) The School Accountability Report Card (SARC), and by May- 3) the 2021-2024 LCAP.*
- *Today we received Chrome books donated by Frontier Communications which will be given to students meeting the criteria outlined in an agreement. Students need to be in 6th grade or higher, qualify for Free/Reduced lunches and in need of a device at home.*

6.3 Business –*Robin reported that business has been continuing as usual. Staff was happy to receive the increase in the Health and Welfare Cap. She is continuing to prep for the first interim which will be presented at the December board meeting.*

6.4 Principal – *Kristi Kilgore-Holland reported the following:*

- *We've made it over 7 weeks!*
- *9/14 start of Intervention for identified low-performing students*
- *9/18 Virtual Back-to-School--presentations are on the school's website--Check them out!*
 - *Teachers have created websites for their classrooms which are linked to the school website.*
- *10/1 Love and Logic Parenting Virtual Classes--once a week for 6 weeks--Betsy is attending*
- *10/2 Custodian Day—All students wrote little messages to Julie McCurdy--the K/2 class made a class book, the 2/4, 4/6, 7/8 classes collaborated on a "Thank you for making our school sparkle" bulletin display in the gym, and her janitor's closet was decorated. This really made Julie feel special.*
- *10/5 Progress Reports sent home--These are the mid-trimester reports*
- **Upcoming:**
- *10/12 Teacher Professional Development and Work Day at Burnt Ranch School. Teachers only- no school for students or classified staff. (The Annual County-Wide PD Day was canceled due to COVID-19 restraints.)*
 - *Morning: PD activities/trainings based on teachers' input - iReady, Math games, Writing, SMART technologies*
 - *Afternoon: teachers meeting, including planning for the Harvest Festival and planning time for teachers*
- *10/15 Native American Basket presentation--Credentialed teacher from Hoopa, Wes Crawford, will be on campus to show his basket display to all the students. All health/safety protocols will be in place.*
- *10/22-26 Cue Conference (Virtual) Betsy and Kristi are attending*
- *10/26 Parent Advisory Committee Meeting @3:30*
- *10/30 Harvest Festival—to be held during regular school hours for in-person students. There will be no outside volunteers or parents in attendance.*
- *11/11 Veterans Day- No school*
- *11/13 End of 1st Trimester*
- *11/17-20 Parent /Teacher conferences (via Zoom, phone, or socially distanced meetings) Minimum Days*
- *11/23-27 Thanksgiving Break*
- **Information:**
- *82% of students (55 out of 67) attending classes on campus. 18% (12 students) in Distance Learning.*
- *HEPA air purifiers in classrooms, library, ASES room, office, and gym to help with the smoke.*
- *Students in grades 5-8 eat in their classrooms on smoky days; K-4 eat in the cafeteria.*
- *ASES is using same precautions. Working on a more effective parent sign-out system.*

- o ASES Assistant Rachel is running a language club two days a week using Duolingo; students are learning a second language of their choice.
- The stage area has been redesigned to make another learning space for small groups.
- Continuing to update and redo the website to make it more user friendly and relevant.

6.5 Enrollment -67 and attendance- 95%

6.6 Staff – Robin reported that the staff members received vases of fresh flowers from the BRS PTO and they were much appreciated. She also reported that we do have amazing volunteers: Tyler Thompson was responsible for the addition to the playground; Mike Harding build a box with benches for the dogwood tree that was donated by the 8th grade class of 2020; Thurston Wilson build stands for the hand sanitizers to avoid drilling into the new walls as well as plexi-glass stands for the front desk and got our kiln back to working order.; and Adam Dummer assisted over the course of many days with the troubleshooting and fixing of our fire suppression system and water tank.

7.0 General Business

7.1 Review/Approve Resolution No. 2020/21-04 Resolution for Authorizing use of Hardship Funds-
Michael Harding motioned to approve Resolution No. 2020/21-04 Resolution for Authorizing use of Hardship Funds, Joshua McKnight seconded the motion. Vote 5-0

7.2 Review/Approve Resolution 2020/21-05 – Resolution Approving Intent To Apply For Design Apportionment From The Office Of Public School Construction-
James King motioned to approve Resolution 2020/21-05 – Resolution Approving Intent To Apply For Design Apportionment From The Office Of Public School Construction, Joshua McKnight seconded the motion. Vote 5-0

7.3 Review/Approve Interfund Transfer from General Fund 01 to School Facilities Fund 35-
Sarah Brown motioned to approve the Interfund Transfer from General Fund 01 to School Facilities Fund 35 in the amount of \$256,192.00, Michael Harding seconded the motion. Vote 5-0

7.4 Review/Approve the following Board Policies:
BP/E 3555 Nutrition Program Compliance
AR 4030 Nondiscrimination in Employment
BP/AR 5125 Student Records
BP/AR 5141.22 Physical Education and Strategy
BP/AR 6142.7 Infectious Diseases
BP 6163.4 Student Use Of Technology

James King made a motion to approve BP/E 3555, AR 4030, BP/AR 5125, BP/AR 5141.22, BP/AR 6142.7, and BP 6163.4. Michael Harding seconded the motion. Vote 5-0

8.0 Future Business

Next board meeting:
Regular Board Meeting-Thursday, November 12, 2020 at 4:00pm

9.0 Adjourned to Closed Session at 5:14pm.

9.1 Pursuant to Government Code 54957 Personnel or 54956.9 Litigation

10.0 Return to Open Session at 5:25pm

A response will be sent to Colburn Electric regarding recent correspondence. No other reportable action.

11.0 Adjourned at 5:26pm

Checks Dated 10/07/2020 through 11/04/2020

Board Meeting Date November 12, 2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5224337	10/07/2020	Dummer, Robin J	01-4300	Food & Covid Supplies	360.17	
5224338	10/07/2020	McCurdy, Julie	13-4700	Food & Covid Supplies	73.56	433.73
5224339	10/07/2020	Canon Solutions America	13-4700	Food & Fuel		87.31
5224340	10/07/2020	Weaverville Auto Parts	01-5800	Copier coverage - Covid	130.05	
5224341	10/07/2020	North Coast Laboratories Inc	01-4300	Copier maintenance	196.47	326.52
5224342	10/07/2020	Tom's Trash	01-5800	Bus parts - Oil		90.02
5224343	10/07/2020	Trinity Lumber - BlueTarp	01-5550	Water testing		407.82
5224344	10/07/2020	Valley Pacific Petroleum Services, Inc	01-4300	Recycling & trash service		407.82
5224437	10/14/2020	Humphrey, Scott W	01-4300	Planter Material		49.77
5224438	10/14/2020	Foothill Fire Protection, Inc.	01-4300	Bus Fuel		578.75
5224439	10/14/2020	Pacific Gas & Electric	01-5800	Headlight - Bus		29.60
5224440	10/14/2020	PBK	01-5800	Sprinkler Service & Diagnose damage to fire pump		1,160.00
5224555	10/21/2020	Graham, Kathleen J	01-5510	Sept 2020 Electric		2,355.48
5224556	10/21/2020	CA Dept of Tax & Fee Admin	35-6200	Final Payment agreement		275,000.00
5224557	10/21/2020	Fisch Drilling	01-4300	Covid - LLM	81.03	
5224558	10/21/2020	Frontier	13-4300	CAFE	103.83	
5224559	10/21/2020	SYNCBI/AMAZON	13-4700	CAFE	409.04	
5224560	10/21/2020	Trinity Co Dept of Trans	35-6200	Covid - LLM	5.70	599.60
5224676	10/28/2020	Bill Anderson	01-5800	Fuel Tax		4.00
5224677	10/28/2020	California Dept of Education	35-6200	Well Drilling		11,950.00
5224678	10/28/2020	Coast Central Credit Union	01-5920	Sept Phone service		318.71
5224679	10/28/2020	Dance Sophisticates, inc	01-4300	ASES, LLM Jan Supplies		1,577.87
5224680	10/28/2020	North Coast Laboratories Inc	01-4300	August 2020 Fuel	101.85	
5224681	10/28/2020	Producers Dairy	01-4300	July 2020 Fuel	45.94	
5224676	10/28/2020	Bill Anderson	01-5560	Sept 2020 Fuel	83.52	231.31
5224677	10/28/2020	California Dept of Education	01-5560	Water Test/Treatment July - Sept		425.00
5224678	10/28/2020	Coast Central Credit Union	13-4700	Commodities - Cafe		171.00
5224679	10/28/2020	Dance Sophisticates, inc	01-4300	KG - Sped Arlo		90.61
5224680	10/28/2020	North Coast Laboratories Inc	01-4300	Instrument Masks		65.00
5224681	10/28/2020	Producers Dairy	01-5560	Water Test		50.00
5224682	10/28/2020	Scholastic Inc.	13-4700	Dairy - Cafe	211.27	
5224683	10/28/2020	Shasta Tr Schools Ins Dental	01-4300	Dairy - Cafeteria	84.13	
5224684	10/28/2020	Shasta Tr Schools Ins Medical	01-4300	Dairy Delivery	110.99	406.39
5224685	10/28/2020	Shasta Tr Schools Ins Medical	01-4300	Books - LLM	181.09	
5224686	10/28/2020	Shasta Tr Schools Ins Medical	01-4300	Books- LLM	100.51	281.60
5224687	10/28/2020	Shasta Tr Schools Ins Medical	01-9580	November 2020 Dental Premium		991.08
5224688	10/28/2020	Shasta Tr Schools Ins Medical	01-9580	November 2020 Med Premium		10,364.00

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

ESCAPE ONLINE

Checks Dated 10/07/2020 through 11/04/2020 Board Meeting Date November 12, 2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5224685	10/28/2020	Shasta Tr Schools Ins Vision	01-9580	November 2020 Vision Premium		237.60
5224772	11/04/2020	Dummer, Robin J	01-4300	Towels & Food	57.89	
			13-4700	Towels & Food	9.98	67.87
5224773	11/04/2020	Holland, Samantha R	01-4300	Food	45.02	
			13-4700	Food	68.72	113.74
5224774	11/04/2020	Generation Genius, Inc	01-4300	Subscription - Lesson streaming		125.00
5224775	11/04/2020	Miller Farms Nursery, Inc.	01-4300	Lawn mower basket - catch		483.80
5224776	11/04/2020	Plotzke Ace Hardware	01-4300	LLM Supplies - PPE		7.50
5224777	11/04/2020	United Grocers	13-4700	Cafe - Food		150.29
5224778	11/04/2020	Valley Pacific Petroleum Servi ces, Inc	01-4300	Bus Fuel		890.34
Total Number of Checks					35	310,529.13

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	29	22,093.31
13	Cafeteria Special Reserve	8	1,480.12
35	County School Facilities Fund	3	286,955.70
Total Number of Checks		35	310,529.13
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			310,529.13

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



October 12, 2020

Certification of Compliance

Kathleen Graham
Burnt Ranch Elementary School District
Po Box 39
Burnt Ranch, CA 95527

Project: Burnt Ranch Elementary School (Burnt Ranch Elementary School District)
Application #: 02-116159
File Id #: 53-1
Scope: Additions to 1-Gymnasium Building; Alterations to 1-Admin/Classroom Building and addition to Admin/Classroom bldg, 1-Gymnasium Building, 1-Classroom Building; Construction of 1-Water Tank, 1-Pump House Building; Rehabilitation of 1-Gymnasium Building

Dear Kathleen Graham:

The Department of General Services' records indicate that the construction of the referenced project has been completed in accordance with design documents approved by the Department, and that all the Verified Reports covering the construction have been received. Therefore, the Department of General Services Certifies as follows:

This project is in compliance with California State regulations as to the safety of design and construction of public schools, and for the accommodation of persons with disabilities.

As stated in our letter approving the plans and specifications for this project, the Department does not review design documents or construction for compliance with the electrical, mechanical, or plumbing regulations. It is the responsibility of the professional consultants named on the application to verify compliance with appropriate parts of the California Building Code, and to submit Verified Reports documenting compliance.

Sincerely,

Digitally signed by Dan DeLoach
Date: 2020.10.12 11:26:04 -07'00'

For Ida A. Clair, AIA
Acting State Architect
Division of the State Architect
IC: jg

cc: School Board
Architect/Engineer - Gary Gery
File



Trinity County Office of Education

Sarah E. Supahan
Trinity County
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256
(530) 623-2861 • FAX (530) 623-4489
<https://www.tcoek12.org>

October 20, 2020

Dear Board Chair and Superintendent,

Thank you for all of your hard work during a very challenging time in education. The services your district has provided in response to students' needs, as well as the resilience and flexibility shown, is a testimony to the dedication of you and your entire staff.

As you are aware, SB 98 amended Ed Code 43509 to suspend the LCAP for the 2020-21 school year, and require the adoption of the Learning Continuity Plan (LCP) by September 30, 2020. The LCP is intended to balance the needs of all stakeholders, including educators, parents, students, and community members, with the need for LEAs to formally plan for the 2020-21 school year in the midst of the COVID-19 pandemic.

The Trinity County Office of Education has received the LCP adopted by your governing board. We have reviewed the plan and have determined that you have addressed all of the required elements. Please remember to prominently post your LCP on the district website, and send the direct link to Tim Nordstrom, Director of Educational Services.

Once again, thank you for your leadership, communication, and adaptability during this process. Please do not hesitate to reach out to me or to our TCOE Team with questions and concerns.

Sincerely,

A handwritten signature in blue ink, appearing to be "Sarah Supahan", written over a circular stamp.

Sarah Supahan, Superintendent of Schools
Trinity County Office of Education

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]
2020-2021

District: Burnt Ranch School District

Person completing this form: Robin Dummer Title: Business Manager

Quarterly Report Submission Date: August 2020
 November 2020
(Check one) February 2021
 May 2021

Date for information to be reported publicly at governing board meeting: November 12, 2020

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
Valenzuela/CAHSEE Intensive Instruction and Services	0		
TOTALS	0		

Kathleen Graham
Print Name of District Superintendent

Signature of District Superintendent

November 12, 2020
Date

DISTRICT AND SCHOOL WEB SITES**MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE****Materials to Prominently Display**

The following must be posted in a prominent location on the district's web site, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.
2. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
3. The district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
4. The district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
6. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.
8. A link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
9. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

The following materials are also required to be posted on the district web site. However, there are no specific requirements related to where they are posted on the web site.

1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.

DISTRICT AND SCHOOL WEB SITES**E 1113**

2. The district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.
3. Training materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's web site or, if the school does not have a web site, on the district's web site. See AR 6145.2 - Athletic Competition.
5. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an exiting interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
6. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.
7. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.
8. The section(s) of the district's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on each school's web site or, if a school does not have its own web site, on the district's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
9. The district's meal payment collection policy and procedures (CDE Nutrition Services Division Management Bulletin SNP-03-2017). See AR 3551 - Food Services Operations/Cafeteria Fund.
10. If the district includes information about the free and reduced-priced meal program on its web site, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (U.S. Department of Agriculture's FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.
11. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the school's web site or, if the school does not have a web site, then on the district's web site. See AR 3514.2 Integrated Pest Management.
12. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.
13. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.
14. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the district's web site.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

Personnel

**BP 4157 (a)
4257
4357**

EMPLOYEE SAFETY

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.
(cf. 0450 - Comprehensive Safety Plan)

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall establish and implement a written injury and illness prevention program, and provide employees with access to such program, in accordance with law. (Labor Code 6401.7; 8 CCR 3203)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157.2/4257.2/4357.2 - Ergonomics)
(cf. 4158/4258/4358 - Employee Security)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

EMPLOYEE SAFETY

**BP 4157 (b)
4257
4357**

Legal Reference:

EDUCATION CODE

32030-32034 Eye safety

32225-32226 Communications devices in classrooms

32280-32289.5 School safety plans

44984 Required rules for industrial accident and illness leave of absence

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

132a Workers' compensation; nondiscrimination

3300 Definitions of employer

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6400-6413.5 Responsibilities and duties of employers and employees, especially:

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

3204 Access to employee exposure and medical records

3400 Medical services and first aid

5095-5100 Control of noise exposure

5193 Bloodborne pathogens

14000-14316 Occupational injury or illness reports and records

CODE OF REGULATIONS, TITLE 17

2508 Reporting of communicable diseases

CODE OF FEDERAL REGULATIONS, TITLE 29

651-678 Occupational safety and health

1910.95 Occupational noise exposure

1910.1030 Bloodborne pathogens

Management Resources:

DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011

WEB SITES

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Hearing Conservation Association: <http://www.hearingconservation.org>

National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh>

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

Personnel

AR 4157 (a)
4257
4357

EMPLOYEE SAFETY

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

Injury and Illness Prevention Program

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:
 - a. Recognition of employees who follow safe and healthful work practices
(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)
 - b. Training and retraining programs
 - c. Disciplinary actions
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards
 - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

EMPLOYEE SAFETY

AR 4157 (b)
4257
4357

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.

7. Provision of training and instruction as follows:
 - a. To all new employees
 - b. To all employees given new job assignments for which training has not previously been received
 - c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
 - d. Whenever the district is made aware of a new or previously unrecognized hazard
 - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
 (cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or web site, which allows an employee to review, print, and email the current version of the district's injury and illness prevention program

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)
 (cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified in law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

EMPLOYEE SAFETY

**AR 4157 (c)
4257
4357**

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness. (cf. 5141.6 - School Health Services)
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and administrative controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees. (8 CCR 5193; 29 CFR 1910.1030)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens) (cf. 4119.43/4219.43/4319.43 - Universal Precautions)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

EMPLOYEE SAFETY

**AR 4157 (d)
4257
4357**

COVID-19 Exposure

If the district receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the district is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the district shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

Students

BP 5145.7(a)

SEXUAL HARASSMENT

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

The district strongly encourages any students who feels that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the superintendent or principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the district appointed Title IX Coordinator.

Once notified, the administrator, compliance officer, or the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

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

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

SEXUAL HARASSMENT

BP 5145.7(b)

- 5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
- 6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
- 7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
- 8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

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

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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

(cf. 4117.7/4317.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

SEXUAL HARASSMENT

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex
- 48900 Grounds for suspension or expulsion
- 48900.2 Additional grounds for suspension or expulsion; sexual harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48980 Notice at beginning of term

CIVIL CODE

- 51.9 Liability for sexual harassment; business, service and professional relationships
- 1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

- 12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

- 4600-4687 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

- 1092 Definition of sexual assault
- 1221 Application of laws
- 1232g Family Educational Rights and Privacy Act

- 1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 34

- 12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

- 1983 Civil action for deprivation of rights
- 2000d-2000d-7 Title VI, Civil Rights Act of 1964
- 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 Family Educational Rights and Privacy
- 106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

- Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
- Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
- Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
- Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
- Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
- Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
- Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

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

Students

AR 5145.7(a)

SEXUAL HARASSMENT

Definitions

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

- 1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
- 2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
- 3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
- 4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.
 (cf. 1312.3 - Uniform Complaint Procedures)
 (cf. 5131 - Conduct)
 (cf. 5131.2 - Bullying)
 (cf. 5145.3 - Nondiscrimination/Harassment)
 (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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

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

- 1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
- 3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291
 (cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Examples of Sexual Harassment

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

- 1. Unwelcome leering, sexual flirtations, or propositions
- 2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
- 3. Graphic verbal comments about an individual's body or overly personal conversation

SEXUAL HARASSMENT

AR 5145.7(b)

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

Title IX Coordinator/Compliance Officer

The district designates the following individuals as the responsible employees to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinators may be contacted at:

Kathleen Graham, Superintendent or Kristi Holland-Kilgore, Principal
P.O. Box 39
251 Burnt Ranch School Road
Burnt Ranch, CA 95527
530-629-2543
kgraham@tcoek12.org or kkilgore@bresd.org

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)
(cf. 5145.6 - Parental Notifications)

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

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

SEXUAL HARASSMENT**AR 5145.7(c)**

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

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

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

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

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

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