

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 2/11/21 for information regarding remote access.*

**Thursday, February 11, 2021
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 - January 14, 2021
- 4.2 Warrants - January 7, 2021 to February 3, 2021

5.0 Correspondence

- 5.1 From Sarah Supahan, Trinity County Superintendent of School
Re: 2020-2021 First Interim Report

6.0 Reports

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

7.0 General Business

- 7.1 Review Williams Quarterly Report
- 7.2 Review/Approve 2020-21 Safety Plan
- 7.3 Review/Approve the following Board Polices:
 - BP /AR 0430 Comprehensive Local Plan for Special Education
 - BP/AR/E 4119.42/4219.42/4319.42 Exposure Control Plan for Bloodborne Pathogens
 - BP/AR 5141.31 Immunizations
 - BP/AR 5145.3 Nondiscrimination/Harassment
- 7.4 Discussion 2021-2022 Superintendent and Principal positions

8.0 Future Business

- 8.1 Next board meeting -
Thursday, March 12, 2021 4:00pm

9.0 Adjourn to Closed Session

- 9.1 Pursuant to Government Code 4957 Personnel or 54956.9 Litigation

10.0 Return to Open Session

11.0 Adjourn

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 1/14/21 for information regarding remote access.*

Thursday, January 14, 2021
4:00pm Regular Meeting

Minutes

1.0 Formal Opening

- 1.1 *Called to order by Cyn Van Fleet at 4:03pm.*
- 1.2 *Roll Call – Board members present were James King, Michael Harding, Josh McKnight and Cyn Van Fleet. Also present, Kathleen Graham, Kristi Kilgore, Robin Dummer and present via zoom was Sarah Brown.*
- 1.3 *Additions or Changes to Agenda – No changes or additions*

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 *by James King* Second *by Josh McKnight* Vote 4-0

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
 - 4.1a December 10, 2020
 - 4.1b December 14, 2020
- 4.2 Warrants – December 16, 2020 to January 6, 2021

Items 4.1 and 4.2 passed by consent

5.0 Correspondence

- 5.1 Letter received from Colburn Electric

6.0 Reports

- 6.1 Building Projects - *Kathleen reported that she is still hoping to have Bobby Storckman do a site visit and test the second fire hydrant. We have received the planning funds for the well project. No new information on the generator Grant.*
- 6.2 Superintendent - *Dec. 17-Kristi organized, and all staff contributed to, a "Covid- Safe" staff Holiday get-together. All who attended had a very nice and safe time!*
- *Jan. 11- All staff were administered Covid tests by a team of school nurses. Results should be back before the Board Meeting.*
 - *Jan/Feb- Students in 5th and 7th grades will be offered the California Healthy Kids Survey in class. This is given every other year and, although no individual results will be available, we will get school and county results to process and have as data.*
 - *February- School staff will be offered the (Moderna) Covid-19 vaccine in Weaverville. As soon as we get a definite day and time, we will plan accordingly. It may necessitate having a Minimum Day or a full day off depending on how many staff will choose to be vaccinated and the day/time it is scheduled.*
BRS may be part of a new program called "Pathways to Success" which will potentially place a "liaison" at our school 2-3 days a week to provide some extra support to students. The program is part of a three-year grant and will be overseen by a TCOE employee. I will update the board in February on any developments
Julie McCurdy and Kendal Dummer have been beading with Indian Ed students.
- 6.3 Safety Plan Update - *The plan is basically complete, but still needs some input, finessing, and stylizing to BRS. The teachers have given input, the Safety Committee has worked on it, and it will be on the Parent Advisory Committee agenda on Jan 25. It will be up for board approval in February.*
- 6.4 Principal - *Virtual Winter Musical Presentation—Ms. Treesong is still putting this together; she is not quite sure when it will be ready.*
- *Santa's Workshop was a great success. Students made creative but useful gifts for their families. Shout-out to Casey Geyer and the ASES staff for helping facilitate this event.*
 - *Students sold \$6,430.13 in Sees Candy! (The profit will be about \$1000.) Ms. Geyer had to dye her hair blue because the students sold so much!*
 - *1/13 Last iReady professional development training for the teachers. (Our new math program)*
- 6.5 Business – *Robin Dummer reported that we received an additional payment from Pacific Gas and Electric. There was also additional funds from the CDE for increased meal reimbursements. She will have the 2nd Interim Budget report at the board meeting in March.*
- 6.6 Enrollment and attendance – *74 with an average of 95%*
- 6.7 Staff – *Kathleen reported that we have one classified staff member that will receive the 2020 Cascade of Excellence.*

7.0 General Business

- 7.1 Interview, Consider and/or Approve Provisional Appointment of Board Member
7.1a Administer Oath of Office – *Cyn Van Fleet administered the Oath of Office to Sarah Brown.*
- 7.2 Review/Approve 2019-2020 School Accountability Report Card (SARC)
James King motioned to approve the 2019-20 School Accountability Report Card; Josh McKnight seconded the motion, Vote 4-0; Sarah Brown abstained from the vote

8.0 Future Business

8.1 Next board meeting -
Thursday, February 11, 2021 4:00pm

9.0 Adjourned to Closed Session by Cyn Van Fleet at 4:56pm.

9.1 Pursuant to Government Code 4957 Personnel or 54956.9 Litigation

**10.0 Returned to Open Session by Cyn Van Fleet at 5:35pm
No reportable action**

11.0 Adjourned by Cyn Van Fleet at 5:36pm.

Checks Dated 01/13/2021 through 02/03/2021

Board Meeting Date February 11, 2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5225807	01/13/2021	Geyer, Casey	01-4300	Santa's Workshop & Cafe Milk	270.38	
5225808	01/13/2021	California Safety Company	13-4700	Santa's Workshop & Cafe Milk	17.97	288.35
5225809	01/13/2021	Campora	01-5800	Jan 2021 Fire Alarm Monitoring		40.00
5225810	01/13/2021	Dept of Toxic Substances	01-5520	Propane Refill		5,404.27
5225811	01/13/2021	Weaverville Auto Parts	01-5800	CUPA Fees		779.00
5225812	01/13/2021	Pacific Gas & Electric	01-4300	Bus Part - Bulb		2.78
5225813	01/13/2021	Tom's Trash	01-5510	Jan 2021 Electric		1,719.56
5225814	01/13/2021	Trinity Co Dept of Trans	01-5550	Dec 2020 Trash and Recycling		410.23
5225815	01/13/2021	Valley Pacific Petroleum Servi ces, Inc	01-4300	Bus Fuel - Dec 2020	73.20	
5226034	01/29/2021	Kilgore, Kristi F	01-4300	Bus Fuel - Nov 2020	77.72	150.92
5226035	01/29/2021	Coast Central Credit Union	13-4700	Dec Bus Fuel		520.19
5226036	01/29/2021	Frontier	01-5800	Bread, groceries - Cafe		74.99
5226037	01/29/2021	Producers Dairy	01-5920	Arlo - Camera subscription		12.97
5226038	01/29/2021	Robert Colburn Electric, Inc	13-4700	January 2021 Phone		326.14
5226162	02/03/2021	Bill Anderson		Dairy - Cafe	110.71	
5226163	02/03/2021	CA Dept of Tax & Fee Admin		Dairy and Juice - Cafe	247.54	
5226164	02/03/2021	North Coast Laboratories Inc	01-5800	Milk, Yogurt - Cafe	102.97	461.22
5226165	02/03/2021	Original Seat Sack Company	01-5800	Final Payment		68,268.30
5226166	02/03/2021	SYNCB/AMAZON	01-5560	Water Testing/Treatment Oct 2020-Jan 2021		500.00
5226167	02/03/2021	Valley Pacific Petroleum Servi ces, Inc	01-5800	Diesel Fuel Exempt Fee		7.04
			01-5800	Water test - Jan		50.00
			01-4300	Seat Sacks		59.70
			01-4300	Indian Ed/Ases Supplies		265.23
			01-4300	Bus Fuel		523.70
Total Number of Checks					20	79,864.59

4.2

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	18	79,310.41
13	Cafeteria Special Reserve	3	554.18
Total Number of Checks		20	79,864.59
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			79,864.59

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.



Trinity County Office of Education
201 Memorial Drive
Post Office Box 1256
Weaverville, CA 96093
(530) 623-2861
Fax (530) 623-4489
www.tcoek12.org

January 15, 2021

Board of Trustees
Burnt Ranch Elementary School District
Post Office Box 39
Burnt Ranch, CA 95527

Honorable Board Members:

In accordance with Education Code Section 42127, we have examined the first interim report for the fiscal year 2020-21 to determine if it complies with the criteria and standards adopted by the State Board of Education pursuant to Education Code Section 42131.

Based on our review and analysis, we are satisfied that the first interim report approved by the district's governing board reflects the financial status of the district and is consistent with the state's criteria and standards. We therefore concur with the district's positive certification.

We have produced the attached document, Key Items to Consider, for your review to assist in your additional analysis of the first interim report and future budget planning.

As a reminder, the timeline for the Local Control and Accountability Plan (LCAP), Budget Overview for Parents and Annual Update will be changing from the prior year. More details will be shared as the information becomes available. The district should continue to work with its stakeholders to develop a Local Control and Accountability Plan (LCAP) that is reflective of local wisdom and responds to the needs of your community. The county office provides LCAP support and training as well differentiated assistance to requesting districts. Based on enrollment and unduplicated pupil percentage, the amount of supplemental and concentration funding fluctuates each year. In accordance with EC 43509 we have confirmed that the Budget Overview for Parents was approved by the board and has been posted on the district website.

The Governor has released the 2021 budget proposal on January 8, 2021. The trailer bill language will be available the first week of February. The details of this proposal will be reviewed with your district administrator and business manager with recommendations for inclusion in the preparation of the 2020-21 second interim report and multi-year projections. Additionally, information on new federal stimulus for education will be shared for inclusion in the 2020-21 second interim report.

Assembly Bill (AB) 2756 requires school districts to submit copies of any study or report that indicate signs or symptoms of fiscal distress to the county office of education. Should the district acquire any such reports or studies during the fiscal year, please submit them to Gretchen Deichler at Trinity County Office of Education as soon as they are available.

The Fiscal Crisis and Management Assistance Team (FCMAT) has their Indicators of Risk or Potential Insolvency. This can be used to evaluate and/or improve processes in your district. The form can be found on their website www.fcmat.org.

Notes from the review have been shared with the fiscal officer and administrator of the district. If you have any questions about the LCAP, please contact Fabio Robles, Deputy Superintendent at frobles@tcoek12.org. If you have any questions about the budget, please contact Gretchen Deichler, Assistant Superintendent of Business Services, at gretchend@tcoek12.org.

We would like to thank the district staff for working closely with the TCOE staff to develop budget, payroll, attendance, accounts payable and receivable procedures and processes. The hard work and dedication is truly appreciated and the outcomes have improved the district's long term solvency.

TCOE staff is available to attend the next board meeting to review the contents of this letter and review the district options and timelines with administration and the board.

Sincerely,



Sarah E. Supahan
Trinity County Superintendent of Schools

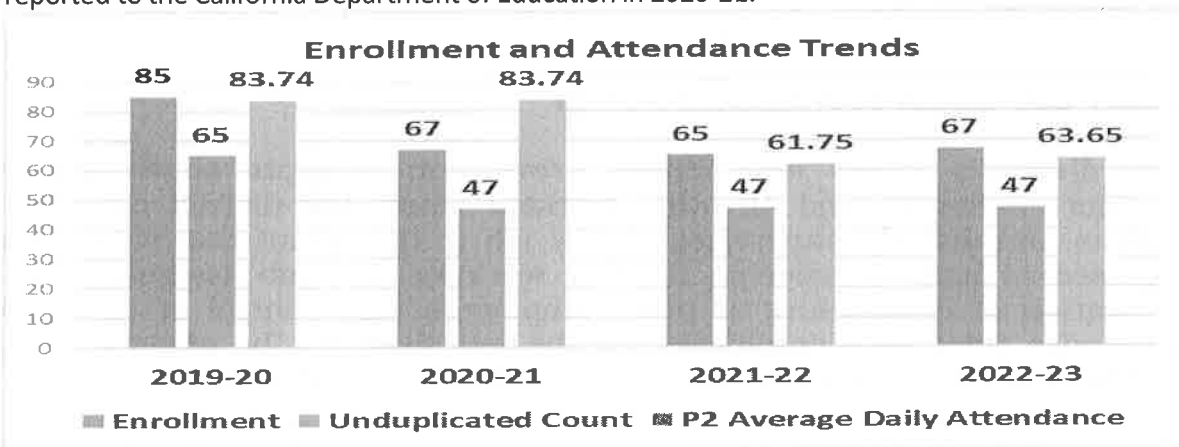
cc: District Superintendent
District CBO or Business Manager

BURNT RANCH ELEMENTARY SCHOOL DISTRICT
 KEY ITEMS TO CONSIDER: First Interim Report, 2020-2021

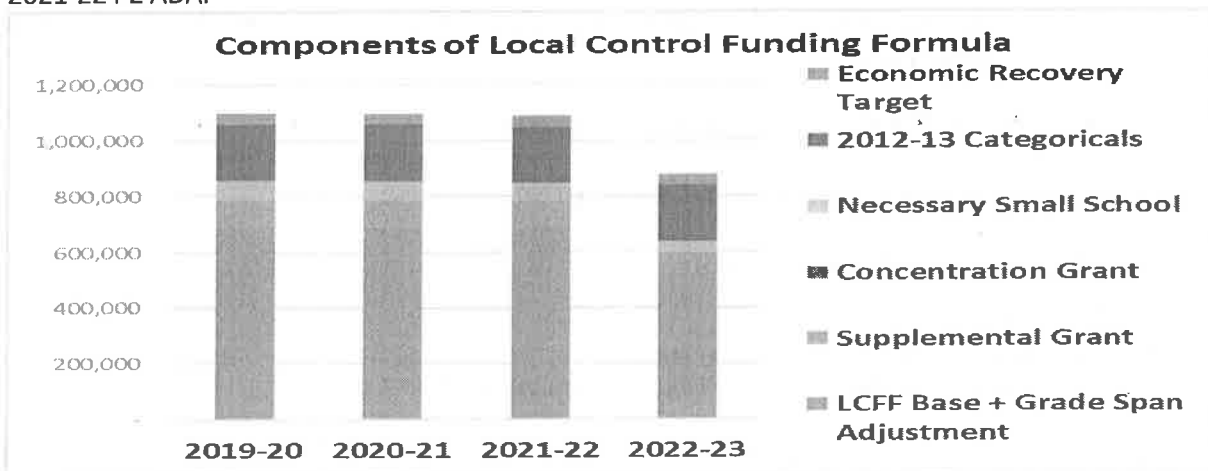
ENROLLMENT AND ATTENDANCE

Over the multiyear projection enrollment is projected to decrease from 85 to 67 and average daily attendance (ADA) used for funding is based on LCFF funding in all years. The multiyear projection for Necessary Small School or LCFF revenue will be based on current or prior year ADA whichever provides higher revenue.

This chart illustrates enrollment and ADA projections included in the district’s multiyear projection (MYP) assumptions. Note that for the current year (2020-21) Fall 1 enrollment is reflected but Average Daily Attendance (ADA) for this year are based on 2019-20 P2 ADA. ADA will not be reported to the California Department of Education in 2020-21.



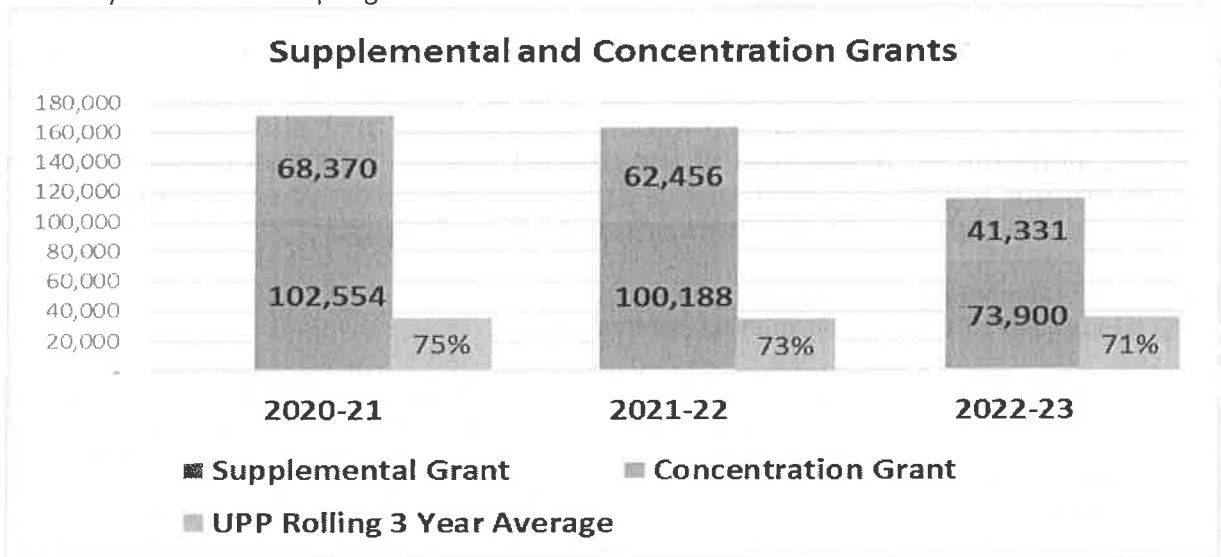
This chart illustrates the components of the Local Control Funding Formula. The 2012-13 categorical amount (Small School Bus Replacement, Targeted Instructional and Transportation) and the economic recovery target will remain the same. The other components vary based on ADA and unduplicated pupil percentage. This chart shows that the district is funded with LCFF funding in all years of the MYP. This chart illustrates the “cliff” and loss of approximately \$200,000 that the district is approaching in 2022-23 caused by projected declining enrollment. 2022-23 will be based on the 2021-22 P2 ADA.



These graph below illustrates the supplemental and concentration grant funding. **Making sure that the unduplicated students are correctly identified each year is important** as it affects the three-year rolling average used to calculate the grant funds.

The **actual funding is determined by the enrollment** identified as the unduplicated pupil count as of Fall 1 Census Day, which is always the first Wednesday in October, and the district P2 average daily attendance.

However, the **Local Control Accountability Plan will be based on estimates at the time of the budget adoption.** Note that in 2022-23 the supplemental and concentration funding decreases based on the declining enrollment and P2 ADA. This should be considered during the development of the 3 year LCAP in the spring.



FACILITIES & MAINTENANCE (update provided by Jeff Morris)

District has ostensibly completed the main school reconstruction project as in the final stages of completing associated payments and project close outs, with only one vendor negotiation remaining. The project has been officially signed off by DSA and the project architect. Two additional projects are currently in the planning stages, a new / improved water source and system and a school wide backup generator. A temporary generator, provided by PG&E was utilized at the school during the late summer - early winter of 2020.

DEVELOPER FEES

The district has NOT received developer fees this year. Below are the historical receipts over the last few years. If this does not seem to be accurate please contact our office.

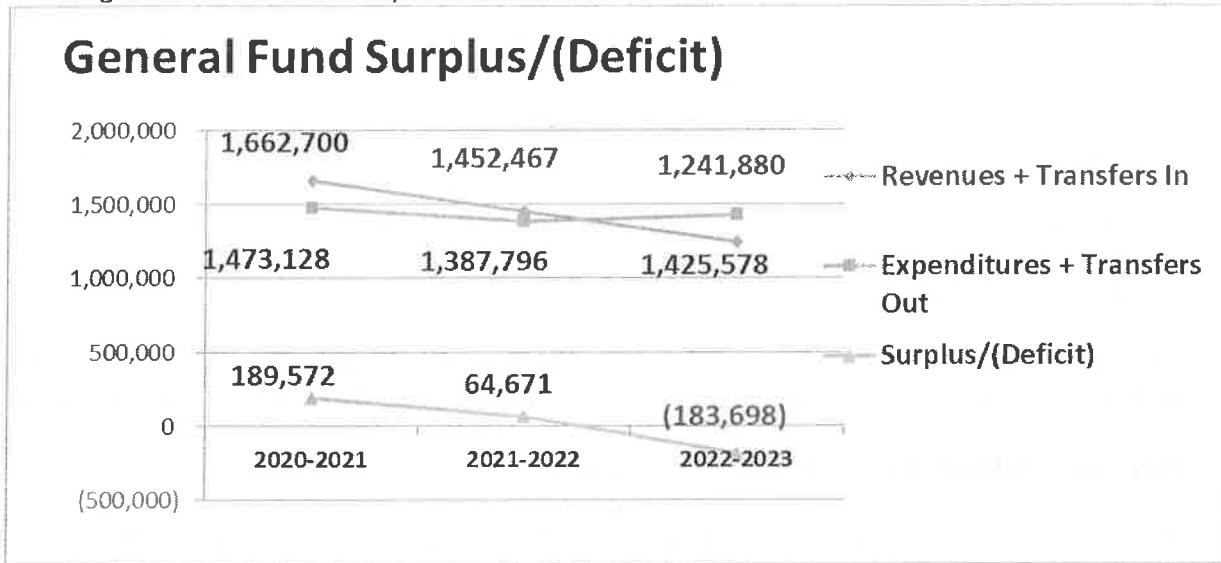
Account Object Code	2020/21 Account Actuals	2019/20 Account Actuals	2018/19 Account Actuals
Fund 25 - Capital Facilities			

Revenue

DEFICIT SPENDING

The district is projecting deficit spending in the last year of the multiyear projection and spending down the General Fund balance which is estimated to increase in the first two years of the MYP.

The line graph below illustrates the estimated revenues, expenditures and annual surplus or deficit affecting the fund balance each year of the MYP.



INTERFUND TRANSFERS

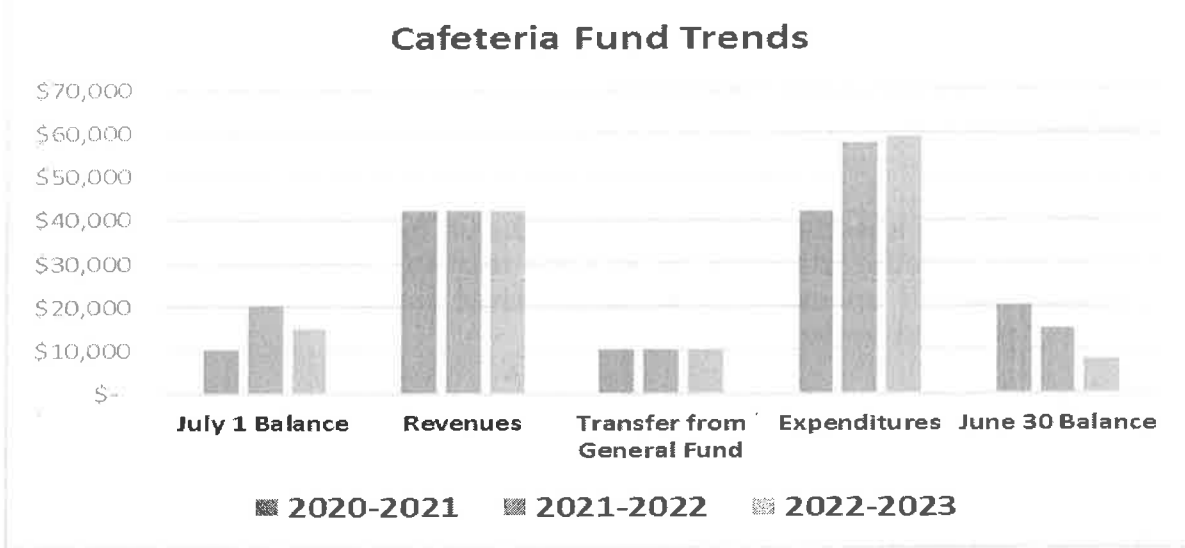
The table below shows the transfers in the 2020-21 first interim report.

Fund	2020-21	2021-22	2022-23
General Fund	\$ 8,000 from Special Reserve for Current Year Retiree Benefits	\$ 0 from Special Reserve for Current Year Retiree Benefits	\$ 0 from Special Reserve for Current Year Retiree Benefits
	\$10,000 to Cafeteria	\$10,000 to Cafeteria	\$10,000 to Cafeteria
	\$53,651 Current Year Forest Reserve to Special Reserve	\$3,000 Current Year Forest Reserve to Special Reserve	\$3,000 Current Year Forest Reserve to Special Reserve
	\$9,390 to Special Reserve for Future Retiree Benefits	\$9,390 to Special Reserve for Future Retiree Benefits	\$9,390 to Special Reserve for Future Retiree Benefits

CONTRIBUTION TO CAFETERIA FUND

The annual contribution to the Cafeteria Fund from the General Fund increases from 35% to 39% of Cafeteria revenue over the multiyear projection. Continue to review this program to improve efficiencies and not exceed the minimum allowed balance. Expenditures are far out-pacing revenues for the cafeteria program.

This chart illustrates how cafeteria expenditures outpace revenues requiring transfers from the General Fund each year.



This chart illustrates that the projected ending fund balance is in excess of the allowance. It is important that the district review the actual activity in this fund to determine the necessity of an interfund transfer or if temporary borrowing might be the best option.

Fund 13	2020-21	2021-22
Expenditures	\$ 41,980	\$ 57,770
Expenditures ÷ 10 x 3:	\$ 12,594	\$ 17,331
Ending Balance:	\$ 20,456	\$ 14,886

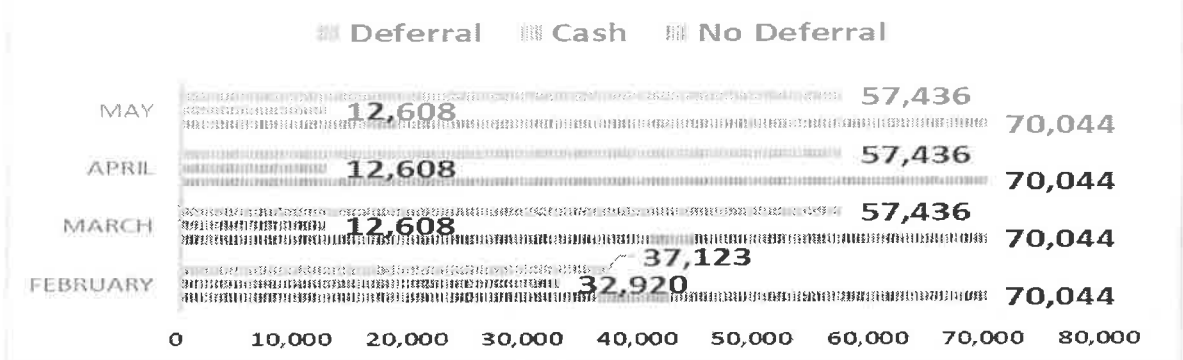
CASH AND CASHFLOW

The district maintains sufficient cash flow for payroll and other obligations. The first installment of property taxes was received on December 10, 2020.

The 2020-21 final budget language included \$12 billion of principal apportionment cash deferrals from fiscal year 2020-21 to fiscal year 2021-22. **These principal apportionment deferrals are ongoing and were added through EC Sections 14041.5 and 14041.6.** We anticipate that the elimination of all or part of the deferrals will be a discussion item and included in the budget trailer bill language in February. However, that will not be in time to change the deferral schedule in place for the remainder of this year.

The chart below shows how cash for your district will be impacted. The orange bar shows the cash to be received, the gray bar shows the amount that is deferred until next fiscal year. The blue bar shows the cash that would have been received if the deferrals were not in place. Over \$200,000 is deferred from February through May. The June 2021 apportionment is not included below but 100% of it will be deferred to July 2021.

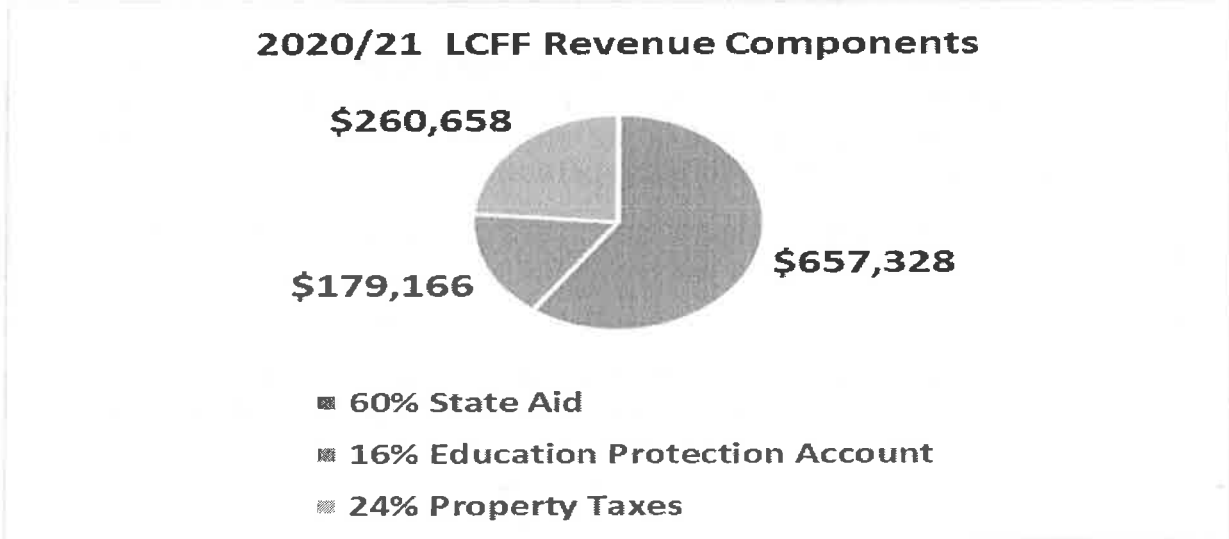
FEBRUARY - MAY 2021 DEFERRALS



FUND BALANCE AND CASH

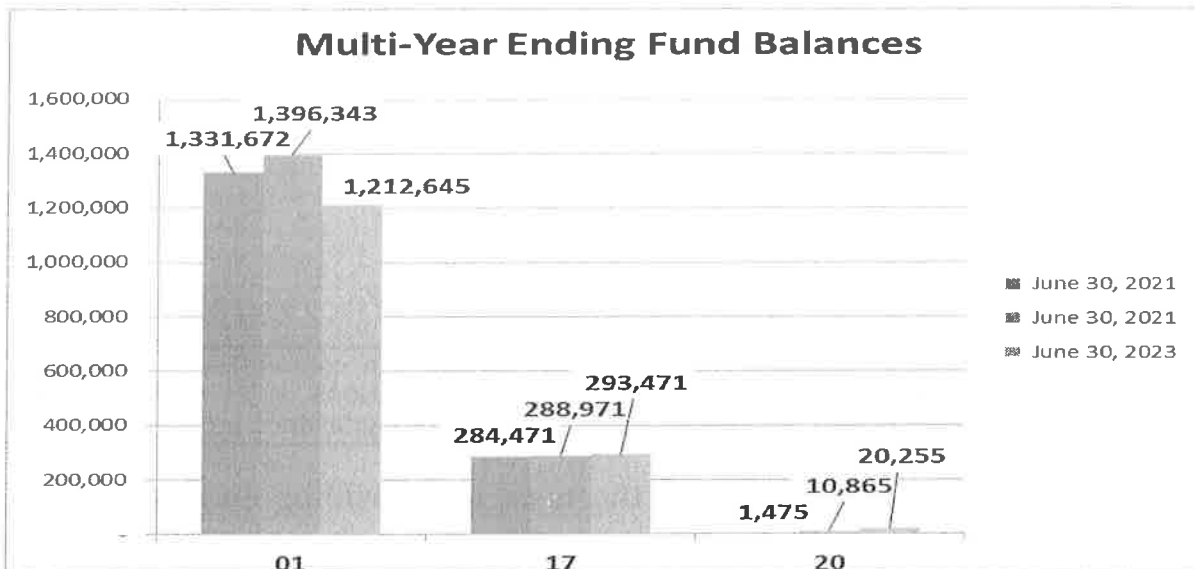
Property taxes represent 24% of total Local Control Funding Formula Revenue. If the reliance on property tax cash is high cash flow could be affected. The district does not have cash flow concerns based on this or other factors.

This chart illustrates the different components of the Local Control Funding Formula; state aid, education protection account (EPA) and property taxes. State aid is the largest component for your district.



FUND BALANCE AND RESERVES

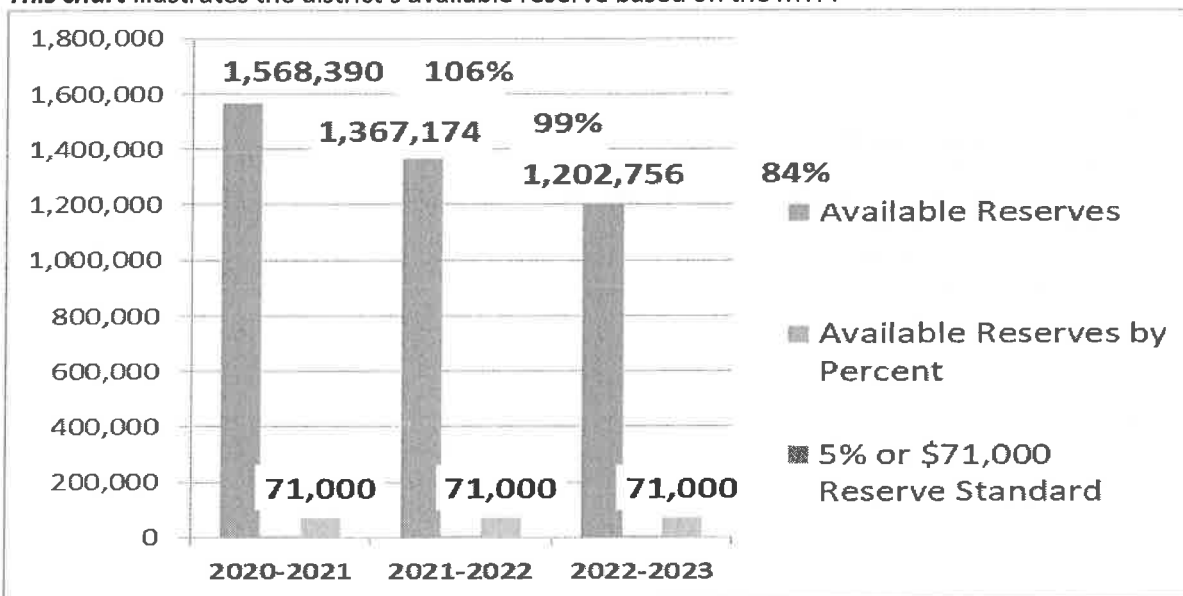
The General Fund balance is projected to be spent down over the multiyear projection while the Special Reserve Fund 17 and Fund 20 are projected to increase. The district should continue to review trends and review its fiscal health at each reporting period.



RESERVES

The district has built and maintained sufficient reserves in excess of the minimum economic uncertainties of \$71,000 or 5% of expenditures whichever is higher. Due to the uncertainty of any district share that might be owed for the facility projects it was prudent to build reserves. ***The district might consider annual transfers to the deferred maintenance fund, special reserve fund and or small school bus replacement fund to build reserves in other funds for the future.***

This chart illustrates the district's available reserve based on the MYP.



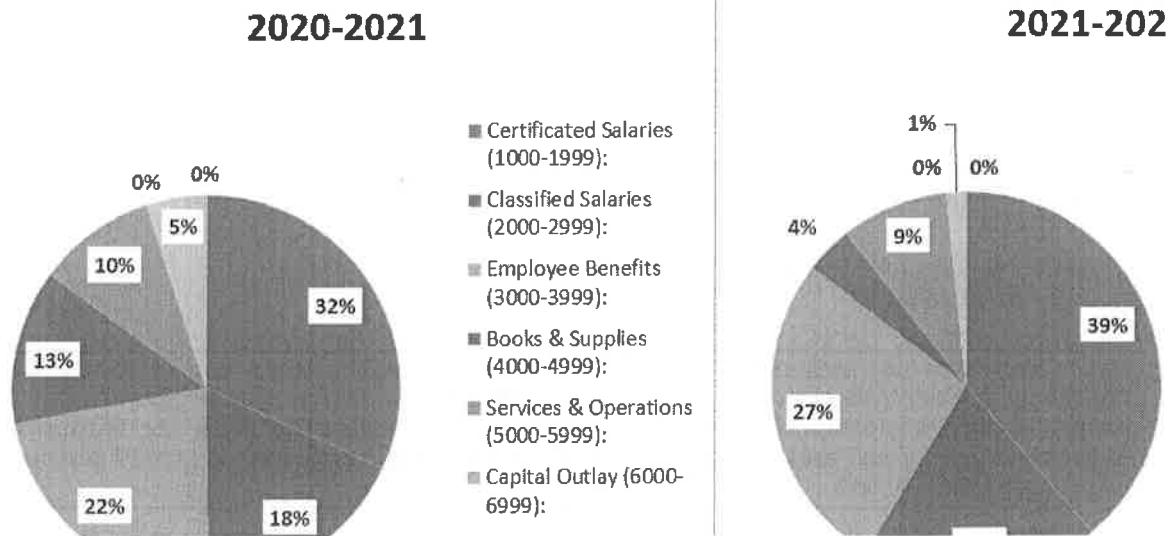
CARES ACT

The district has budgeted CARES Act revenues of \$90,171. Expenses for one-time supplies and staffing are included in the first interim report.

EXPENDITURE ASSUMPTIONS

Other than the elimination of one-time expenditures, the multiyear projection has minimal changes to expenditures. One-time expenses are reflected in 2020-21 only. This is illustrated by the reduction of the supplies section in the charts.

The pie charts shown here demonstrate the expenditure percentage for the current and subsequent year. Salary and benefits represent 72% in 2020-21 and 86% in 2021-22.



SALARY AND BENEFIT NEGOTIATIONS

At the approval of the first interim financial report the salary and benefit negotiations have been settled for the current fiscal year.

For future negotiations, even though the district does not have an organized bargaining unit, in order to be able to do the required oversight please provide us with the following:

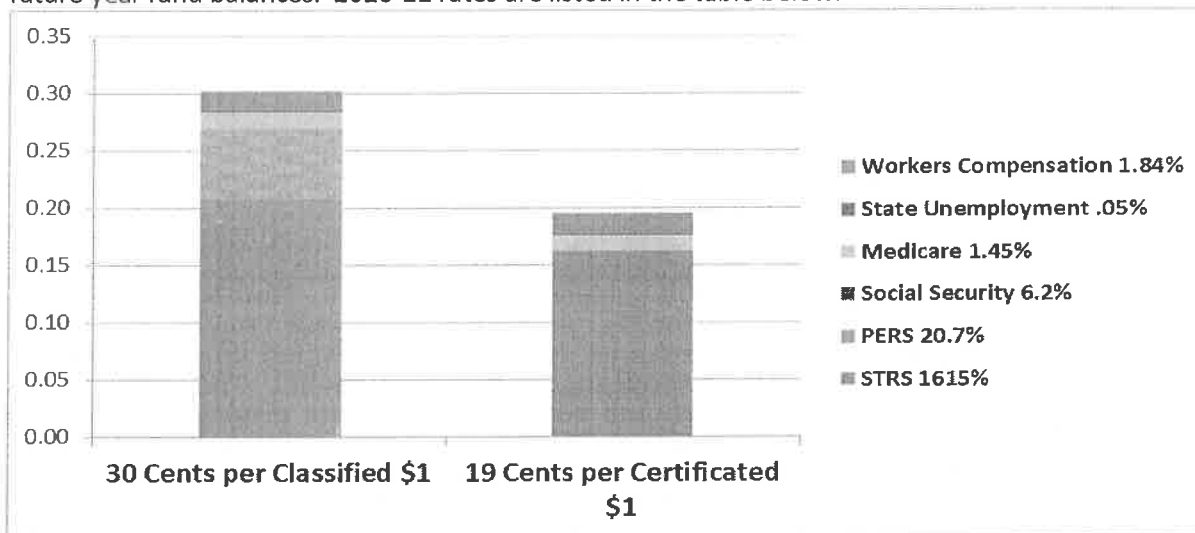
- A copy of the Public Disclosure of Collective Bargaining Agreement at least six working days prior to the date the District Governing Board will take action on the proposed bargaining agreement
- An analysis of the cost of the settlement and its impact on the operating budget

STATUTORY BENEFITS

Factors Beyond District Control

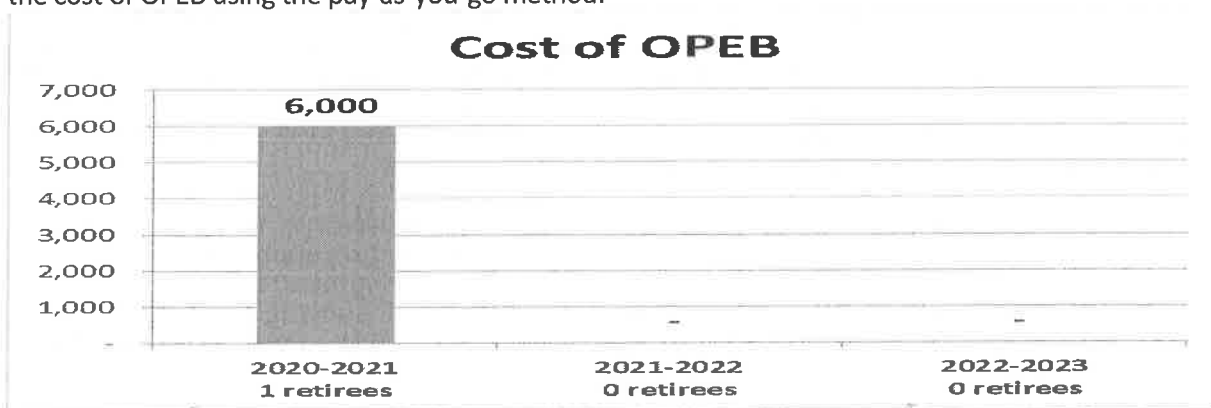
Retirement contribution rates for employers are projected to increase significantly in subsequent years. However, the 2020-21 Governor’s budget included a one-time buy down of the employer CalSTRS rates and the proposed 2021-22 Governor’s budget references continuation of buy downs. Guidance regarding subsequent year rates will be provided for inclusion in the second interim report.

The district has been and is encouraged to continue to do projections to determine the impact on future year fund balances. 2020-21 rates are listed in the table below.



POST RETIREMENT OBLIGATIONS

The district does annual transfers from the Special Reserve for OPEB Fund 20 to the General Fund annually equal to the current year cost of postemployment benefits. In 2020-21 the transfer is \$2,000 greater than the budgeted retiree health and welfare. This should be reviewed during second interim development. The district should continue to review the financial impact of these obligations as indicated on the GASB 75 actuarial to determine the correct funding methodology to use for this liability. The study is required to be updated every two years. The chart below indicates the cost of OPEB using the pay-as-you-go method.



7.1

Quarterly Report on Williams Uniform Complaints
[Education Code § 35186]
2020-2021

District: Burnt Ranch Elementary School District

Person completing this form: Robin Dummer Title: Business Manager

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

Date for information to be reported publicly at governing board meeting: February 11, 2021

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

February 11, 2021
Date

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

The Governing Board recognizes its obligation to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district.

- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159 - Individualized Education Program)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
- (cf. 6159.4 - Behavioral Interventions for Special Education Students)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

In order to meet the needs of individuals with disabilities, the district shall participate as a member of a Special Education Local Plan Area (SELPA) with other districts and the county office of education pursuant to Education Code 56195.1.

The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the Superintendent of Public Instruction. (Education Code 56195.1)

The local plan shall be reviewed at least once every three years and updated as needed to ensure the information contained in the plan remains relevant and accurate. The local plan shall be updated cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent/guardian members of the community advisory committee, or parents/guardians selected by the community advisory committee, to ensure adequate and effective participation and communication. (Education Code 56195.9)

Special education programs and services shall be reviewed on an ongoing basis. The results of such evaluations shall be used to identify and correct any program deficiencies.

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION BP 0430 (b)

Legal Reference:

EDUCATION CODE

- 56000-56001 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56040-56046 General provisions
- 56048-56050 Surrogate parents
- 56055 Foster parents
- 56060-56063 Substitute teachers
- 56170-56177 Children enrolled in private schools
- 56190-56194 Community advisory committees
- 56195-56195.10 Local plans
- 56205-56208 Local plan requirements
- 56213 Special education local plan areas with small or sparse populations
- 56240-56245 Staff development
- 56300-56385 Identification and referral, assessment, instructional planning
- 56440-56447.1 Programs for individuals between the ages of three and five years
- 56500-56508 Procedural safeguards, including due process rights
- 56520-56524 Behavioral interventions
- 56600-56606 Evaluation, audits and information
- 56836-56836.05 Administration of local plan

GOVERNMENT CODE

- 7579.5 Surrogate parent, appointment, qualifications, liability
- 95000-95029 California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

- 361 Limitations on parental control
- 726 Limitations on parental control

CODE OF REGULATIONS, TITLE 5

- 3000-3089 Regulations governing special education

UNITED STATES CODE, TITLE 20

- 1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.10-99.22 Inspection, review and procedures for amending education records
- 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
- 300.1-300.818 Assistance to states for the education of children with disabilities, including:
- 300.500-300.520 Due process procedures for parents and children
- 303.1-303.654 Early intervention program for infants and toddlers with disabilities

Management Resources:

WEB SITES

- California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>
- U.S. Department of Education, Office of Special Education Programs: <http://www.ed.gov/about/offices/list/osers/osep>

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Definitions

Free appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education, including the requirements of 34 CFR 300.1-300.818; include appropriate preschool, elementary school, or secondary school education for individuals between the ages of 3 and 21; and are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR 300.320-300.324. (Education Code 56040; 34 CFR 300.17, 300.101, 300.104)

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Education Code 56040.1; 34 CFR 300.107, 300.114, 300.117)

Elements of the Local Plan

The local plan developed by the Special Education Local Plan Area (SELPA) shall include, but not be limited to: (Education Code 56122, 56205, 56206)

1. Policies, procedures, and programs, that are consistent with state laws, regulations, and policies and 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201 governing the following:
 - a. Free appropriate public education
 - b. Full educational opportunity
 - c. Child find and referral
 - d. Individualized education programs, including development, implementation, review, and revision
 - e. Least restrictive environment
 - f. Procedural safeguards
 - g. Annual and triennial assessments
 - h. Confidentiality
 - i. Transition from the Infants and Toddlers with Disabilities programs pursuant to 20 USC 1431 to the preschool program
 - j. Children in private schools
 - k. Compliance assurances, including general compliance with the federal Individuals with Disabilities Education Act (20 USC 1400-1482), Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), the federal Americans with Disabilities Act of 1990 (42 USC 12101-12213), related federal regulations, and Education Code 56000-56865
 - l. A description of the governance and administration of the local plan in accordance with Education Code 56205(a)(12)
 - m. Personnel qualification to ensure that personnel, including special education teachers and personnel and paraprofessionals are appropriately and adequately prepared and trained in accordance with Education Code 56058 and 56070 and 20 USC 1412(a)(14) and 1413(a)(3)

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

AR 0430 (b)

- n. Performance goals and indicators
 - o. Participation in state and districtwide assessments, including assessments described in 20 USC 6301 et seq. and alternate assessments in accordance with 20 USC 1412(a)(16), and reports relating to assessments
 - p. Supplementation of state, local, and other federal funds, including nonsupplantation of funds
 - q. Maintenance of financial effort
 - r. Opportunities for public participation before adoption of policies and procedures
 - s. Suspension and expulsion rates
 - t. Access to instructional materials by blind individuals with exceptional needs and others with print disabilities in accordance with 20 USC 1412(a)(23)
 - u. Overidentification and disproportionate representation by race and ethnicity of children as individuals with exceptional needs, including children with disabilities with a particular impairment described in 20 USC 1401 and 1412(a)(24)
 - v. Prohibition of mandatory medication use pursuant to Education Code 56040.5 and 20 USC 1412(a)(25)
2. An annual budget plan, including descriptions of the SELPA's allocation plan in accordance with Education Code 56836-56845, all revenues by revenue source received by the SELPA specifically for the purpose of special education, a breakdown of the distribution of funds to each local educational agency (LEA) within the SELPA, projected total special education expenditures by each LEA, projected total expenditures by the SELPA and the LEAs within the SELPA, projected funding to be received specifically for regionalized operations, and a breakdown of projected SELPA operating expenditures
 3. An annual service plan, describing the services to be provided by each LEA, regardless of whether the LEA participates in the local plan, including the nature of the services and the physical location at which the services will be provided. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.
 4. Beginning July 1, 2023, an annual assurances support plan to demonstrate how the SELPA and its participating agencies are coordinating for purposes of assuring effective outcomes for students with disabilities, including a description of:
 - a. How the governing board of the SELPA will support participating agencies in achieving the goals, actions, and services identified in their local control and accountability plans
 - b. How the governing board of the SELPA will connect participating agencies in need of technical assistance to the statewide system of support
 - c. The services, technical assistance, and support the governing board of the SELPA will provide to meet the required policies, procedures, and programs specified in Education Code 56205
 5. A description of programs for early childhood special education from birth through five years of age
 6. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION AR 0430 (c)

- 7. A description of a dispute resolution process, including mediation and arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan
- 8. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205 and that the committee had at least 30 days to conduct this review before submission of the local plan to CDE
- 9. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
- 10. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools, the method of ensuring that all requirements of each student's IEP are being met, and a method for evaluating whether the student is making appropriate educational progress
- 11. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment

The local plan, annual budget plan, annual service plan, and annual assurances support plan shall be written in language that is understandable to the general public. They shall be adopted at a public hearing of the SELPA, for which notice of the hearing shall be posted in each school in the SELPA at least 15 days before the hearing. (Education Code 56205)

Availability of the Plan

The Superintendent or designee shall post on the district's web site the approved local plan, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans. A complete copy of the local plan, annual budget plan, annual service plan, annual assurances support plan, and policies and procedures shall be held on file in the district office and shall be accessible to any interested party. (Education Code 56205.5)

Personnel

BP 4119.42

4219.42

4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Note: The following optional paragraph allows for employees to be included in the training and vaccination program without being classified as having occupational exposure.

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Legal Reference:

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

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

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

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>

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

Personnel**AR 4119.42 (a)****4219.42****4319.42****EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS****Definitions**

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A *sharp* is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A *sharps injury* is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:

- a. All job classifications in which all employees have occupational exposure
- b. Job classifications in which some employees have occupational exposure
- c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:

- a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

- b. Hepatitis B vaccination
- c. Bloodborne pathogen post-exposure evaluation and follow-up
- d. Communication of hazards to employees through information and training
- e. Recordkeeping, including medical records, training records, and a log of sharps injuries

3. The district's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

AR 4119.11 (b)
4219.11
4319.11

- 4. An effective procedure for gathering information about each exposure incident involving a sharp
- 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
- 6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
- 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
- 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

- 1. Reflect new or modified tasks and procedures affecting occupational exposure
- 2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
- 3. Include new or revised employee positions with occupational exposure
- 4. Review and evaluate the exposure incidents which occurred since the previous update
- 5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee. Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193)

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp: (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued) AR 4119.11 (d)
4219.11
4319.11

- f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
- g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
- h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

- 1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
Note: Pursuant to 8 CCR 5193 and 29 CFR 1910.1030, the district must identify and document the source individual, unless to do so is not feasible or is prohibited by law. If the source individual provides consent, that individual's blood should be tested as soon as feasible to determine hepatitis B, hepatitis C, or HIV infectivity.
- 2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
- 3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status
- 4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
- 5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

- (cf. 1340 - Access to District Records)
- (cf. 3580 - District Records)
- (cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204)

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

**AR 4119.11 (e)
4219.11
4319.11**

Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Adopted: Burnt Ranch Elementary School District

Approved: February 2021

Personnel

**E 4119.42
4219.42
4319.42**

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

HEPATITIS B VACCINE DECLINATION

In accordance with 8 CCR 5193 and 29 CFR 1910.1030, the district makes the hepatitis B vaccine available to employees who may reasonably be expected to have contact with blood or other potentially infectious materials in the performance of their duties. Any employee who declines this vaccine is required to read and sign the following statement:

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Name (Please print)

Signature

Date

Students**BP 5141.31(a)****IMMUNIZATIONS**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board shall cooperate with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 6142.8 - Comprehensive Health Education)

Each student enrolling for the first time in a district elementary school or enrolling in or advancing to grade 7, shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Transfer students shall be requested to present immunization records, if possible, upon registration at a district school.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 48980, 49403)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5145.6 - Parental Notifications)

IMMUNIZATIONS (continued)**BP 5141.31(b)***Legal Reference:*

EDUCATION CODE

44871 Qualifications of supervisor of health
 46010 Total days of attendance
 48216 Immunization and exclusion from attendance
 48853.5 Immediate enrollment of foster youth
 48980 Required notification of rights
 49403 Cooperation in control of communicable disease and immunizations
 49426 Duties of school nurses
 49701 Flexibility in enrollment of children of military families
 51745-51749.6 Independent study

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease, especially:
 120335 Immunization requirement for admission
 120372 Statewide medical exemption electronic standardized form
 120395 Information about meningococcal disease, including recommendation for vaccination
 120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 5

430 Student records

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 42

11432 Immediate enrollment of homeless children

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Exemptions FAQs

Guide to Immunization Requirements for Pre-kindergarten (Child Care)

Guide to Immunization Requirements for K-12th Grade

Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)

Parents' Guide to Immunizations Required for School Entry

Vaccinations and Medical Exemptions Questions and Answers

California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools, 10th Edition, July 2019

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

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

California Department of Public Health, Immunization Branch:

<http://www.cdph.ca.gov/programs/cid/dcdc/pages/immunize.aspx>

California Department of Public Health, Shots for Schools: <http://www.shotsforschool.org>

California Health & Human Services Agency: <http://www.chhs.ca.gov>

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

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

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

Students

AR 5141.31(a)

IMMUNIZATIONS

Required Immunizations

Upon a student's registration at a district school, the Superintendent or designee shall provide the student's parents/guardians a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district elementary school for the first time nor admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps, and rubella (MMR)
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)
 (cf. 5148 - Child Care and Development)
 (cf. 5148.3 - Preschool/Early Childhood Education)
 (cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by the student's IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

School personnel shall record information for each student regarding all doses of required immunizations and the status of all requirements in accordance with 17 CCR 6070. The school records shall be based on the student's immunization record provided by the student's health care provider, from the student's previous school immunization record, or through the California Immunization Registry (CAIR). (17 CCR 6070)

IMMUNIZATIONS (continued)

AR 5141.31(b)

Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

- 1. A medical exemption is submitted using the standardized form developed by CDPH and transmitted using CAIR which includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary. (Health and Safety Code 120372)

A student who has a medical exemption issued prior to January 1, 2020 shall be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above. (Health and Safety Code 120370)

A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span. (Health and Safety Code 120372)

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance pursuant to 17 CCR 6050, as described below. (Health and Safety Code 120372)

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student shall continue in attendance and shall not be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation. (Health and Safety Code 120372, 120372.05)

- 2. The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

When a student transfers to a different school within the district or transfers into the district from another school district in California, the student's personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

- 3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction. (Health and Safety Code 120335)

(cf. 6158 - Independent Study)

IMMUNIZATIONS (continued)

AR 5141.31(c)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that the student has not received all the immunizations required for the student's age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission. The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035. (Health and Safety Code 120340; 17 CCR 6035)

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that the student is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

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

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety

Exclusions Due to Lack of Immunizations

If an enrolled student who was previously believed to be in compliance with immunization requirements is subsequently discovered to not be in compliance with requirements for unconditional or conditional admission, the Superintendent or designee shall notify the parent/guardian that evidence of proper immunization or an appropriate exemption must be provided within 10 school days. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until documentation is provided indicating that the student has received a dose of each required vaccine due at that time. (17 CCR 6040, 6055)

The student shall also be reported to the attendance supervisor or principal.

IMMUNIZATIONS (continued)

AR 5141.31(d)

Exclusion Due to Exposure to Disease

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

Records

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

At least annually, the Superintendent or designee shall file a written report on the immunization status of new students with CDPH and the local department of public health on forms prescribed by CDPH. (Health and Safety Code 120375; 17 CCR 6075)

Audits

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

Nondiscrimination/Harassment

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

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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

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

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

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

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's

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nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

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

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

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

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

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

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

49060-49079 Student records

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

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

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

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

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

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

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Transgender Students, May 2016

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

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

Nondiscrimination/Harassment

The district designates the individual identified below as the employee responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual shall also serve as the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer may be contacted at: (Education Code 234.1; 5 CCR 4621)

Kathleen Graham, Superintendent
P.O. Box 39, 251 Burnt Ranch School Road
Burnt Ranch, CA 95527
530-629-2543

kgraham@tcoek12.org

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Measures to Prevent Discrimination

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

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)
(cf. 5145.9 - Hate-Motivated Behavior)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

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- c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
 - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - d. A link to the Title IX information included on the California Department of Education's (CDE) web site
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
 6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
 7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.
(cf. 5145.6 - Parental Notifications)
 8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
 9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.
(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
 10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
 11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy

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

1. Removing vulgar or offending graffiti
(cf. 5131.5 - Vandalism and Graffiti)
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

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

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

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

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

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

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

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

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

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

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

1. Right to privacy: A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer.

If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

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As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

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

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

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

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

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

(cf. 5132 - Dress and Grooming)

Adopted: Burnt Ranch Elementary School District

Approved: February 2021