

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR MEETING: Sep 4, 2025**



Mission Statement

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe, and stimulating environment. The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

DATE: Sep 4, 2025
TIME: 5:30 PM Closed Session
6:30 PM Open Session

Trustees:
Dr. Elliott Hazen, President
Jennifer McNary, Clerk
Laura Ottmar
Beth Shammass
Mike Wachs

LOCATION: IN PERSON
Pacific Grove Unified School District Office
📍 435 Hillcrest Ave
Pacific Grove, CA 93950

Administration:
Superintendent Dr. Linda Adamson
Assistant Superintendent Joshua Jom

Student Representative(s):
Jasmine Booker
Paige Houston
Paige Silveira
Sulachhya Gurung

VIRTUAL ZOOM LINK

<https://pgusd.zoom.us/j/82850642447?pwd=JkyNjJba3AmFH2eipg2OkcpboVXG5H.1>

Meeting ID: 828 5064 2447

Passcode: 043793

One tap mobile +16699006833,,81793111121#,,,,*717431# US (San Jose)

+16694449171,,81793111121#,,,,*717431# US

Find your local number: <https://pgusd.zoom.us/j/82850642447?pwd=JkyNjJba3AmFH2eipg2OkcpboVXG5H.1>

The Board of Education welcomes you to its meetings, which are regularly scheduled for the first and third Thursdays of the month. Regular Board meetings shall be adjourned by 10:00 PM, unless extended to a specific time determined by a majority of the Board. This meeting may be extended no more than once and may be adjourned to a later date. Individuals who require accommodation, including but not limited to an American Sign Language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent at least two days before the meeting date.

Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 435 Hillcrest Avenue, Pacific Grove during normal business hours.

AGENDA AND ORDER OF BUSINESS

I. OPENING BUSINESS

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
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A. Call to Order

B. Land Acknowledgement

Good evening; As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

C. Roll Call

D. Adoption of Agenda

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

II. CLOSED SESSION

A. Identify Closed Session Topics:

The Board of Education will meet in Closed Session to consider matters appropriate for Closed Session in accordance with Education and Government Code.

- a. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2025-26 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, **Buck Roggeman** and Dr. **Linda Adamson** , for the purpose of giving direction and updates.
- b. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2025-26 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, **Buck Roggeman** and Dr. **Linda Adamson** , for the purpose of giving direction and updates.
- c. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957]

B. Public Comment on Closed Session Topics

C. Adjourn to Closed Session

III. RECONVENE IN OPEN SESSION

A. Report Action Taken in Closed Session:

- a. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2025-26 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, **Buck Roggeman** and Dr. **Linda Adamson** , for the purpose of giving direction and updates.

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- b. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2025-26 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson , for the purpose of giving direction and updates.
- c. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957 subdivision(b)]

B. Pledge of Allegiance

C. Robert H. Down Elementary School – Spanish Program Presentation – Principal Emily Tsai Brownfield

IV. COMMUNICATIONS

- A. Student Representative Comments
- B. Board Member Comments/Written Communications
- C. Superintendent Report
- D. Safety Report

V. INDIVIDUALS DESIRING TO ADDRESS THE BOARD

Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard. The Board will also take public comment on each specific action item prior to Board action on each item. Any individual wishing to comment on a specific item on the current agenda are kindly asked to wait until that item is being discussed. The Board will allow a reasonable amount of time for public comment on each agenda item not to exceed 3 minutes per speaker and no more than 20 minutes per agenda item, pursuant to Board Policy 9323. Speakers will be called sequentially until there is no speaker coming forward on the agenda item or the amount of time allocated for the agenda item has elapsed, whichever comes first. This meeting of the Board of Education is a business meeting of the Board, conducted in public. Please note that the Brown Act limits the Board's ability to respond to public comment. The Board may choose to direct items to the Administration for action or place an item on a future agenda.

A reminder of our shared commitment to fostering a safe, respectful, and inclusive space – both here in the boardroom and beyond. To support this environment, we ask that attendees refrain from applause, finger clicking, or any form of acknowledgment in response to a speaker's viewpoint. This ensures all individuals feel comfortable sharing their perspectives without fear of judgment or retaliation – during the meeting and in online spaces. Our core values – Safety, Belonging, and Prosperity – guide all that we do, including how we engage as a community. Thank you for helping us create a space where all voices are respected.

- A. Community Members (Non-Agenda Items)
- B. PGUSD Staff Comments (Non-Agenda Items)

VI. CONSENT

*Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. **There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda.** Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.*

- A. Minutes of June 26, 2025 Regular Board Meeting **9**
Recommendation: (Dr. Linda Adamson , Superintendent) The District Administration

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recommends that the Board review and approve the minutes.

- B. Warrant Schedule #682 **17**
 Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve the Warrant Schedule.
- C. Cash Receipts Report #2 **19**
 Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve the Cash Receipts Report.
- D. Acceptance of Donations **21**
 Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and accept the donations.
- E. Out of County/Overnight Activities **23**
 Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve the Out of County and/or Overnight Activities.
- F. Personnel Report **33**
 Recommendation: (Buck Roggeman , Chief Human Resources Officer) The District Administration recommends that the Board review and approve the Personnel Report.
- G. Solicitation of Funds Report (August 2025) **38**
 Recommendation: (Dr. Linda Adamson , Superintendent) The District Administration recommends that the Board review and approve the Solicitation of Funds Report.
- H. Chromebook Refresh Plan **47**
 Recommendation: (Louis Algaze & Matthew Binder , Director of Technology Systems & Director of Educational Technology) The District Administration recommends that the Board approve the buy-back of 550 Dell 3100 Chromebooks at a rate of \$5/unit.
- I. PGCHS – Contract for Services with MEarth (2025-26 SY) **58**
 Recommendation: (Gregory O'Meara , Principal) The District Administration recommends that the Board review and approve the Contract for Services with MEarth for the Pacific Grove Community High School.
- J. PGHS – Contract for Services with Fernando Sanchez – Landscaper **65**
 Recommendation: (Gregory O'Meara , Principal) The District Administration recommends that the Board review and approve the Contract for Services with Fernando Sanchez for the Pacific Grove High School.
- K. PGHS – Contract for Services with Gaurav Gurung (2025-26 SY) **72**
 Recommendation: (Gregory O'Meara , Principal) The District Administration recommends that the Board review and approve the Contract for Services with Gaurav Gurung for the Pacific Grove High School.

- Public Comment:

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- Board Discussion:
- Move: Second: Vote:

VII. INFORMATION/DISCUSSION

- A. District Safety Update (2025-26 SY) **79**
 Recommendation: (Josh Jorn , Barbara Martinez & Dr. Linda Adamson , Assistant Superintendent, Principal & Superintendent) The District Administration recommends that the Board receive the Districts Safety Update for the 2025-26 school year.

- Public Comment:
- Board Discussion:
- Direction: _____

VIII. PUBLIC HEARING

- A. Public Hearing: Resolution No. 1162 – Sufficiency of Instructional Materials (2025-26 SY) **90**
 The Governing Board shall hold a public hearing or hearings at which the Governing Board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the state board. [EC60119(a)(1)]

Open Public Hearing: _____ Close Public Hearing: _____

- Public Comment:
- Board Discussion:

IX. ACTION/DISCUSSION

- A. Resolution No. 1162 – Sufficiency of Instructional Materials (2025-26 SY) **96**
 Recommendation: (Dr. Larry Haggquist , Executive Director of Educational Services)
 The District Administration recommends that the Board adopt Resolution Number 1162 regarding Sufficiency of Instructional Materials for the 2025-26 school year.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

- B. 2025-26 General Obligation Bond Quick Start List **101**
 Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve the 2025-26 General Obligation Bond Quick Start List.

- Public Comment:

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- Board Discussion:
- Move: Second: Vote:

C. Professional Services Derivi Castellanos Amendment (DCA) No. 2 for General Obligation Bond Projects (2025-26 Quick Start) 133

Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve Amendment Number 2 from Derivi Castellanos (DCA) for design and engineering of 2025-26 Quick Start Projects.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

D. Declaration of Need for Fully Qualified Educators 227

Recommendation: (Buck Roggeman , Chief Human Resources Officer) The District Administration recommends that the Board review and approve the Declaration of Need for Fully Qualified Educators.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

E. MOU – Toileting Stipend with CSEA Chapter 229 232

Recommendation: (Buck Roggeman , Chief Human Resources Officer) The District Administration recommends that the Board approve the Memorandum of Understanding (MOU) with California School Employees Association (CSEA) Chapter 229 to establish a stipend for employees who assist students with toilet learning.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

F. Updated Expenditure Plan for Resource 6770 (Prop. 28) Arts & Music Program (AMS) 234

Recommendation: (Josh Jorn , Assistant Superintendent) The Administration recommends that the Board review and approve the updated Expenditure Plan for Resource 6770 (Proposition 28) Arts and Music Program – AMS.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

G. Updated Expenditure Plan for Resource 6762 Music Arts Discretionary Block Grant 236

Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve the Updated Expenditure Plan for Resource 6762 Music Arts Discretionary Block Grant.

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- Public Comment:
- Board Discussion:
- Move: Second: Vote:

H. 2024-25 Unaudited Actuals 240

Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve 2024-25 Unaudited Actuals.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

I. Resolution No. 1163 – Gann Limit Calculations (2024-25 Actuals & 2025-26 Adopted Budget) 364

Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review and approve Resolution Number 1163 for the Gann Limit Calculations for the 2024-25 Actuals and the 2025-26 Adopted Budget.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

J. Classification & Compensation Study Facilitator 370

Recommendation: (Buck Roggeman , Chief Human Resources Officer) The District Administration recommends that the Board approve the short-term position for a Classification and Compensation Study Facilitator.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

K. Proposed Board Meeting(s) Calendar 371

Recommendation: (Dr. Linda Adamson , Superintendent) The District Administration recommends that the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

- Public Comment:
- Board Discussion:
- Move: Second: Vote:

X. INFORMATION/DISCUSSION

B. Establishment of 2025-26 District Subcommittees – Facilities & Budget 376

Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review the information regarding the newly established 2025-26 District Budget Subcommittee and District Facilities Subcommittee.

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- Public Comment:
- Board Discussion:
- Direction: _____

C. Education Protection Account (EPA) Actuals for FY 2024-25 392

Recommendation: (Josh Jorn , Assistant Superintendent) The District Administration recommends that the Board review the Education Protection Account Actuals for FY 2024-25.

- Public Comment:
- Board Discussion:
- Direction: _____

D. CSBA Board Policy Updates – June 2025 & August 2025 – First Reading (Part 1) 395

Recommendation: (Dr. Linda Adamson , Superintendent) The District Administration recommends that the Board review Part 1 of the Board Policy, Administrative Regulation, and Board Bylaw updates recently reviewed by the Board Policy Committee on August 12, 2025 plus August 25, 2025.

- Public Comment:
- Board Discussion:
- Direction: _____

E. Future Agenda Items 1,103

Recommendation: (Dr. Linda Adamson , Superintendent) The District Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

- Public Comment:
- Board Discussion:
- Direction: _____

XI. ADJOURNMENT

Next Special Board Meeting: Sep 18, 2025

Next Regular Board Meeting: Oct 2, 2025

Board Cover Sheet

Consent ▾

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Linda Adamson
Superintendent

Item

Minutes of June 26, 2025 Regular Board Meeting

Recommendation

The District Administration recommends that the Board review and approve the minutes.

Background

The District Administration records all Pacific Grove Unified School District Board Meetings and posts them on the [PGUSD YouTube Channel](#). The Executive Assistant then uses these recordings to transcribe the meeting minutes in accordance with the Ralph M. Brown Act.

Information

All meetings of the governing board of any school district shall be open to the public and shall be conducted in accordance with Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code. All actions authorized or required by law of the governing board shall be taken at the meetings and shall be subject to the following requirements:

- (a) Minutes shall be taken at all of those meetings, recording all actions taken by the governing board. The minutes are public records and shall be available to the public.
- (b) An agenda shall be posted by the governing board, or its designee, in accordance with the requirements of Section 54954.2 of the Government Code. Any interested person may commence an action by mandamus or injunction pursuant to Section 54960.1 of the Government Code for the purpose of obtaining a judicial determination that any action taken by the governing board in violation of this subdivision or Section 35144 is null and void.

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact

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 YouTube: <https://www.youtube.com/watch?v=SZRZYwFD2YE>



District Office
435 Hillcrest Avenue
Pacific Grove, CA 93950

Mission Statement

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I. OPENING BUSINESS

A. Call to Order – 5:31 PM – *President Dr. Elliott Hazen*

B. Land Acknowledgement

Good evening; As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

C. Roll Call

Trustee(s) Present: President Dr. Elliott Hazen (EH)

Clerk Jennifer McNary (JM)

Trustee Beth Shammas (BS)

Trustee Mike Wachs (MW)

Trustee(s) Absent: *Trustee Laura Ottmar (LO)*

Administration Present: Superintendent Dr. Linda Adamson (LA)

Assistant Superintendent Joshua Jorn (JJ)

Board Recorder: Lucero Villegas

School Site Acronyms: District Office (DO)

Forest Grove Elementary School (FGE)

Robert H. Down Elementary School (RHD)

Pacific Grove Middle School (PGMS)

Pacific Grove High School (PGHS)

Pacific Grove Community High School (PGCHS)

Pacific Grove Adult Education (PGAE)

D. Adoption of Agenda

- Public Comment:
 - N/A
- Board Discussion:

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- *Trustee(s) discussed item(s)*
- *Agenda Modifications –*
 - *Walk-On – PGAE Contract – Consent Item CC*
- *Information/Discussion Item A Moved after Consent*
- **Move: JM Second: EH Vote: 4 – O Motion CARRIED**

II. CLOSED SESSION

➤ [YouTube 2:28](#)

A. Identify Closed Session Topics:

The Board of Education will meet in Closed Session to consider matters appropriate for Closed Session in accordance with Education and Government Code.

1. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2024-2025 [Government Code § 3549.1 (d)]
2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2024-2025 [Government Code § 3549.1 (d)]
3. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957]

B. Public Comment on Closed Session Topics

- a. *N/A*

C. Adjourn to Closed Session

III. RECONVENE IN OPEN SESSION

➤ [YouTube 3:17](#)

A. Report Action Taken in Closed Session:

1. Negotiations – Collective Bargaining Session planning and preparation with the PGTA for 2024-2025 [Government Code § 3549.1 (d)]
 - a. *N/A*
2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2024-2025 [Government Code § 3549.1 (d)]
 - a. *N/A*
3. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957 subdivision(b)]
 - a. *Information Received – Two Items*
4. [Pledge of Allegiance](#)

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IV. COMMUNICATIONS

- [YouTube 4:10](#)
- A. [Board Member Comments/Written Communications](#)
- B. [Superintendent Report](#)
- C. [Safety Report](#)

V. INDIVIDUALS DESIRING TO ADDRESS THE BOARD

- [YouTube 14:10](#)

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- A. Community Members (Non-Agenda Items)
 - a. N/A
- B. PGUSD Staff Comments (Non-Agenda Items)
 - a. N/A

VI. CONSENT AGENDA

- [YouTube 16:15](#)

*Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. **There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda.** Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.*

- A. [Minutes of June 5, 2025 Regular Board Meeting](#)
- B. [Warrant Schedule #680](#)
- C. [Cash Receipts Report #15](#)
- D. [Acceptance of Donations](#)
- E. [Personnel Report](#)

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- F. Contract for Services with DocuSign Electronic Signature Services
- G. Contract for Services with David Sonderegger
- H. PGHS – Contract for Services with Ashley Beem & Beem Video (2025-26 SY)
- I. PGHS – Contract for Services with Jill Miller – Choreographer (2025-26 SY)
- J. PGHS – Contract for Services with Monterey DJ John Upshaw (2025-26 SY)
- K. PGHS – Contract for Services with NCLRA – Lacrosse Referees (2025-26 SY)
- L. PGHS – Contract for Services with Tacos Don Beto – Food Truck (2025-26 SY)
- M. PGHS – Contract for Services with Valerie Rhoades – Costume Designer (2025-26 SY)
- N. PGHS – Contract for Services with Arbiter Pay (2025-26 SY)
- O. PGHS – Contract for Services with PSI, Inc. (2025-26 SY)
- P. PGHS – Contract for Services with Apparel Republic (2025-26 SY)
- Q. PGHS – Contract for Services with Field of Dreams Designs (2025-26 SY)
- R. PGHS – Contract for Services with Gray Step Software – [ASBWorks.com](https://www.asbworks.com) (2025-26 SY)
- S. PGHS – Contract for Services with Premier Studios of California (2025-26 SY)
- T. PGHS – Contract for Services with Jostens Yearbook (2025-26 SY)
- U. PGHS – Contract for Services with Federico Embroidery (2025-26 SY)
- V. PGHS – Contract for Services with Anthony J Nocita, IAMP (2025-26 SY)
- W. PGHS – Contract for Services with Jose Del Rio (2025-26 SY)
- X. PGHS – Contract for Services with Nguyen Security (2025-26 SY)
- Y. PGHS – Contract for Services with Pacific West Water Purification, Inc. (2025-26 SY)
- Z. PGHS – Contract for Services with Parchment Services for Pacific Grove High School (2025-26 SY)
- AA. PGHS – Contract for Services with SCATT Recreation (2025-26 SY)
- BB. PGHS – Contract for Services with Gary Stotz (2025-26 SY)
- CC. ***PGAE Walk-On Item***

- Public Comment:
 - N/A
- Board Discussion:
 - N/A
- Move: ***EH Second: MW Vote: 4 – 0 Motion CARRIED***

VII. INFORMATION/DISCUSSION

➤ [YouTube 18:11](#)

A. School Resource Officer (SRO) Discussion & Safety Update – Planning (2025-26 SY) – Item Moved from INFORMATION/DISCUSSION

- Public Comment:
 - Two (2) comments received in person

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- One (1) comment received virtually
- Board Discussion:
 - Trustee(s) discussed item(s)
- **Direction: District Office to provide information to Board with further safety needs from all school sites.**

VIII. ACTION/DISCUSSION

A. Contract for Services with Serve Smart K-12 Products

➤ YouTube 1:17:28

- Public Comment:
 - One (1) comment received in person
- Board Discussion:
 - Trustee(s) discussed item(s)
- **Move: EH Second: JM Vote: 4 – 0 Motion CARRIED**

B. Superintendent's Contract (2025-26 SY)

- Public Comment:
 - N/A
- Board Discussion:
 - Trustee(s) discussed item(s)
- **Move: MW Second: BW Vote: 4 – 0 Motion CARRIED**

C. Pacific Grove Unified School District Confidential Employees Agreement

- Public Comment:
 - N/A
- Board Discussion:
 - Trustee(s) discussed item(s)
- **Move: MW Second: JM Vote: 4 – 0 Motion CARRIED**

D. Pacific Grove Unified School District & California School Employees Association (CSEA) Pacific Grove Chapter 229 Side Letter Agreement (SLA) – Vacation Payout Plan

- Public Comment:
 - N/A
- Board Discussion:
 - Trustee(s) discussed item(s)
- **Move: EH Second: MW Vote: 4 – 0 Motion CARRIED**

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E. [Pacific Grove Unified School District & Pacific Grove Teachers Association \(PGTA\) Memorandum of Understanding \(MOU\) – Professional Development for 2025-26](#)

- Public Comment:
 - N/A
- Board Discussion:
 - N/A
- Move: **BW** Second: **MW** Vote: **4 – 0 Motion CARRIED**

F. [MOU – Memorandum of Understanding with Communities for Sustainable Monterey County \(CSMC\)](#)

- Public Comment:
 - N/A
- Board Discussion:
 - *Trustee(s) discussed item(s)*
- Move: **JM** Second: **BS** Vote: **4 – 0 Motion CARRIED**

G. [Proposed Board Calendar](#)

- Public Comment:
 - N/A
- Board Discussion:
 - *Trustee(s) discussed item(s)*
- Move: **N/A** Second: **N/A** Vote: **N/A**

IX. [INFORMATION/DISCUSSION](#) (CONTINUED)

➤ [YouTube 1:57:40](#)

B. [Future Agenda Items](#)

- Public Comment:
 - N/A
- Board Discussion:
 - *Trustee(s) discussed item(s)*
- Direction: **Facilities Master Plan, School Safety Plan & Next Policy Committee Meeting Items**

C. [Board Governance Training & Self-Evaluation](#)

- Public Comment:
 - N/A
- Board Discussion:

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- *Trustee(s) discussed item(s)*
- **Direction: N/A**

X. ADJOURNMENT

Adjourned – 10:11 PM

Next regular Board meeting: August 7, 2025

Approved and submitted:



Superintendent Dr. Linda Adamson
Secretary to the Board

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Warrant Schedule #682

Recommendation

The District Administration recommends that the Board review and approve the Warrant Schedule.

Background

The attached listing of warrants identifies payments made by the District during the noted time period from July 01, 2025 to July 31, 2025.

Information

Prior to the issuance of the warrants, District procedures were followed to ensure the appropriateness of the item(s) purchased, the correctness of the amount to be paid, and the funds were available within the appropriate budget. All necessary site, department, and district authorizations have been obtained.

Please note a full copy of the warrants are available by request.

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact

Program/Grant

N/A

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

682

July 2025

WARRANTS - PAYROLL

Certificated	Manual	07/03/25	\$	-
	Supp	07/10/25	\$	161,703.49
	Manual	07/15/25	\$	719.00
	Regular	07/31/25	\$	1,747,016.81
<u>Total Certificated</u>			\$	<u>1,909,439.30</u>
Classified	Manual	07/03/25	\$	1,759.29
	Supp	07/10/25	\$	126,302.61
	Manual	07/15/25	\$	3,084.00
	Regular	07/31/25	\$	520,008.68
<u>Total Classified</u>			\$	<u>651,154.58</u>
Other	Manual	07/03/25	\$	-
	Supp	07/10/25	\$	7,875.00
	Manual	07/15/25	\$	-
	Regular	07/31/25	\$	32,039.76
<u>Total Other</u>			\$	<u>39,914.76</u>
<u>TOTAL PAYROLL</u>			\$	<u>2,600,508.64</u>

WARRANTS - ACCOUNTS PAYABLE

Checks	V-Card Payment			
12928779-12928794	4600000790	07/01/25	\$	55,340.37
12930168-12930326	04600000791-04600000793	07/10/25	\$	192,464.10
12931739-12931787	04600000794-04600000800	07/17/25	\$	309,749.18
12934003-12934033	04600000801-04600000804	7/31/2025	\$	702,355.68
<u>TOTAL ACCOUNTS PAYABLE</u>			\$	<u>1,259,909.33</u>

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Cash Receipts Report #2

Recommendation

The District Administration recommends that the Board review and approve the Cash Receipts Report.

Background

The attached listing identifies Cash Receipts received by the District during the period of July 30, 2025-August 26, 2025.

Information

The receipt and deposit of the identified funds were conducted consistent with District policies and procedures within the appropriate revenue accounts

Fiscal Impact

N/A

2025/26 ▾

(N/A) No Fiscal Impact

Program/Grant

N/A

PGUSD
2025-26 BOARD REPORT #2 Cash Receipts

July 30, 2025-August 26, 2025

Date	Num	Name	Account	Amount
Jul 30 - Aug 26, 25				
07/31/2025	7535	Facilitron	RENT	2,668.15
07/31/2025	7536	RETIREE INSURANCE	INS PAYMENT	3,337.33
08/07/2025	7537	RETIREE INSURANCE	INS PAYMENT	458.00
08/07/2025	7538	MONTEREY BAY CHARTER SCHOOL	UTILITIES	14,908.97
08/07/2025	7539	STATE OF CALIFORNIA	MEDI-CAL	445.64
08/07/2025	7540	STATE OF CALIFORNIA	MEDI-CAL	222.97
08/07/2025	7541	STATE OF CALIFORNIA	MEDI-CAL	413.23
08/07/2025	7542	PGHS LIBRARY	LOST TEXTBOOK	20.00
08/07/2025	7543	Developer Fees	FEES COLLECTED	4,179.78
08/07/2025	7544	Transportation	BUS PASS	150.00
08/07/2025	7545	Monterey County Office of Education	REIMBURSMENT	734.39
08/07/2025	7546	Developer Fees	FEES COLLECTED	3,303.63
08/07/2025	7547	RETIREE INSURANCE	INS PAYMENT	16,256.00
08/07/2025	7548	YELLOW BRICK ROAD	DONATION TO HS	700.00
08/07/2025	7549	Intercare Holding Insurance	WORKERSCOMP	843.03
08/07/2025	7550	PGHS ATHLETICS	REIMBURSMENT	324.72
08/07/2025	7551	Transportation	BUS PASS	300.00
08/07/2025	7552	Developer Fees	FEES COLLECTED	4,218.72
08/07/2025	7554	ADULT EDUCATION	ADULT EDUCATION	610.00
08/07/2025	7555	ADULT EDUCATION	ADULT EDUCATION	40,462.23
08/07/2025	7556	ADULT EDUCATION	ADULT EDUCATION	2,053.71
08/07/2025	7557	ADULT EDUCATION	ADULT EDUCATION	111.66
08/07/2025	7558	PGMS LIBRARY	LOST TEXTBOOK	25.00
08/11/2025	7559	Transportation	BUS PASS	100.00
08/11/2025	7560	Transportation	BUS PASS	350.00
08/11/2025	7561	Transportation	BUS PASS	150.00
08/11/2025	7562	RETIREE INSURANCE	INS PAYMENT	3,850.05
08/15/2025	7565	BANK ADJUSTMENT	BANK ADJUSTMENT	8.00
08/18/2025	7566	Transportation	BUS PASS	100.00
08/18/2025	7567	Transportation	BUS PASS	300.00
08/18/2025	7568	P G PRIDE	GRANTS	4,422.26
08/18/2025	7569	Carmel Unified School Dist	SPED	161,800.02
08/18/2025	7570	STATE OF CALIFORNIA	MEDI-CAL	98.51
08/18/2025	7571	Monterey State Historic Park	DONATION	280.00
08/18/2025	7572	Big Sur International Marathon	DONATION TO MS	1,000.00
08/18/2025	7573	DONATION	DONATION TO HS	1,398.00
08/18/2025	7574	FOOD SERVICE	SALES	226.00
08/18/2025	7575	Transportation	BUS PASS	150.00
08/20/2025	7576	Barron & Budd	INTEREST	99.27
08/20/2025	7577	Transportation	BUS PASS	480.00
08/20/2025	7578	ADULT EDUCATION	FEES COLLECTED	265.00
08/20/2025	7579	Montage Health	MISC	125.00
08/20/2025	7580	RETIREE INSURANCE	INS PAYMENT	1,633.00
08/20/2025	7581	EMPLOYEE	Benefit Repayment	1,706.00
08/20/2025	7582	RETIREE INSURANCE	INS PAYMENT	78.00
08/20/2025	7583	Developer Fees	FEES COLLECTED	6,204.00
08/20/2025	7584	Fingerprinting	FEES COLLECTED	2,697.00
08/20/2025	7585	Robert Down Elementary	Birthday Books	680.00
08/20/2025	7586	Robert Down Elementary	Birthday Books	820.00
08/25/2025	7587	MONTEREY BAY CHARTER SCHOOL	UTILITIES	2,271.59
08/25/2025	7588	Chapman Foundation	GRANT	20,000.00
08/25/2025	7589	Chapman Foundation	GRANT	20,000.00
08/25/2025	7590	Developer Fees	FEES COLLECTED	4,079.13
08/25/2025	7591	Pebble Beach Co.	GRANT	5,000.00
08/25/2025	7592	RETIREE INSURANCE	INS PAYMENT	229.00
08/25/2025	7593	Transportation	BUS PASS	250.00
08/25/2025	7594	Developer Fees	FEES COLLECTED	4,136.00
Jul 30 - Aug 26, 25				341,732.99

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Acceptance of Donations

Recommendation

The District Administration recommends that the Board review and accept the donations.

Information

During the past weeks the following donations were received:

Forest Grove Elementary School

None

Robert H. Down Elementary School

Monterey State Historic Park

\$280.00

Pacific Grove Middle School

Big Sur International Marathon

\$1,000.00 (Parsons, Gaul, Tulley)

Pacific Grove High School

Yellow Brick Road

\$700.00 (French Class - Lee)

Various

\$1,398.00 (CTE Art - Kelly)

Pacific Grove Community High School

None

Pacific Grove Adult School/Lighthouse Preschool & Preschool Plus Co-op

Laura Coe

Computer Monitor

Pacific Grove Unified School District

None

Fiscal Impact**2025/26** ▾**(N/A) No Fiscal Impact****Program/Grant**

N/A

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Out of County/Overnight Activities

Recommendation

The District Administration recommends that the Board review and approve the Out of County and/or Overnight Activities.

Background

Board Policy 6153 requires prior approval of all school sponsored trips. Out of County/State or overnight trips require Board approval. Other trips may be approved by the Superintendent or designee.

Information

The attached list identifies overnight/Out of County/State trip(s) being proposed by school sites at this time.

Fiscal Impact

N/A

2025/26 ▾

(N/A) No Fiscal Impact

Program/Grant

N/A

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
2025-26 OUT OF COUNTY OR OVERNIGHT ACTIVITIES

<u>Date(s)</u>	<u>Destination</u>	<u>Student/ Class/ Activity</u>	<u>Transportation</u>	<u>Cost</u>	<u>Funding Source</u>
9/5/2025- 9/6/2025	Moro Bay High School Moro Bay, CA	PGHS Boys Water Polo Water Polo Tournament	Auto	\$ -	N/A
9/12/25- 9/13/25	Harbor High School Santa Cruz, CA	PGHS Girls Water Polo Water Polo Game	Auto	\$ -	N/A
9/12/25- 9/13/25	Aptos High School Aptos, CA	PGHS Boys Water Polo Water Polo Game	Auto	\$ 400.00	Athletics - Water Polo
9/15/2025	Ridgemark Golf Club Hollister, CA	PGHS Girls Golf Golf Tournament	District Van	\$ -	N/A
9/19/2025- 9/20/2025	Harbor High School Santa Cruz, CA	PGHS Boys Water Polo Water Polo Game	Auto	\$ 400.00	Athletics - Water Polo
9/29/2025	San Francisco, CA	PGHS Photo 2/AP Class Field Trip	Auto	\$ -	N/A
11/15/2025	Crystal Springs XC Course Belmont, CA	PGHS Cross Country CCS XC Championship	Charter	\$ 1,825.00	Athletics - District Paid Charter
11/29/2025	Woodward Park Fresno, CA	PGHS Cross Country CIF XC Championships	Charter	\$ 2,720.00	Athletics - District Paid Charter

Board Approval: _____ **Date of Board Approval:** _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: September 12/13 **Day of Activity:** Friday and Saturday
Activity Name/ Location: JV girls water polo tournament **Address:** 300 La Fonda Ave
City: Santa Cruz **County:** Santa Cruz
School: Pacific Grove High School **Teacher/ Class or Club:** Girls Water Polo **Grade:** 9-12
School Departure Time: 11:00 a.m. **Pickup Time from Place of Activity:** 7:00 p.m.
Name(s) of Employee(s) Accompanying Students: Brynn Stanley, Greg Enterline
Number of Adults: 3 **Number of Students:** 9
 (Total Chaperones)
Description of Activity/ Educational Objective: JV girls water polo tournament
List All Stops: Harbor High School Pool

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. GE (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
 (Board Regulation 3541.1 requirements will be complied with when using private autos: GE (Teacher/ Coach/Advisors Initials)
 Brynn Stanley, Greg Enterline, Renee Chaney

Name(s) of Auto Drivers (subject to change): _____
 (X) **Form-OCA-1** Release of Driver Record Information is on file with the District _____
 (X) **Form-OCA-2** Personal Automobile Information is on file with the District _____
 (X) **Fingerprint** clearance is on file with the District _____

Requested By: Greg Enterline Greg Enterline **Date:** 08/13/2025
 Employee Signature (accompanying students) (Printed Name)

Administrative Approval/Principal: Greg O'Meara **Date:** 08/19/2025

Substitute Required: No **# of Days** _____ **Account Code (for sub):** _____

Cost of Activity: \$ 0 + **Cost of Transportation:** \$ 0.00 + **Cost of Substitute:** \$ _____ = **Total Cost (Est):** \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other 0

Account Code: n/a

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 08/12/2025 **Transportation Available:** Yes
Transportation Type: () School Bus () Charter
Approved by Transportation Supervisor: Jon Anderson **Date:** 08/18/2025
Approved by Assistant Superintendent: _____ **Date:** _____
Board Approval: _____ **Date of Board Approval:** _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 9/12/25-9/13/25 **Day of Activity:** Fri and Sat
Activity Name/ Location: JV Boys Polo Aptos High School **Address:** 100 Mariner Way
City: Aptos, CA **County:** Santa Cruz
School: Pacific Grove High School **Teacher/ Class or Club:** JV Boys Water Polo **Grade:** 9-12
School Departure Time: 12 p.m. **Pickup Time from Place of Activity:** 8 p.m.
Name(s) of Employee(s) Accompanying Students: Brent Jones
Number of Adults: 2 **Number of Students:** 11
 (Total Chaperones)
Description of Activity/ Educational Objective: JV Boys Water Polo tournament
List All Stops: none

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. BJ (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto*
 (Board Regulation 3541.1 requirements will be complied with when using private autos: BJ (Teacher/ Coach/Advisors Initials)

Name(s) of Auto Drivers (subject to change): Brent Jones
Kelly San Fillipo
 (x) **Form-OCA-1** Release of Driver Record Information is on file with the District
 (x) **Form-OCA-2** Personal Automobile Information is on file with the District
 (x) **Fingerprint** clearance is on file with the District

Requested By: Brent Jones Brent Jones **Date:** 08/20/2025
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Greg O'Meara **Date:** 08/22/2025

Substitute Required: No **# of Days** **Account Code (for sub):**

Cost of Activity: \$ 400 + **Cost of Transportation:** \$ 0 + **Cost of Substitute:** \$ = **Total Cost (Est):** \$ 400.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride (x) Other Boys Water Polo

Account Code: Wells Fargo Athletic Department Fund - 1965169244/420 Boys Water Polo

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: **Transportation Available:**

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: **Date:**

Approved by Assistant Superintendent: **Date:**

Board Approval: **Date of Board Approval:**

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: September 15th, 2025 **Day of Activity:** Monday

Activity Name/ Location: Golf Match @ Ridgemark Golf Club **Address:** 3800 Airline Hwy

City: Hollister **County:** San Benito

School: Pacific Grove High School **Teacher/ Class or Club:** John Martine/ Girls Golf Team **Grade:** 9-12

School Departure Time: 1:30 p.m. **Pickup Time from Place of Activity:** 7:30 p.m.

Name(s) of Employee(s) Accompanying Students: John Martine

Number of Adults: 1 **Number of Students:** 6
(Total Chaperones)

Description of Activity/ Educational Objective: Girls Golf League Match

List All Stops: Ridgemark Golf Club

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. JM (Teacher/Coach/Advisors Initials)

Means of Transportation: District Van
(Board Regulation 3541.1 requirements will be complied with when using private autos: JM (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): _____
☐ **Form-OCA-1** Release of Driver Record Information is on file with the District _____
☐ **Form-OCA-2** Personal Automobile Information is on file with the District _____
☒ **Fingerprint** clearance is on file with the District _____

Requested By: John Martine John Martine **Date:** 08/12/2025
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Greg O'Meara **Date:** 08/19/2025

Substitute Required: Yes **# of Days** _____ **Account Code (for sub):** _____

Cost of Activity: \$ 0 + **Cost of Transportation:** \$ 0.00 + **Cost of Substitute:** \$ _____ = **Total Cost (Est):** \$ 0.00

Funds to be charged for all activity expenses: ☐ Students ☐ Club ☐ PG Pride ☐ Other 0

Account Code: n/a

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 08/12/2025 **Transportation Available:** Yes

Transportation Type: ☐ School Bus ☐ Charter

Approved by Transportation Supervisor: Jon Anderson **Date:** 08/18/2025

Approved by Assistant Superintendent: _____ **Date:** _____

Board Approval: _____ **Date of Board Approval:** _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 9/19/25-9/20/25 **Day of Activity:** Fri and Sat
Activity Name/ Location: JV Boys Polo Harbor High School **Address:** 300 La Fonda Ave
City: Santa Cruz **County:** Santa Cruz
School: Pacific Grove High School **Teacher/ Class or Club:** JV Boys Water Polo **Grade:** 9-12
School Departure Time: 12 p.m. **Pickup Time from Place of Activity:** 8 p.m.
Name(s) of Employee(s) Accompanying Students: Brent Jones
Number of Adults: 2 **Number of Students:** 10
 (Total Chaperones)
Description of Activity/ Educational Objective: JV Boys water polo tournament
List All Stops: none

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. BJ (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto*
 (Board Regulation 3541.1 requirements will be complied with when using private autos: BJ (Teacher/ Coach/Advisors Initials)

Name(s) of Auto Drivers (subject to change): Brent Jones
Kelly San Filippo
 (x) **Form-OCA-1** Release of Driver Record Information is on file with the District
 (x) **Form-OCA-2** Personal Automobile Information is on file with the District
 (x) **Fingerprint** clearance is on file with the District

Requested By: Brent Jones Brent Jones **Date:** 08/20/2025
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Greg O'Meara **Date:** 08/26/2025

Substitute Required: No **# of Days** **Account Code (for sub):**

Cost of Activity: \$ 400 + **Cost of Transportation:** \$ + **Cost of Substitute:** \$ = **Total Cost (Est):** \$ 400.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride (x) Other Boys Water Polo

Account Code: Wells Fargo Athletic Department Fund - 1965169244/420 Boys Water Polo team account

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: **Transportation Available:**

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: **Date:**

Approved by Assistant Superintendent: **Date:**

Board Approval: **Date of Board Approval:**

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: September 29th 2025 **Day of Activity:** Monday

Activity Name/ Location: San Francisco Photo Trip **Address:** San Francisco, Ca

City: San Francisco **County:** San Francisco

School: Pacific Grove High School **Teacher/ Class or Club:** Photo 2/AP **Grade:** 11-12

School Departure Time: 0830 a.m. **Pickup Time from Place of Activity:** 5:00pm p.m.

Name(s) of Employee(s) Accompanying Students: Mr. Zach Weston

Number of Adults: 3 **Number of Students:** 7
(Total Chaperones)

Description of Activity/ Educational Objective: Photographing downtown San Fransisco

List All Stops: PGHS - San Francisco - PGHS

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. ZW (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto*
(Board Regulation 3541.1 requirements will be complied with when using private autos: ZW (Teacher/ Coach/Advisors Initials)
Anthony Bartlett, Amy Whitson

Name(s) of Auto Drivers (subject to change): _____

(x) **Form-OCA-1** Release of Driver Record Information is on file with the District _____

(x) **Form-OCA-2** Personal Automobile Information is on file with the District _____

(x) **Fingerprint** clearance is on file with the District _____

Requested By: Zach Weston Zach Weston **Date:** 08/25/2025
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Greg O'Meara **Date:** 08/26/2025

Substitute Required: Yes **# of Days** **Account Code (for sub):**

Cost of Activity: \$ 0 + **Cost of Transportation:** \$ 0 + **Cost of Substitute:** \$ = **Total Cost (Est):** \$ 0.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other

Account Code: n/a

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: **Transportation Available:**

Transportation Type: () School Bus () Charter

Approved by Transportation Supervisor: **Date:**

Approved by Assistant Superintendent: **Date:**

Board Approval: **Date of Board Approval:**

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: Nov 15, 2025 **Day of Activity:** Saturday

Activity Name/ Location: CCS XC Championship **Address:** Crystal Springs XC Course - 2600 Hallmark Dr,

City: Belmont, CA **County:** San Mateo

School: Pacific Grove High School **Teacher/ Class or Club:** John Gabrik **Grade:** 9-12

School Departure Time: TBD a.m. **Pickup Time from Place of Activity:** TBD p.m.

Name(s) of Employee(s) Accompanying Students: John Gabrik, PGHS XC Coach and XC assistant coach (TBD)

Number of Adults: 2 **Number of Students:** up to 16
(Total Chaperones)

Description of Activity/ Educational Objective: Central Coast Section Cross Country Championships

List All Stops: TBD - Lunch on the way home

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. JSG (Teacher/Coach/Advisors Initials)

Means of Transportation: Charter
(Board Regulation 3541.1 requirements will be complied with when using private autos: JSG (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): _____
() **Form-OCA-1** Release of Driver Record Information is on file with the District _____
() **Form-OCA-2** Personal Automobile Information is on file with the District _____
() **Fingerprint** clearance is on file with the District _____

Requested By: John Gabrik John Gabrik, PGHS XC Coach **Date:** 08/02/2025
Employee Signature (accompanying students) *(Printed Name)*

Administrative Approval/Principal: Greg O'Meara **Date:** 08/19/2025

Substitute Required: No **# of Days** _____ **Account Code (for sub):** _____

Cost of Activity: \$ 0 + **Cost of Transportation:** \$ 1825.00 + **Cost of Substitute:** \$ _____ = **Total Cost (Est):** \$ 1,825.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: Charter - 01-0000-0-1176-4200-5820-00-006-8000-0009

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 08/04/2025 **Transportation Available:** Yes

Transportation Type: () School Bus (x) Charter

Approved by Transportation Supervisor: Jon Anderson **Date:** 08/18/2025

Approved by Assistant Superintendent: _____ **Date:** _____

Board Approval: _____ **Date of Board Approval:** _____

PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: Nov 29, 2025 **Day of Activity:** Saturday
Activity Name/ Location: CIF Cross Country Championships **Address:** Woodward Park - 7775 N Friant Rd
City: Fresno, CA **County:** Fresno County
School: Pacific Grove High School **Teacher/ Class or Club:** John Gabrik / PGHS Cross Country **Grade:** 9-12
School Departure Time: TBD a.m. **Pickup Time from Place of Activity:** TBD p.m.
Name(s) of Employee(s) Accompanying Students: John Gabrik / PGHS Cross Country Coach and XC assistant coach (TBD)
Number of Adults: 2 **Number of Students:** up to 14
 (Total Chaperones)
Description of Activity/ Educational Objective: CIF Cross Country Championships - for individuals or team that qualify
List All Stops: TBD

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. JSG (Teacher/Coach/Advisors Initials)

Means of Transportation: Charter
 (Board Regulation 3541.1 requirements will be complied with when using private autos: JSG (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): _____
 () **Form-OCA-1** Release of Driver Record Information is on file with the District _____
 () **Form-OCA-2** Personal Automobile Information is on file with the District _____
 () **Fingerprint** clearance is on file with the District _____

Requested By: John Gabrik John Gabrik / PGHS Cross Country **Date:** 08/02/2025
 Employee Signature (accompanying students) Coach (Printed Name)

Administrative Approval/Principal: Greg O'Meara **Date:** 08/11/2025

Substitute Required: No **# of Days** _____ **Account Code (for sub):** _____

Cost of Activity: \$ 0 + **Cost of Transportation:** \$ 2720.00 + **Cost of Substitute:** \$ _____ = **Total Cost (Est):** \$ 2,720.00

Funds to be charged for all activity expenses: () Students () Club () PG Pride () Other _____

Account Code: Charter Bus - 01-0000-0-1176-4200-5820-00-006-8000-0009

TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 08/04/2025 **Transportation Available:** Yes

Transportation Type: () School Bus (x) Charter

Approved by Transportation Supervisor: Jon Anderson **Date:** 08/11/2025

Approved by Assistant Superintendent: _____ **Date:** _____

Board Approval: _____ **Date of Board Approval:** _____

Board Cover Sheet

Consent ▾

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Buck Roggeman

Chief Human Resources Officer

Item

Personnel Report

Recommendation

The District Administration recommends the Board of Trustees approve the Personnel Report.

Background

The Personnel Report outlines appointments, leaves, resignations, retirements and releases as it relates to employees' employment status with the District.

Recruitment and selection procedures include dissemination of vacancy announcements to local and surrounding public agencies, community colleges and institutions of higher education as well as posting on the District's website.

Information

Persons listed in the Personnel Report are being recommended to the Board of Education for employment in the District. No individual is recommended to the Board of Education for employment prior to receipt of the criminal background summary.

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact

Program/Grant

N/A

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
 PERSONNEL REPORT – CERTIFICATED
 September 4, 2025

APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Wyckoff, Elizabeth	Substitute Teacher	Various	District	On Call	8/15/25
Gayman, Angeline	Substitute Teacher	Various	District	On Call	8/12/25
Krietman, Aaron	Substitute Teacher	Various	District	On Call	8/14/25
Robertson, Ashley Renee	Substitute Teacher	Various	District	On Call	8/20/25
Siruno, Riley-Anne	Substitute Teacher	Various	District	On Call	8/20/25
Losada, Desiree	Substitute Teacher	Various	District	On Call	8/13/25
Bitter O'Sullivan, Carla	Substitute Teacher	Various	District	On Call	8/21/25
Coutts, Steven	Substitute Teacher	Various	District	On Call	8/22/25
Samson, Megan	Substitute Teacher	Various	District	On Call	8/22/25
Maclachlan, Robert	Substitute Teacher	Various	District	On Call	8/25/25
Frudden, Sonda	ASE Instructor	Hourly	RHD	Perm	9/1/25
Roach, Zoe	ASE Instructor	Hourly	FGE	Perm	9/1/25

STIPENDS

Name	Stipend	Site	Status	Effective Dates
Montgomery, Natalie	After School Enrichment Coordinator	RHD/FGE	Walk On	8/5/25-5/29/26
Boulware, Michelle	Choral Club	PGHS	Walk On	8/1/25-5/29/26
Shurtz, Kimberley	GATE Coordinator	District	Perm	8/5/25-5/29/26
Kelly, Julie	Induction Mentor	RHD	Perm	8/5/25-5/29/26
Gamble, Brice	Induction Mentor	PGHS	Perm	8/5/25-5/29/26
Peiffer Gaona, Laurlea	Induction Mentor	PGHS	Perm	8/5/25-5/29/26
Avedissian, Chris	Department Chair - English	PGMS	Perm	8/5/25-5/29/26
Tulley, Amy	Department Chair - Sped	PGMS	Perm	8/5/25-5/29/26
Dorey, Chip	Department Chair - PE	PGMS	Perm	8/5/25-5/29/26
Dorey, Chip	Department Chair - Electives	PGMS	Perm	8/5/25-5/29/26
Parsons, Monika	Department Chair - Science	PGMS	Perm	8/5/25-5/29/26
Chavez, Susan	Department Chair - History	PGMS	Perm	8/5/25-5/29/26
Priest, Barbara	Instrumental Music Coach	PGMS	Perm	8/5/25-5/29/26
Tulley, Amy	Science Camp Overnight	PGMS	Perm	12/2/25-12/5/25
Bolton, Stephanie	Science Camp Overnight	PGMS	Perm	12/2/25-12/5/25
Parsons, Monika	Science Camp Overnight	PGMS	Perm	12/2/25-12/5/25
Griffin, Savannah	Yearbook Advisor	PGMS	Perm	8/5/25-5/29/26
Masar, Jared	Vocal Music Coach	PGMS	Perm	8/5/25-5/29/26

TEMPORARY APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Bajari, Julie	Education Specialist Itinerant	1.0	FGE/RHD	Temp	8/8/25

LEAVES OF ABSENCE

Name	Position	FTE	Site	Leave Type	Effective Dates
Deeter, Sheri	Teacher	1.0	CHS	FMLA	7/30/25 - 5/30/26

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
 PERSONNEL REPORT – CLASSIFIED
 September 4, 2025

APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Nolte, Mikayla	Paraprofesional	0.8125	RHD	Prob	8/5/25
Bacon, Sarah	Clerk III	0.9375	ADE	Prob	8/2/25
Beller, Cheryl	Fiscal Support	Various	District	On Call	7/21/25
Romano, Matthew	Custodian II	1.0	ADE	Prob	8/12/25
Peelo, David	ASE Instructor	hourly	RHD	Walk On	9/2/25
DeMers, Anthony	ASE Instructor	hourly	RHD	Walk On	9/3/25
Marticorena, Edwin	ASE Instructor	hourly	FGE	Walk On	9/4/25
Dawson, Maria	ASE Instructor	hourly	RHD	Walk On	9/8/25
Fowler, Tom	ASE Instructor	hourly	FGE	Walk On	8/2/25
Novack, Breonna	ASE Instructor	hourly	RHD	Walk On	9/8/25
Frusetta, Megan	Account Clerk III	1.0	DO	Prob	8/11/2025
Spataro, Antonette	Substitute Classified	Various	District	On Call	8/21/25
Barhing, Krystal	Substitute Classified	Various	District	On Call	8/18/25
Taormina, Coleman	Substitute Classified	Various	District	On Call	8/20/25
Alonzo, Mikalee	Substitute Classified	Various	District	On Call	8/20/25
Nagel, Katherine	Substitute Classified	Various	District	On Call	8/19/25
Espinos Gonzalez, Armenia	Substitute Classified	Various	District	On Call	8/18/25
Lunt, Savannah	Substitute Classified	Various	District	On Call	8/14/25
Burnett, Riley	Substitute Classified	Various	District	On Call	8/26/25
Perry, Nichole	Substitute Classified	Various	District	On Call	8/29/25
Morales Chavez, Margarita	Substitute Classified	Various	District	On Call	8/26/25

STIPENDS

Name	Position	Site	Status	Effective Dates
Boyd, Gregory	Girls Soccer Coach	PGMS	Walk On	8/25/25
Gaudette, Crystal	6th Grade Girls Basketball Coach	PGMS	Walk On	9/1/25
Tulley, Jay	Boys Soccer Coach	PGMS	Walk On	8/5/25
Stanley, Brynn	JV Girls Water Polo Coach	PGHS	Walk On	8/1/25
Gamecho, Joe	Assistant Football Coach	PGHS	Walk On	7/1/25
Gluck, Steve	Assistant Football Coach	PGHS	Walk On	7/1/25
Riccoboni, Michael	Assistant Football Coach	PGHS	Walk On	7/1/25
Lake, Ray	Boys Volleyball CoCoach	PGMS	Walk On	7/1/25
Webb, Scott	Boys Volleyball CoCoach	PGMS	Walk On	7/1/25

RESIGNATIONS/RELEASES/RETIREMENTS

Name	Position	FTE	Site	Status	Effective Dates
Jensen, Noah	Clerk III	0.9375	ADE	resigned	8/15/2025
Diaz, Brittany	Instructional Assistant/Noon Duty	0.8125	RHD	resigned	8/10/25

TRANSFER

Name	Position	FTE	Site	Status	Effective Dates
Lin, Xiaowen	Instructional Assistant I	0.75 to 0.6875	From ADE to FGE	Perm	Upon successful recruitment

LEAVES OF ABSENCE

Name	Position	FTE	Site	Leave Type	Effective Dates
Vantran, Haynessa	Paraprofesional	0.8125	PGHS	FMLA	10/14/25-4/20/26
Fuqua, Jennifer	Recreation Attendant/Noon Duty	0.9375	RHD	FMLA	8/27/2025-1/6/2026

Board Cover Sheet

Consent ▾

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Linda Adamson
Superintendent

Item

Solicitation of Funds Report (August 2025)

Recommendation

The District Administration recommends that the Board review and approve the Solicitation of Funds Report.

Background

[Board Policy 1321: Solicitation of Funds From And By Students](#) states the following:

“With prior written approval of the Superintendent or designee, a student, student organization, or school-connected organization (such as the PTA's, PG Pride, etc.) may solicit funds if such funds directly benefit the students and/or staff of the school or District.

PGUSD athletic teams, co-curricular groups (i.e. Mock Trial/Robotics), and ASB organizations are excluded from this policy requirement. These groups are not required to complete the Solicitation of Funds Form, but rather, report directly through District budgetary processes.

With the written approval of the Superintendent or designee, the approved individuals and organizations may organize fundraising events involving students...”

Information

The Solicitation of Funds Form And By Students document(s) are accessible to [School Connected Organizations](#) and [Students or Employees](#) via Board Policy 1321: [Exhibit #1321a](#) & [Exhibit #1321b](#).

This SOF Report covers the forms submitted for the month of August 2025.

Fiscal Impact

The Solicitation of Funds Report is a recurring item on the Consent Agenda for every Regular Board Meeting. At the end of the school year, a separate, comprehensive report detailing the funds raised and other pertinent information is included, and this document constitutes that final report.

(None) No Fiscal Impact

Program/Grant

N/A

Pacific Grove Unified School District Solicitation of Funds Tracking Report 2025-26 School Year				
ORGANIZATION	SCHOOL SITE(S)	EVENT	DISTRIBUTION OF FUNDS	AMOUNT/ VALUE RAISED
PGHS PTA	PGHS	Various	See attached	TBD
PGMS Choir	PGMS	Raise Craze	See attached	TBD
Friends of Forest Grove	FGE	Various	See attached	TBD
PG PRIDE Inc.	ALL	Various	See attached	TBD
RHD PTA	RHD	Various	See attached	TBD
			SUBTOTALS	#REF!
Note: This document is regularly updated to include the latest submitted Solicitation of Funds forms.				
Updated: 8/27/2025				

Pacific Grove Unified School District

Community Relations

Exhibit #1321a

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
SOLICITATION OF FUNDS APPROVAL REQUEST FORM**
School Connected Organizations

Phone: (831) 646-6510 Fax: (831) 646-6500 E-mail: lvillegas@pgusd.org

With prior written approval of the Superintendent or designee, school-connected organizations (such as the PTA's, PG Pride, etc.) may solicit funds if such funds directly benefit the students and/or staff of the school or District. (See Board Policy 1321 for further information) School-connected organizations who wish to raise funds on behalf of the schools or District must submit an annual Solicitation of Funds Approval Request Form to the Superintendent. This form must be submitted at least 15 school days prior to the first fundraising event or activity.

At the conclusion of annual fundraising, the school-connected organization must submit a report to the District including how much money was raised on behalf of the District and how the funds were distributed. (See Section 2)

SECTION 1: Required at least 15 days prior to the event.

Group Name: PGHS PTA Contact Name: Luciana Morgan
 Contact Phone Number: (831)277-6302 Contact Email: lucianamorgan@yahoo.com
 Non-Profit Number: 77-0127716 Name of fundraiser: Bunco, Raffle, Mix&Mingle, Dine Outs

General purpose of fundraiser:
Support students, staff and school

Date(s) of first fundraiser: 2025-2026 Will students participate in fundraising? Y/N: Y

Will the fundraiser be online? Yes/No: no Are there any fees associated with the fundraiser: yes

How will the fundraiser be advertised? social media, email blasts, newsletters

**The following disclaimer must be included on all advertising: Pacific Grove Unified School District neither endorses nor sponsors the organization or activity represented in this document.*

Signature indicates that you understand above stated conditions:

Signature:  Date: 8/5/2025

SECTION 2: Required at the conclusion of the event. Please submit to the District.

How much money total was raised on behalf of the District: _____

What format do you intend to use for final reporting? _____

Attach a detailed summary/accounting of how all funds were distributed for the year, and plans for remaining balance

Signature indicates that you understand above stated conditions:

Signature: _____ Date: _____

Pacific Grove Unified School District

Community Relations

Exhibit #1321a

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
SOLICITATION OF FUNDS APPROVAL REQUEST FORM
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SECTION 1: Required at least 15 days prior to the event.

Group Name: Pacific Grove Middle School Choir Contact Name: Jared Masar
 Contact Phone Number: 719-469-4346 Contact Email: jmasar@pgusd.org
 Non-Profit Number: N/A Name of fundraiser: Raise Craze

General purpose of fundraiser:

Funding for curriculum, scholarships, bussing

Date(s) of first fundraiser: September 2nd, 2025 Will students participate in fundraising? Y/N: Y

Will the fundraiser be online? Yes/No: Yes Are there any fees associated with the fundraiser: Yes

How will the fundraiser be advertised? Primarily email but also word of mouth

**The following disclaimer must be included on all advertising: Pacific Grove Unified School District neither endorses nor sponsors the organization or activity represented in this document.*

Signature indicates that you understand above stated conditions:

Signature: Jared Masar Date: 08/6/2025

SECTION 2: Required at the conclusion of the event. Please submit to the District.

How much money total was raised on behalf of the District: _____

What format do you intend to use for final reporting? _____

Attach a detailed summary/accounting of how all funds were distributed for the year, and plans for remaining balance

Signature indicates that you understand above stated conditions:

Signature: _____ Date: _____

Pacific Grove Unified School District

Community Relations

Exhibit #1321a

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
SOLICITATION OF FUNDS APPROVAL REQUEST FORM**
School Connected Organizations

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At the conclusion of annual fundraising, the school-connected organization must submit a report to the District including how much money was raised on behalf of the District and how the funds were distributed. (See Section 2)

SECTION 1: Required at least 15 days prior to the event.

Group Name: Friends of Forest Grove Contact Name: Robert Faus
Contact Phone Number: 503-453-7623 Contact Email: fgptapresident@gmail.com
Non-Profit Number: 94-6171945 Name of fundraiser: Refer to 2025-2026 calendar

General purpose of fundraiser:

Raise funds for teacher budgets, specials (Library, music, tech, PE) budget, assemblies, scheduled events, and various school activities.

Date(s) of first fundraiser: August 13, 2025 Will students participate in fundraising? Y/N: Y

Will the fundraiser be online? Yes/No: No Are there any fees associated with the fundraiser: No

How will the fundraiser be advertised? Various PTA communications such as Facebook, fliers, Remind, newsletters, etc.

**The following disclaimer must be included on all advertising: Pacific Grove Unified School District neither endorses nor sponsors the organization or activity represented in this document.*

Signature indicates that you understand above stated conditions:

Signature: Robert Faus Date: 8/7/2025

SECTION 2: Required at the conclusion of the event. Please submit to the District.

How much money total was raised on behalf of the District: _____

What format do you intend to use for final reporting? _____

Attach a detailed summary/accounting of how all funds were distributed for the year, and plans for remaining balance

Signature indicates that you understand above stated conditions:

Signature: _____ Date: _____

Pacific Grove Unified School District

Community Relations

Exhibit #1321a

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
SOLICITATION OF FUNDS APPROVAL REQUEST FORM**
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At the conclusion of annual fundraising, the school-connected organization must submit a report to the District including how much money was raised on behalf of the District and how the funds were distributed. (See Section 2)

SECTION 1: Required at least 15 days prior to the event.

Group Name: PG P.R.I.D.E. Inc. Contact Name: Valerie Tingley
 Contact Phone Number: 831-884-8818 Contact Email: info@supportpgpride.com
 Non-Profit Number: 77-0017369 Name of fundraiser: WALK with PG PRIDE, Great Taste of PG,

General purpose of fundraiser:

Raise funds for donations and grants to classrooms, clubs, teams of PGUSD, and to cover expenses incurred.

Date(s) of first fundraiser: WALK 9/06/2025, others tbd Will students participate in fundraising? Y/N: Y
 Will the fundraiser be online? Yes/No: Yes Are there any fees associated with the fundraiser: CC and expenses
 How will the fundraiser be advertised? School flyers, newsletters, social media, word of mouth.

**The following disclaimer must be included on all advertising: Pacific Grove Unified School District neither endorses nor sponsors the organization or activity represented in this document.*

Signature indicates that you understand above stated conditions:

Signature:  Date: 08/12/2025

SECTION 2: Required at the conclusion of the event. Please submit to the District.

How much money total was raised on behalf of the District: _____

What format do you intend to use for final reporting? _____

Attach a detailed summary/accounting of how all funds were distributed for the year, and plans for remaining balance

Signature indicates that you understand above stated conditions:

Signature: _____ Date: _____

Pacific Grove Unified School District

Community Relations

Exhibit #1321a

APPROVED

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
SOLICITATION OF FUNDS APPROVAL REQUEST FORM**
School Connected Organizations

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At the conclusion of annual fundraising, the school-connected organization must submit a report to the District including how much money was raised on behalf of the District and how the funds were distributed. (See Section 2)

SECTION 1: Required at least 15 days prior to the event.

Group Name: Robert H. Down Elementary PTA Contact Name: Jeanne Kerr
Contact Phone Number: 3143138807 Contact Email: treasurer@robertdownpta.org
Non-Profit Number: CT0192719 Name of fundraiser: RHD PTA Fundraisers & Programs

General purpose of fundraiser:Robert H Down PTA exists to enhance the learning and experiences of our students.Date(s) of first fundraiser: 06/01/25 - 07/31/26 Will students participate in fundraising? Y/N: Y/NWill the fundraiser be online? Yes/No: Yes/No Are there any fees associated with the fundraiser: sometimesHow will the fundraiser be advertised? flyers, social media, email, & website

*The following disclaimer must be included on all advertising: *Pacific Grove Unified School District neither endorses nor sponsors the organization or activity represented in this document.*

Signature indicates that you understand above stated conditions:

Signature: *Jeanne Kerr* Date: 8/12/25

SECTION 2: Required at the conclusion of the event. Please submit to the District.How much money total was raised on behalf of the District: \$0.00 - RHD PTA Funds are raised for RHD PTAWhat format do you intend to use for final reporting? see attachment

Attach a detailed summary/accounting of how all funds were distributed for the year, and plans for remaining balance

Signature indicates that you understand above stated conditions:

Signature: *Jeanne Kerr* Date: 8/12/25

Fundraisers 2024-2026	2024-25 Revenue	2024-25 Expenses	Planned for 2025-26 ?
1st Day of School Supplies	\$0.00	\$0.00	Yes
Charleston Wrap	\$2,472.10	\$0.00	Yes
Local Eateries Fundraisers/Dine To Donate	\$1,886.31	\$0.00	Yes
Silent Auction Event	\$0.00	\$0.00	No plans at this time
Programs 2024-2026	Revenue	Expenses	Revenue
5th Grade Event at RHD	\$0.00	\$293.19	Yes
5th Grade Event with RHD & FG	\$0.00	\$0.00	Yes
STEM or STEAM Night	\$180.00	\$1,024.01	Yes
Big Sur Marathon Volunteer Hours	\$750.00	\$0.00	Yes
Board Game or Bingo Night	\$0.00	\$0.00	Yes
Book Fair	\$5,559.86	\$2,042.71	Yes
BrainPOP Online Learning for Grades K-8	\$0.00	\$3,767.40	Yes
Butterfly Bazaar Community Event	\$3,200.00	\$0.00	Yes
Candidate Forum and/or Student Government	\$0.00	\$134.20	Yes
Classroom Agendas for 5th Grade	\$0.00	\$502.81	Yes
Community Partner Event	\$190.00	\$200.00	Yes
Culture of We Events	\$0.00	\$0.00	Yes
Halloween Party	\$631.00	\$0.00	Yes
Kindergarten ESGI Assessment Program	\$0.00	\$916.99	Yes
Kindergarten Spring Open House / Introduction	\$0.00	\$0.00	Yes
Kindergarten Welcome to School Event	\$0.00	\$0.00	Yes
Math Festival	\$0.00	\$0.00	Yes
Mix & Mingle	\$992.11	\$0.00	Yes
Monterey Bay FC Back to School Night	\$0.00	\$0.00	Yes
Monterey Bay FC Teacher Appreciation Night	\$0.00	\$0.00	Yes
Movie Event	\$0.00	\$0.00	No plans at this time
Offer Times	\$0.00	\$782.23	Yes
Read-a-thon	\$5,272.80	\$251.33	Yes
RHD Office Supplies	\$0.00	\$0.00	Yes
School / Site Improvements	\$0.00	\$0.00	Yes
Spirit Events	\$0.00	\$0.00	Yes
Spirit Wear	\$3,615.00	\$2,000.00	Yes
Spring Open House Social Hour & Food Truck	\$579.08	\$0.00	Yes
Square 1 Art	\$1,768.12	\$0.00	Yes
Teacher & Staff Appreciation	\$0.00	\$1,700.00	Yes
Teacher Warrants/Reimbursements	\$0.00	\$14,737.70	Yes
Volunteer Appreciation Event	\$0.00	\$76.83	Yes
Welcome Back to School Event	\$240.00	\$0.00	Yes
Welcome Back to School Parent Child Playdate	\$0.00	\$0.00	Yes
Welcome Back Kindergartners	\$0.00	\$0.00	Yes
Yearbook	\$1,800.00	\$1,062.59	Yes
Total	\$29,136.38	\$29,491.99	-\$4,534.63

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Louis Algaze

Director of Technology Systems

Matthew Binder

Director of Educational Technology

Item

Chromebook Refresh Plan

Recommendation

The District Administration recommends that the Board approve the buy-back of 550 Dell 3100 Chromebooks at a rate of \$5/unit.

Background

In Summer 2025 began its student chromebook refresh plan by purchasing 750 HP Chromebooks which replaced the 800 Dell 3100s which were previously at the High School. As part of this plan we are retaining 250 Dell 3100s to use as spares for the other sites and to provide computers where there were none before. The rest of the chromebooks (550) are planned to be sold back to Trafera as they are not end of life until June 2029 and can be utilized by another district.

The difference between the 750 purchased HP chromebooks and 800 removed Dell 3100s is because of declining enrollment plus the expectation that additional chromebooks planned to be purchased as needs are defined which are appropriate for the newer chromebooks.

Fiscal Impact

Potential gain of funds in the expected amount of $550 \times \$5 = \2750.00 to be applied to the Measure A bond fund.

2025/26 ▾

(21) Bond-Measure A ▾

Program/Grant

Technology Refresh Plan

Barcode	Asset Tag	Service Tag	Serial Number		Barcode	Asset Tag	Service Tag	Serial Number
T0912328	10523	2YQ23z2				107842	162N4N3	
912342	106062	4CLDX33				106191	JQ9DX33	
T0912330	105749	BR7VY33				107885	F3WR4N3	
T0912334	105872	DPZHY33				106112	B7PSM33	
T0901986	104207					106245	8Y3MM33	
T0912332	107410	BX8lw33				106335	7TMGY33	
T0912324	105587	FLNHY33				106487	FNZY33	
	106583	83GWM33				106307	CSXZY33	
	106666	CFYHY33				106239	GW9HX33	
	106260	51TLM33				106784	B37TM33	
	106681	1V1HY33				106176	7MMLM33	
T0908876	106532	47SMM33				106843	8Y2VY33	
	107660	DYXM4N3				106430	5WCHX33	
T0912319	107651	GCMV4N3				106860	4XXYY33	
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T0912318	107322	6Y21Z33				106703	GLBHY33	
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T0912321	107616	5NLZ4N3				107575	76YM4N3	
T0912338	106895	HC41Z33				106420	JMHGX33	
	105894	5LKZY33				106193	DTCHX33	
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	106848	1d81z33				106766	9YRTM33	
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	106123	69HKW33				106886	JMZTM33	
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	106903	3h60z33				106305	HNZHY33	
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t0910637	107889	bq3t4n3				106535	449LW33	
	106878	34gwm33				107895	5M3T4N3	
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t0908990	106164	658QM33				106858	7LVZY33	
909190	106669	17v1z33				106115	8QKMW33	
909337	106114	1ZDZW33				106437	3D7TM33	
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	106242	6pkcm33				106395	F7HGX33	
	106113	2F1TM33				107887	3LKS4N3	
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t0909015	106160	f2dmm33				106698	2J7VY33	
t0909136	106582	2cltm33				106338	4WFJY33	
t0908803	106907	669hy33				106859	47Y0Z33	
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t0908760	106683	6tn1z33				106398	2RBHX33	
t0910522	107829	6cpr4n3				106173	4NHBM33	
t0910521	107934	65pr4n3				107864	HW7N4N3	
t0910525	107945	409t4n3				108035	F3P05N3	
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	106340	1q3zy33				106837	2GRYY33	
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t0910564	107917	gq3t4n3				106906	53HGY33	
t0910552	107874	ft3t4n3				106118	25DMW33	
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	106178	HFW8m33				107906	97WM4N3	
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	106138	2SH0X33				106671	8XDVY33	
t0910560	107918	g5rs4n3				108016	9GG05N3	
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t0908975	106834	5dthY33				106773	1RTWM33	
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	106155	50ypm33				106094	211JX33	
	106599	btbvm33				107578	H8GM4N3	
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t0910610	107933	18rs4n3				107846	35PR4N3	
t0910758	107589	7zqm4n3				107870	4CRS4N3	
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	106140	F5T0X33				107521	43XT4N3	
	107888	2P1S4N3				107526	4YXM4N3	
	106259	9VH8M33				106435	D39LW33	
	106454	D93MW33				107655	3KRM4N3	
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	107878	57RS4N3				107516	F2YM4N3	
	106161	HWLLM33				107658	F8KM4N3	
	106509	G5TGY33				106464	3D70X33	
	106474	H1YGY33				107679	23RM4N3	
	106545	JQLLW33				106871	F65VM33	
	106520	1Y3MM33				107502	9pwl4n3	
	106697	HWWFY33				106142	G87TM33	
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	106197	D9GHX33				107649	6B015N3	
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	106524	BSLMM33				106767	H55VM33	
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	106593	2RMWM33				106244	FCMLM33	
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	107572	38GM4N3				106690	60X1Z33	
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	106219	61CCX33				106402	GF6HX33	
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	106759	227TM33				106573	531TM33	
	106141	HJYKW33				106186	CQDQM33	
	106130	9PVMW33				106458	28YLW33	
	106205	52BHX33				106873	5XMWM33	
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	106168	95KNM33				107691	CGRM4N3	
	105352	7jy2ht2				103984	5cd81876v	
	106389	187HX33				106449	9M1TM33	
	106750	87XVM33				106313	5WWFY33	
	106555	HTSKW33				107544	9PKM4N3	
	106861	CG60Z33				107622	2VXZ4N3	
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	106194	FMBHX33				103979		5cd8182j6w
	106221	HH6HX33				106302	GDVZY33	
	106151	61J8M33				107511	5LWL4N3	
	108092	4G0V4N3				106145	F4XZW33	
	106306	HLSGY33				107900	70DM4N3	

Barcode	Asset Tag	Service Tag	Serial Number		Barcode	Asset Tag	Service Tag	Serial Number
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	106298	17LFY33				106134	96ZMW33	
	107902	HMKS4N3				106317	1C30Z33	
						107682	42RM4N3	

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Gregory O'Meara
Principal

Item

PGCHS – Contract for Services with MEarth (2025-26 School Year)

Recommendation

The District Administration recommends that the Board review and approve the Contract for Services with MEarth for the Pacific Grove Community High School.

Background

PGCHS would like to continue to partner with MEarth to provide garden services.

Information

MEarth is a local (Carmel, Ca.) non-profit organization. “MEarth educates and inspires the next generation of environmental stewards. We believe our vision and purpose hold value for everyone in our community and we are committed to providing access to those who otherwise would not benefit from these shared experiences. Teaching about the interconnected nature of our biology and natural surroundings, and understanding where food comes from are at the heart of what we do. These ideals are our backbone, but we must be certain they are in the foreground of everything we do.”

MEarth will send their staff to work with the students in the garden – \$310/Hr - \$465 per visit (1.5 Hrs x 14 Visits = \$6510) The PGCHS garden is an extension of instructional programs, incorporating science, math and the humanities.

Fiscal Impact

The \$6,510 contract will be paid out of the placeholder account.

2025/26 ▾

(01) General Fund ▾

Program/Grant

Resource 6762, CHS Allocation - \$1,757
Unrestricted General Fund 01 - \$4,753

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
INDEPENDENT CONSULTANT AGREEMENT

CONSULTANT MEarth

SITE/DEPARTMENT Pacific Grove Community High School

SUBMITTED BY Josh Jorn

FUNDING SOURCE Site Funds

AGREEMENT TOTAL AMOUNT \$ 6,510.00

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and MEarth ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work:** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a garden consultant. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to educate.
2. **Term:** Consultant shall commence providing services under this Agreement on 8/29/2025, and will diligently perform as required and complete performance by 5/30/2026.

3. **Compensation:** District agrees to pay \$ 6,510.00 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$ 6,510.00 during the term of this Agreement.

District shall pay Consultant according to the following terms and conditions:

3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.

4. **Expenses:** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.

5. **Independent Consultant:** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.

6. **Performance of Services:**

6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.

6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.

6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.

7. **Termination:**

7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.

7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District.

Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.

7.3. With Cause by District. The District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

7.3.1. Material violation of this Agreement by the Consultant; or

7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.

Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. Compliance: Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.

9. District's Evaluation of Consultant: The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.

10. Limitation of District Liability: Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.

11. Indemnity: Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement,

including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").

12. Confidentiality: The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

13. Notice: Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
435 Hillcrest Avenue
Pacific Grove, CA 93950
ATTENTION: Josh Jorn
Assistant Superintendent/CBO

Consultant

Name: MEarth
Address: P.O. Box 223702
City/State/Zip: Carmel, CA 93922
Business Phone: 831-624-1032
Email (Optional): karin@mearthcarmel.org

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. Integration/Entire Agreement of Parties: This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.

15. California Law: This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.

16. Waiver: The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

17. **Severability:** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

18. **Attorney Fees/Costs:** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.

19. **Counterparts:** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.

20. **Incorporation of Recitals and Exhibits:** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.

21. **Non-Assignability:** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.

22. **Fingerprinting:** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:

- ☐ DOJ Clearance Previously Received by District
- ☒ Fingerprinting done by the organization independently (declare under perjury)-
Consultant's Employee(s)
- ☐ No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:

- ☒ W-9 Form

24. **Type of Business Entity:**

- ☐ Corporation, State
- ☐ Individual
- ☐ Partnership
- ☐ Limited Liability Company
- ☒ Sole Proprietorship
- ☐ Limited Partnership
- ☐ Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District

Consultant

Site representative or Assistant Superintendent

(Signed AFTER Board approval)

(Can sign BEFORE Board's approval)

Signature: _____

Signature: _____

Name: Josh Jorn

Name: _____

Title: _____

Date: _____

Date: _____

Human Resources

(Signed AFTER Board approval)

☐ Contracted work was not assigned using the District's normal employment recruitment process.

Signature: _____

Date: _____

Chief Human Resources Officer

Board Cover Sheet

Consent ▾

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Gregory O'Meara
Principal

Item

PGHS – Contract for Services for Fernando Sanchez – Landscaper

Recommendation

The District Administration recommends that the Board review and approve the Contract for Services with Fernando Sanchez for the Pacific Grove High School.

Background

Fernando Sanchez is a local landscaper who has done work on our Varsity Baseball field in the past. Fernando's work has helped make our fields safer to use for all of the students.

Information

The project on the varsity baseball field is scheduled for Fall Break, from October 12th to October 19th. This timing was chosen to make sure the work doesn't get in the way of any student activities. The plan is to aerate and reseed the field, add some new sand, and give the edges – especially around the pitcher's mound and the diamond – a good cleanup.

Fiscal Impact

No fiscal impact to the district – this will be paid for using the Baseball team account. The Baseball team is under the Athletics/ASB umbrella.

2025/26 ▾

ASB Athletics ▾

Program/Grant

Wells Fargo Athletic Department Fund & the Baseball team account

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

INDEPENDENT CONSULTANT AGREEMENT

CONSULTANT Fernando Sanchez - Landscaping

SITE/DEPARTMENT Athletic Department/Baseball

SUBMITTED BY Greg O'Meara, PGHS Principal

FUNDING SOURCE Wells Fargo Athletic Department Fund/Baseball Team Account

AGREEMENT TOTAL AMOUNT \$2,500.00

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and Fernando Sanchez - Landscaping ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. Services and/Scope of work: The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a landscaper.. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to adding sand to the field, seed, aerate and clean up the edges...

2. Term: Consultant shall commence providing services under this Agreement on Oct 12, 2025 , and will diligently perform as required and complete performance by Oct 19, 2025 .

3. **Compensation:** District agrees to pay \$2,500.00 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$2,500.00 during the term of this Agreement.

District shall pay Consultant according to the following terms and conditions:

3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.

4. **Expenses:** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.

5. **Independent Consultant:** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.

6. **Performance of Services:**

6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.

6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.

6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.

7. **Termination:**

7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.

7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District.

Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.

7.3. With Cause by District. The District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

7.3.1. Material violation of this Agreement by the Consultant; or

7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.

Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. Compliance: Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.

9. District's Evaluation of Consultant: The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.

10. Limitation of District Liability: Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.

11. Indemnity: Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement,

including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").

12. Confidentiality: The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

13. Notice: Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
435 Hillcrest Avenue
Pacific Grove, CA 93950
ATTENTION: Josh Jorn
Assistant Superintendent/CBO

Consultant

Name: Fernando Sanchez - Landscaping
Address: Place P.O. Box 222925
City/State/Zip: Carmel/CA/93922
Business Phone: (###) ###-####
Email (Optional): fersanz41@yahoo.com

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. Integration/Entire Agreement of Parties: This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.

15. California Law: This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.

16. Waiver: The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

17. **Severability:** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

18. **Attorney Fees/Costs:** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.

19. **Counterparts:** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.

20. **Incorporation of Recitals and Exhibits:** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.

21. **Non-Assignability:** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.

22. **Fingerprinting:** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:

- ☐ DOJ Clearance Previously Received by District
- ☐ Fingerprinting done by the organization independently (declare under perjury)-
Consultant's Employee(s)
- ☒ No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:

- ☒ W-9 Form

24. **Type of Business Entity:**

- ☐ Corporation, State
- ☒ Individual
- ☐ Partnership
- ☐ Limited Liability Company
- ☐ Sole Proprietorship
- ☐ Limited Partnership
- ☐ Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District

Consultant

Site representative or Assistant Superintendent

(Signed AFTER Board approval)

(Can sign BEFORE Board's approval)

Signature: _____

Signature: _____

Name: Josh Jorn

Name: Fernando Sanchez

Title: Assistant Superintendent

Date: _____

Date: _____

Human Resources

(Signed AFTER Board approval)

☒ Contracted work was not assigned using the District's normal employment recruitment process.

Signature: _____

Date: _____

Chief Human Resources Officer

Board Cover Sheet

Action/Discussion

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Gregory O'Meara
Principal

Item

PGHS – Contract for Services with Gaurav Gurung (2025-26 SY)

Recommendation

The District Administration recommends that the Board review and approve the Contract for Services with Guarav Gurun for the Pacific Grove High School.

Background

Gaurav Gurung is a PGHS graduate and a recent CSUMB graduate and a strength and conditioning coach. He has been a volunteer with our athletic programs in the recent past and is now wishing to expand by helping in the weight room and field with our student athletes. He will be there two days per week, starting in the weight room, for all sports from 3:45 pm to 5:15 pm.

Information

The contract starts September 8th, 2025 and ends on May 22nd, 2026. Although specific dates will be flexible. The clinics will run 8 - 10 weeks long for each of the seasons, Fall, Winter and Spring.

Fiscal Impact

No fiscal impact to the district. A grant from Pebble Beach was secured by Dan Powers, athletic director and will be administered by the district.

2025/26 ▾

(01) General Fund ▾

Program/Grant

Pebble Beach Grant to the athletics department:
01-9006-0-1176-4200-5800-00-006-8700-0000

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

INDEPENDENT CONSULTANT AGREEMENT

CONSULTANT Gaurav Gurung - Strength and Conditioning Coach

SITE/DEPARTMENT Pacific Grove High School Athletics Department

SUBMITTED BY Greg O'Meara, Principal

FUNDING SOURCE Pebble Beach Grant - 01-9006-0-1176-4200-5800-00-006-8700-0000

AGREEMENT TOTAL AMOUNT \$5,000.00

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and Gaurav Gurung - ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work:** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a Strength and Conditioning sports coach. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to training and coaching in the PGHS Weight room and on the field.
2. **Term:** Consultant shall commence providing services under this Agreement on Sep 8, 2025 , and will diligently perform as required and complete performance by May 22, 2026 .

3. **Compensation:** District agrees to pay \$5,000.00 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$5,000.00 during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.

4. **Expenses:** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.

5. **Independent Consultant:** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.

6. **Performance of Services:**

6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.

6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.

6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.

7. **Termination:**

7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.

7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District.

Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.

7.3. With Cause by District. The District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

7.3.1. Material violation of this Agreement by the Consultant; or

7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.

Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. Compliance: Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.

9. District's Evaluation of Consultant: The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.

10. Limitation of District Liability: Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.

11. Indemnity: Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement,

including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").

12. Confidentiality: The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

13. Notice: Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Pacific Grove Unified School District
435 Hillcrest Avenue
Pacific Grove, CA 93950
ATTENTION: Josh Jorn
Assistant Superintendent/CBO

Consultant

Name: Gaurav Gurung -
Address: 282 Young Circle
City/State/Zip: Marina/CA/93933
Business Phone: 831-917-9378
Email (Optional): gg24pg@gmail.com

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. Integration/Entire Agreement of Parties: This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.

15. California Law: This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.

16. Waiver: The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

17. **Severability:** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

18. **Attorney Fees/Costs:** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.

19. **Counterparts:** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.

20. **Incorporation of Recitals and Exhibits:** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.

21. **Non-Assignability:** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.

22. **Fingerprinting:** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:

- ☒ DOJ Clearance Previously Received by District
- ☐ Fingerprinting done by the organization independently (declare under perjury)-
Consultant's Employee(s)
- ☐ No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:

- ☒ W-9 Form

24. **Type of Business Entity:**

- ☐ Corporation, State
- ☒ Individual
- ☐ Partnership
- ☐ Limited Liability Company
- ☐ Sole Proprietorship
- ☐ Limited Partnership
- ☐ Other: _____

**Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District

Consultant

Site representative or Assistant Superintendent

(Signed AFTER Board approval)

(Can sign BEFORE Board's approval)

Signature: _____

Signature: _____

Name: Josh Jorn

Name: _____

Title: Assistant Superintendent

Date: _____

Date: _____

Human Resources

(Signed AFTER Board approval)

☐ Contracted work was not assigned using the District's normal employment recruitment process.

Signature: _____

Date: _____

Chief Human Resources Officer

Board Cover Sheet

Information/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn , Barbara Martinez & Dr. Linda Adamson

Assistant Superintendent, Principal & Superintendent

Item

District Safety Update (2025-26 SY)

Recommendation

The District Administration recommends that the Board receive the Districts Safety Update for the 2025-26 school year.

Background

The Pacific Grove Unified School District continues to prioritize the safety and well-being of students, staff, and families through ongoing collaboration with the Pacific Grove Police Department (PGPD) and community partners. District leadership and Chief Day have established a consistent presence at schools through daily patrols, high-visibility engagement at large events, and joint planning on safety initiatives.

For the 2025–26 school year, the District is expanding safety efforts in several areas:

- Training & Education
- Community Engagement
- Infrastructure & Communication
- Resource Planning
- Future Planning

Through these initiatives, the District seeks to strengthen its culture of safety, reinforce strong partnerships with PGPD, and ensure that proactive planning and community collaboration remain central to the work ahead.

Information

Please receive the information included in the presentation by the District Administration

Fiscal Impact

N/A

(None) No Fiscal Impact

2025-26 Safety Update

Stronger Together: Building a Safer Campus

A comprehensive update on our collaborative safety initiatives with the Pacific Grove Police Department and our ongoing commitment to creating secure learning environments for all students and staff.

RUBY BRIDGES
WALK
TO SCHOOL DAY



Our Safety Journey

When we met last year, we promised to:

- Strengthen our partnership with PGPD
- Implement comprehensive security infrastructure
- Enhance communication protocols
- Develop responsive safety training
- Create a culture of safety awareness

Today, we'll review:

- Progress on our collaborative initiatives
- Feedback from school principals
- Infrastructure improvements
- Communication enhancements
- Next steps for our \$90,000 safety budget

Strengthened PGPD Partnership

Our collaboration with Pacific Grove Police Department under Chief Day's leadership has transformed our approach to campus safety.

Proactive Presence

Regular campus visits by officers
create familiarity and trust

Coordinated Response

Joint training and unified
protocols for emergency
situations

Community Engagement

Participation in school events
builds relationships with students
and families



Principal Feedback: Priorities &

Actions

Our school leaders have identified these key areas for ongoing development:



Event Officer Presence

Maintained officer presence at high-attendance events for visibility and rapid response

Enhanced Patrols

Increased campus visits and perimeter monitoring during arrival, dismissal, and throughout the day

Relationship Building

Officers connecting with students through positive interactions and educational programs

Safe Routes to School

Joint subcommittee developing comprehensive plans including safety education on e-bikes and e-scooters

Middle School Supervision

Added dedicated supervision during lunch to enhance student safety

September Safety Committee: Next Steps

At our upcoming meeting in late September, we'll be discussing strategic allocation of our **\$90,000 safety budget** based on comprehensive needs assessment.



1

Priority Assessment

Evaluate infrastructure and staffing needs across all campuses

2

Budget Allocation

Determine distribution of funds for maximum impact

3

Implementation Timeline

Establish phases for completing projects with minimal disruption

Infrastructure Improvements

We've made significant investments in physical security across our campuses:

Access Control

- Visitor management system at all sites
- Digital check-in procedures
- Credential verification

Physical Barriers

- Completed fencing at PGMS
- Planned PGHS back campus enclosure
- PGMS portico area modifications

Communication Systems

- Expanded 2-way radio coverage
- New public address systems at all sites
- Standardized emergency protocols

Note: Quick-start projects underway include additional drop-off safety measures and traffic flow improvements.

Training & Road Safety Initiatives

1

Big Five Protocols

- Comprehensive training for all staff on shelter in place, secure campus, evacuation, drop/cover/hold on, and run/hide/defend

2

Threat Assessment

- Multi-disciplinary team approach to evaluating and responding to potential safety concerns

3

Road Safety Collaboration

- PGPD-led assemblies, parent events, and district-wide programs addressing pedestrian and vehicle

4

Student Facing Instruction

- Site specific safety assemblies and presentations by PGPD
- Bike Rodeo and Safety Day



Upcoming events include our Spring district-wide safety fair, and safety component at the Butterfly Bazaar

Multilevel Communication Strategy

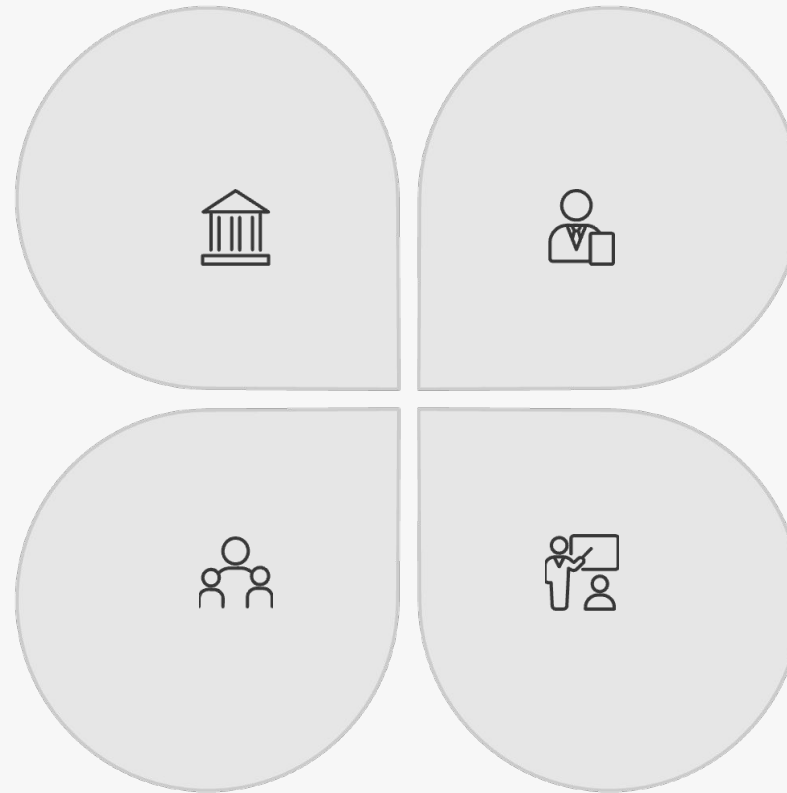
Our wraparound approach ensures safety information reaches all stakeholders through multiple channels:

District Level

- District-wide safety committee
- Emergency notification system
- Community safety events

Family Engagement

- Parent workshops
- Home safety resources
- Two-way feedback channels



Administration

- Principal coffee events
- Back-to-School Nights
- Parent newsletters

School Site

- Site-specific safety committees
- School Site Council safety plan reviews
- Classroom safety discussions

Chief Day: Our Safety Partner

Chief Day has been instrumental in transforming our approach to campus safety, bringing law enforcement expertise directly into our educational environment.

Key contributions include:

- Regular presence at district safety planning meetings
- Direct involvement in training development and delivery
- Coordination of PGPD resources to support school needs
- Proactive communication with school leadership
- Community engagement through parent and student events

This partnership exemplifies our "Stronger Together" approach to creating safe learning environments.



Moving Forward: Our Commitment

We remain dedicated to continuously improving our safety measures through collaborative effort and community engagement.

Fall 2025

- Safety Committee budget allocation
- Begin infrastructure quick-start projects

1

2

Spring 2026

- District-wide safety fair
- Advanced staff and student training programs

3

4

Winter 2025-26

- Complete fencing projects
- Enhance drop-off/pick-up procedures
- Thank you for your partnership in creating safer schools for our community.

Summer 2026

- Comprehensive safety plan updates
- Preparation for 2026-26 initiatives

Board Cover Sheet

Public Hearing

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Larry Haggquist
Executive Director of Educational Services

Item

Public Hearing: Resolution No. 1162 – Sufficiency of Instructional Materials (2025-26 SY)

Recommendation

The Governing Board shall hold a public hearing or hearings at which the Governing Board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the state board. [EC60119(a)(1)]

Background

State Education Code Section 60119 and Assembly Bill 831, Chapter 118, Statutes of 2005, which took effect July 26, 2005, requires that the Governing Board hold a public hearing and make a determination, through the adoption of a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, in each subject, that are consistent with the content and cycles of the State curriculum frameworks and adoption cycles.

If the Governing Board determines that there are insufficient textbooks or instructional materials, or both, the Governing Board shall provide information to classroom teachers and to the public setting forth, for each school in which there is insufficiency, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials.

The Board is required to comply with this requirement, the Instructional Materials Funding Realignment Program (IMFRP) even though it is not directly funded by the State of California.

Information

The District is continually in the process of updating its textbooks and providing instructional materials to meet the requirements of the State curriculum frameworks, content standards, and adoption cycles. At any time, there may be a need for additional revenues to update aging or damaged textbooks and provide additional or replacement instructional materials.

Publishing companies align their instructional materials to the content area frameworks adopted by the California Department of Education (CDE). The CDE adopted a new mathematics framework in 2023, so publishers are adapting their materials to match the new framework. In other content areas, the English Language Arts Framework was adopted in 2014, History-Social Science in 2016, and the Next Generation Science Standards in 2013.

What follows is a list of the curriculum being used in our PGUSD schools.

Elementary

	Grade Level	Instructional Material	Publisher	Year Began
English Language Arts	TK-5	EL Education	OpenUp Resources	2025
Mathematics	TK-5	Swun Math	Swun	2019
History Social Science	TK-5	Studies Weekly Social Science	Studies Weekly	2022
Science	TK-5	Mystery Science	Mystery Science	2019

Middle School

	Grade Level	Instructional Material	Publisher	Year Began
English Language Arts	6-8	StudySync	McGraw-Hill	2017
Mathematics	6-8	Desmos	Amplify	2023
History Social Science	6-8	TCI History	Teacher's Curriculum Institute	2006
Science	6-8	Elevate Science	Savvas	2021

High School

Pacific Grove High School has a comprehensive list of course offerings. We regularly review the condition of the instructional materials at the high school and have implemented an adoption schedule to update textbooks being used in several subjects. Below is a table reflecting the major purchases made since 2022.

	Grade Level	Instructional Material	Publisher	Year Purchased
Science	10-11	Conceptual Physics	McGraw-Hill	2022
	10-11	Chemistry in the Earth System	Houghton-Mifflin-Harcourt	2023
	10-11	The Living Earth (Biology)	Houghton-Mifflin-Harcourt	2023
Mathematics	IM 1-3	Big Ideas	Amplify	2023
History Social Science	9	Voices	Gibbs Smith Education	2025
	9	Ethnic Studies (model curriculum)	California State Board of Education	2025

	11	America: Through the Lens	National Geographic	2023
	10	Ways of the World, 5e	Bedford, Freeman, and Worth	2023

It is appropriate to find at this time that the District has provided sufficient textbooks and instructional materials for all students consistent with the State Curriculum Frameworks and adoption cycles. The total cost for textbooks expenditures was \$549,850.56. The district used a combination of general fund resources, State lottery revenue, and one-time block grant funds to purchase these materials.

Fiscal Impact

The total spent on instructional materials for 2025-2026 was \$549,850.56. These purchases were funded through the instructional materials budget from the general fund, the State lottery revenue, and the Arts, Music, and other one-time block grant funds.



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Joshua Jorn

Assistant Superintendent

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PUBLIC HEARING NOTICE

Resolution No. 1162

REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS FOR SCHOOL YEAR 2025-2026

WHEREAS, on September 4, 2025 the Board of Pacific Grove Unified School District in order to comply with the requirements of Education Code Section 60119 held a public hearing at 6:30 p.m. which did not take place during or immediately following school hours, and:

WHEREAS, the Governing Board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and:

WHEREAS, the Governing Board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders in the public hearing, and:

WHEREAS, information provided at the public hearing and to the Governing Board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district, and:

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments, and:

WHEREAS, sufficient textbooks and instructional materials were provided to each student including English Learners, in mathematics, history-social science, and English/Language Arts,



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and includes the English language development component of an adopted program consistent with the cycles and content of the curriculum frameworks, grades TK-2 adopted EL Education English Language Arts program aligned to California Content Standards for implementation in 2025-2026, grades 3-5 adopted EL Education Language Arts and English Language Development program aligned to California Content Standards for implementation in 2025-2026, grades 6-8 adopted StudySync a Language Arts and English Language Development program aligned to California Content Standards for implementation 2016-2017, grades TK-5 adopted Studies Weekly a social studies program aligned to California Content Standards for implementation in 2022-2023, American Government & AP Government were adopted for implementation in the 24-25 school year, and:

WHEREAS, the list of State Approved science textbooks (K-8) was released in January 2019, Next Generation Science Standards were approved by the State Board of Education on September 4, 2013, the district began the selection process during the 2019-2020 and 2020-2021 school years. Students have sufficient instructional materials for instruction in the content area of science; science textbooks for a Conceptual Physics was adopted in 2022, Living Earth science textbooks for biology aligned to California Content Standards and Next Generation Science Standards was adopted for implementation in 2023, Holes Essentials of Human Anatomy was adopted for implementation in 2024, Elevate Science was adopted for grades 6-8 in 2021-2022, Mystery Science, an online curriculum for grades TK-5.

WHEREAS, the list of State Approved math textbooks (K-8) was released in Fall 2013. At that time, the District began the selection process and adopted My Math during the 2014-2015 school year in grades TK-5; Big Ideas Math was adopted for



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grades 6-8 and Carnegie Learning was adopted for high school Integrated Math 1, Integrated Math 2, and Integrated Math 3 and later replaced by Big Ideas math in 2016-2017; grades TK-5 adopted Swun Math for implementation in 2019-2020. The State Board of Education is currently reviewing texts aligned with the new 2023 mathematics frameworks for state adoption in November, 2025.

WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes,

WHEREAS, sufficient laboratory science equipment was provided for science laboratory classes offered in grades 9-12.

NOW THEREFORE, the Governing Board declares that for the 2025-2026 school year, the Pacific Grove Unified School District provided each pupil with sufficient textbooks and instructional materials consistent with the adoption cycles and content of the State curriculum frameworks.

AYES:

NOES:

ABSENT:

Dr. Linda Adamson, Superintendent

For more information, please contact Dr. Lawrence Haggquist, Executive Director of Educational Services at 831-646-6520 or lhaggquist@pgusd.org.

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Larry Haggquist
Executive Director of Educational Services

Item

Resolution No. 1162 – Sufficiency of Instructional Materials (2025-26 SY)

Recommendation

The District Administration recommends that the Board adopt Resolution Number 1162 regarding Sufficiency of Instructional Materials for the 2025-26 school year.

Background

State Education Code Section 60119 and Assembly Bill 831, Chapter 118, Statutes of 2005, which took effect July 26, 2005, requires that the Governing Board hold a public hearing and make a determination, through the adoption of a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, in each subject, that are consistent with the content and cycles of the State curriculum frameworks and adoption cycles.

If the Governing Board determines that there are insufficient textbooks or instructional materials, or both, the Governing Board shall provide information to classroom teachers and to the public setting forth, for each school in which there is insufficiency, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials.

The Board is required to comply with this requirement, the Instructional Materials Funding Realignment Program (IMFRP) even though it is not directly funded by the State of California.

Information

The District is continually in the process of updating its textbooks and providing instructional materials to meet the requirements of the State curriculum frameworks, content standards, and adoption cycles. At any time, there may be a need for additional revenues to update aging or damaged textbooks and provide additional or replacement instructional materials.

Publishing companies align their instructional materials to the content area frameworks adopted by the California Department of Education (CDE). The CDE adopted a new mathematics framework in 2023, so publishers are adapting their materials to match the new framework. In

other content areas, the English Language Arts Framework was adopted in 2014, History-Social Science in 2016, and the Next Generation Science Standards in 2013.

What follows is a list of the curriculum being used in our PGUSD schools.

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High School

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History Social Science	9	Voices	Gibbs Smith Education	2025
	9	Ethnic Studies (model curriculum)	California State Board of Education	2025
	11	America: Through the Lens	National Geographic	2023



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PUBLIC HEARING NOTICE

Resolution No. 1162

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WHEREAS, information provided at the public hearing and to the Governing Board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district, and:

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments, and:

WHEREAS, sufficient textbooks and instructional materials were provided to each student including English Learners, in mathematics, history-social science, and English/Language Arts,



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and includes the English language development component of an adopted program consistent with the cycles and content of the curriculum frameworks, grades TK-2 adopted EL Education English Language Arts program aligned to California Content Standards for implementation in 2025-2026, grades 3-5 adopted EL Education Language Arts and English Language Development program aligned to California Content Standards for implementation in 2025-2026, grades 6-8 adopted StudySync a Language Arts and English Language Development program aligned to California Content Standards for implementation 2016-2017, grades TK-5 adopted Studies Weekly a social studies program aligned to California Content Standards for implementation in 2022-2023, American Government & AP Government were adopted for implementation in the 24-25 school year, and:

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WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes,

WHEREAS, sufficient laboratory science equipment was provided for science laboratory classes offered in grades 9-12.

NOW THEREFORE, the Governing Board declares that for the 2025-2026 school year, the Pacific Grove Unified School District provided each pupil with sufficient textbooks and instructional materials consistent with the adoption cycles and content of the State curriculum frameworks.

AYES:

NOES:

ABSENT:

Dr. Linda Adamson, Superintendent

For more information, please contact Dr. Lawrence Haggquist, Executive Director of Educational Services at 831-646-6520 or lhaggquist@pgusd.org.

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

2025-26 General Obligation Bond Quick Start List

Recommendation

The District Administration recommends that the Board review and approve the 2025-26 General Obligation Bond Quick Start List.

Background

The District awarded a contract on June 5th, 2025 to Ausonio Inc-Brailsford and Dunlavey to assist in the development and construction of a variety of modernization and new construction projects associated with the District's Facilities Master Plan.

The Construction and Program Manager is responsible for ensuring that project(s) are properly completed within the District's Project budget in accordance with the District's schedule.

As a reminder, Ausonio Inc. and Brailsford -Dunlavey will be performing the following tasks as a part of their Agreement with PGUSD:

- Create and maintain master program budget
- Create and maintain master program schedule
- Identify quick start projects to begin concurrently with longer-range planning
- Procure professional services to support individual projects as needed
- Prepare bid and contract documents for each project
- Provide oversight of project design phase services
- Coordinate relocation services for District stakeholders as needed to enable projects
- Perform construction management services on all active projects
- Serve as the District's representative in all aspects of project execution
- Provide reports of project status with the frequency and level of detail that will be most helpful for stakeholders at all levels
- Identify problems and issues encountered in accomplishing the work and recommend appropriate action for resolution of problems to minimize impact to the completion schedule.

Information

Tonight Ausonio Inc-Brailsford and Dunlavey along with staff will be presenting the 2025-26 Quick Start Projects that were previously identified as Priority 1 Projects in the District's Facilities Master Plan (FMP). The process of identifying projects was completed as noted below:

- Priority 1 Projects reviewed by Admin, Site Principals, Site Staff and Program Manager
- Projects previously identified on the Reprioritization List for Measure D were reviewed and included as Priority 1 Projects
- Staff and Program Manager(s) engaged with site Principals, Classified Staff and others, to review proposed scope of work for 2025-26
- Project design team and engineers have reviewed site conditions and developed budgets as noted in the attached PGUSD Quick Start Projects 2025-26.

Tonight, Program Manager(s) and Staff will present the PGUSD Quick Start Projects 2025-26 budget which includes soft costs.

The Master Plan Project List will be presented to the Board for approval in November which will be covered in tonight's presentation.

Fiscal Impact

Fund 21, Measure D - \$13,852,687

(21) Bond-Measure D ▾

2025-26 General Obligation Bond Quick Start List

103/1104

Master Project List Report

Pacific Grove Unified School District

Pacific Grove Unified School District

8/26/2025

Location/Project	Status	Budget	Description	
Forest Grove Elementary				
FGE-MD75	Portable Repair	Pending	\$630,000	Repair structural damage caused by fallen tree at portable including ADA upgrades to adjacent restroom.
FGE-MD76	ADA and Site Improvements	Pending	\$2,625,000	Address uneven asphalt walkways. Replace asphalt play courts with new surface. Address ADA issues from root damage. Redesign poorly placed drains near TK/Kinder to resolve flooding issues. Repair sewer line.
FGE-MD77	Multi-Purpose Room Interior Improvements	Pending	\$210,000	Replace VCT flooring in Multi-purpose room with LVP.
Forest Grove Elementary Totals:			\$3,465,000	
Robert Down Elementary				
RDE-MD41	Fire Alarm Upgrades	Pending	\$840,000	Campus-wide fire alarm replacement.
RDE-MD78	Entry Buzzer and Camera	Pending	\$26,250	Add buzzer and camera at bottom of offices stairs for staff alert for ADA assistance into school.
RDE-MD79	HVAC - Library	Pending	\$525,000	Add/Replace aging units in Library. Integrate into EMS system.
RDE-MD80	ADA and Site Improvements	Pending	\$1,890,000	Replace cracked asphalt. Install rubberized fall surfacing on playground. Replace west side fencing. Install panic hardware and secure gates. Improve site ADA accessibility, ramps and signage across campus.
Robert Down Elementary Totals:			\$3,281,250	
Pacific Grove Middle School				
MS-MD81	Site Security and Fencing	Pending	\$105,000	Install fencing to isolate PGMS closed campus approach.
MS-MD82	Paint Gymnasium and Portables	Pending	\$126,000	Paint exterior of the gymnasium and two portables.
Pacific Grove Middle School Totals:			\$231,000	
Pacific Grove High School				
HS-MD83	ADA and Fencing	Pending	\$1,191,750	Replace or extend fencing and add gates for perimeter control on south end of campus. Install ADA paths from gym to baseball field. Pave a new fire lane by Library.
HS-MD84	Roofing and Paint	Pending	\$1,102,500	Paint exterior and install Weatherweld roof on gym and weight room buildings.
Pacific Grove High School Totals:			\$2,294,250	

2025-26 General Obligation Bond Quick Start List

104/1104

Master Project List Report

Pacific Grove Unified School District

Pacific Grove Unified School District

8/26/2025

Location/Project	Status	Budget	Description	
Pacific Grove Adult School				
AE-MD85	ADA and Site Improvements	Pending	\$1,811,250	Install fence and gate at southeast corner of site and rear parking lot for security. Site ADA path of travel lot improvements adjacent to main parking. Replace failing pavement in main parking lot, add trash enclosure in main parking lot.
AE-MD86	Nursing Annex	Pending	\$262,500	Demolish unsafe structure and replace with classrooms to support State Preschool. Includes utility rerouting with PG&E and water.
AE-MD87	Community High Campus - Design	Pending	\$52,500	Schematic design a space to accommodate 2 classrooms of 960 SF each, and offices and restrooms in the southwest corner of the site. Include parking lot for new facility. Address path of travel from main parking lot to new site and adjacent to building 10,11,12 & 13. Widen fire lane as well.
AE-MD88	Butterfly Room Window Replacement	Pending	\$75,000	Replace leaky window wall at the Butterfly room in main building.
Pacific Grove Adult School Totals:			\$2,201,250	
David Avenue				
DA-MD89	Exterior Paint and Gutter Replacement - Phase 2	Pending	\$630,000	Exterior Paint and Gutter Replacement - Phase 2 to complete the remaining work not completed in summer 2025.
David Avenue Totals			\$630,000	
District Wide				
DW-MD90	Program Management	Pending	\$781,170	Program managements costs.
DW-MD91	Contingency	Pending	\$948,767	Contingency for project change orders (summer 2025 or 2026).
DW-MD92	Campus Wide Gas Survey	Pending	\$20,000	Conduct gas leak detection surveys at each campus.
District Wide Totals:			\$1,749,937	
Grand Total:			\$13,852,687	

Notes:

Funding Sources: Measure D

Statuses: Pending

This report is using draft budget data.

* Project List has been Filtered



Board of Trustees

120-Day Mobilization Plan and Quick Start Projects

September 4, 2025



AUSONIO
CONSTRUCTION MANAGEMENT



BRAILSFORD & DUNLAVEY

AKG
A KENNEDY GROUP

Agenda

- Intro to Ausonio | B&D | AKG
- 120 Day Mobilization Plan
- Action
 - Quick Start Projects Overview
 - Quick Start Project List for Approval





Introductions



Introductions

Program Management Team

Ausonio Incorporated

- Contractors & Construction Managers in the Tri-County Area since 1959
- Second Generation : Andrew P Ausonio
- Technically Educated Staff
 - P.E., CCM, CMIT, Drones, etc
- Award Winning
 - 2024 Top 90 US Construction Management Firm BD+C Giants 400 Report
 - 2024 APWA Project of the Year: Structures Less than \$5M for CSUMB Otter Express
 - 2023 APWA Project of the Year: Historical Preservation for CSUMB Stadium Repair



Dustin Conner

Program Manager



Sam Phillips

Chief Operations
Officer (COO)



B.S. Construction Management, emphasis in Architectural Project Management, CSU Chico

CCM Certified

Leadership in Energy and Environmental Design (LEED) Green Associate

OSHA 30-hour Trained

OSHA 10-hour Trained

Toastmasters Competent Communicator Certified

2016-2017 PG Chamber of Commerce Board member

PG Pony Softball Coach

PG Rec Soccer Coach

Dustin Conner, CCM

Program Manager | Ausonio

Dustin has worked on public contracts in the construction management role since graduating college. He has been involved in the public bid process on all projects using multiple delivery methods. In his current role with Ausonio, he is overseeing the Bond Program at Monterey Peninsula Community College. Dustin works with clients and project teams with a collaborative approach to effectively deliver successful products. His extensive knowledge of public works and education facilities will bring value to any project.

Monterey Peninsula College Measure V Bond | Monterey, CA (\$230M)

Program manager for various projects including Campus-wide lighting upgrades, campus-wide smart classrooms (AV upgrades), library roof, HVAC and TI renovations, gymnasium boiler, roof & HVAC upgrades, library cafe, science classrooms, etc.

California State University Monterey Bay Otter Student Union | Marina, CA (\$68M)

Construction manager on new 70,000sf Student Union. Design build delivery method.

California State University Monterey Bay Corporation Loan Projects | Marina, CA (\$7M)

Program manager oversight on multiple facilities maintenance projects (roofing, painting, re-carpet, fire alarms, and site improvements) for CSUMB's Student Housing during COVID Pandemic.

California State University Monterey Bay Football Club Stadium | Marina, CA (\$11M)

Construction manager oversight on 6,000-seat pro soccer stadium.

Monterey Conference Center | Monterey, CA (\$60M)

Project manager for renovation and addition of Monterey Conference Center. Concrete structure with post tension slab and beams. Full Structural retrofit. All new finishes.

Introductions

Program Management Team

Brailsford & Dunlavey (B&D)

- Over 1,500 projects since 1993, specializing in planning and managing school district facilities.
- Guides clients from needs assessment through construction with proven best practices.
- Focuses on cost, schedule, and quality while ensuring strong stakeholder communication.
- Experienced in diverse delivery methods (design-build, lease-leaseback, P3s).
- National presence; recognized as a Top 25 Program Management Firm.



Cody Carpino

Director



Mark Newton

Senior Vice President



B.S. Architecture,
Washington University in
St. Louis

Architect: CA C31885

Leadership Roseville Class
of 2017

Leadership Auburn – Class
of 2013

BD+C 40 under 40

AIA Central Valley Board of
Directors, 2018-Present

Cody Carpino, AIA

Director | B&D

With over 20 years of experience in project management, construction management, and architectural design, I have led a range of community college and public K-12 projects across Northern California. Leveraging my architectural background, I help clients achieve their design goals while managing programs and construction. I offer expertise in project planning, including schedule, budget, scope, team acquisition, and agency processing to deliver efficient, high-quality results.

Monterey Peninsula Community College District

Measure V Program Management

Sebastopol Union School District

Measure E and N Construction Management

Hillbrook School

Armory and Moir Renovation Projects

Natomas Charter School

Modular Classroom Buildings and Renovation Projects

Sacramento City Unified School District

Construction Management Services

Sacramento Employment and Training Agency

Program Management and Advisory Services for Tenant Improvements

Introductions

Program Management Team

Ann Kennedy Group (AKG)

- Manages public funding for education and public agencies, ensuring state and federal compliance.
- Certified Woman Owned and Small Business Enterprise in California with strong oversight relationships.
- Specializes in financial tracking, compliance, and communication for school districts and colleges.
- Provides policy development, business process analysis, and compliance oversight.
- Services include capital planning, program management, reporting, grant compliance, and data management.



Ann Kennedy
Bond Compliance
Leadership



Jeff Scogin
Bond Compliance



120-Day Mobilization Plan



AUSONIO
CONSTRUCTION MANAGEMENT



BRAILSFORD & DUNLAVEY

AKG
A KENNEDY GROUP

First Month

- Architect Selection (complete)
- Decision Making Process Document
- Identify Quick Start Projects
- Facilities Master Plan (FMP) Verification
- Begin Gap Analysis Studies



Second Month

- Quick Start Projects
 - Scoping
 - Budgeting
 - Board Approval Preparation
 - Initial Design
- Finalize Gap Analysis
 - Begin Master Plan Estimating

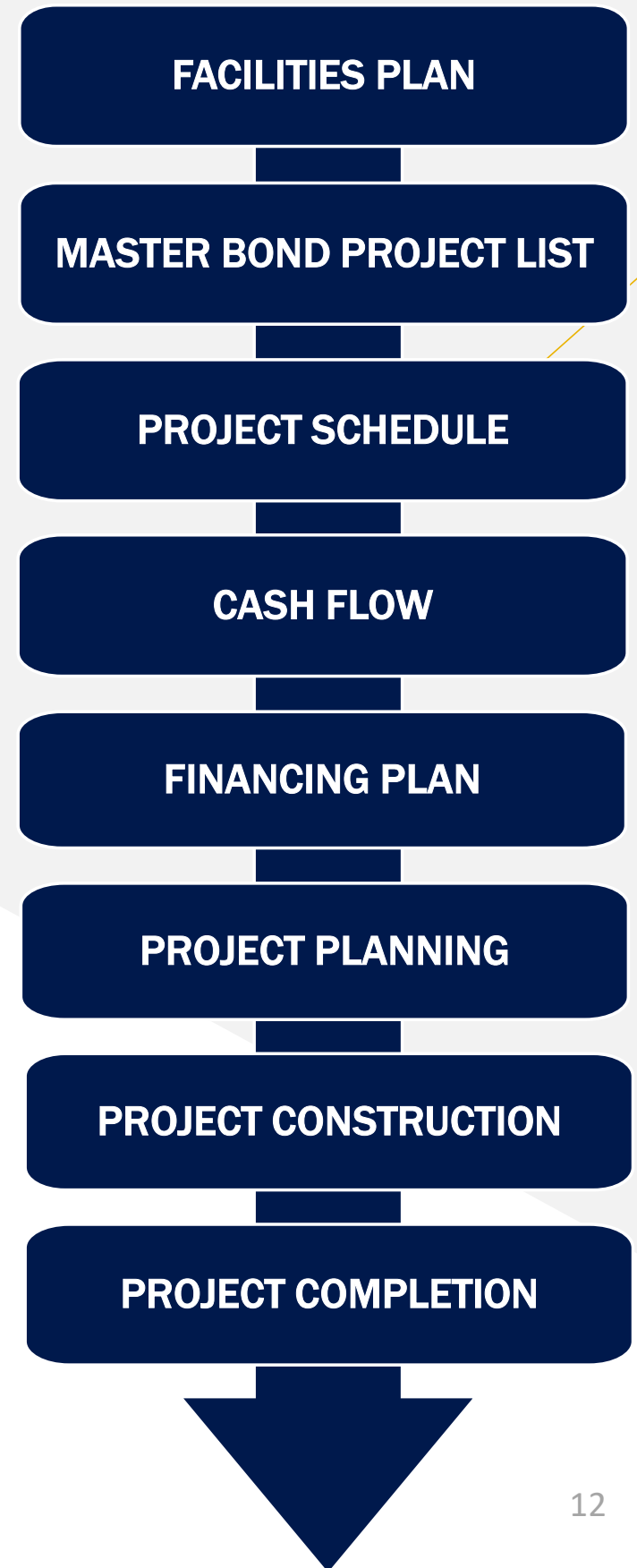


Third Month

- Develop Program Master Budget and Bond Project List
 - Founded on the Facility Master Plan and Bond Language
 - Utilizing the Gap Analysis Scoping document
 - Estimate project budgets for all priority #1, #2, and #3 projects
 - Originate “Full Need” overall Master Budget

The ballot title for Measure B was as follows:

“With no projected increase to current tax rates, shall Pacific Grove Unified School District’s measure to renovate existing classrooms; replace deteriorating electrical wiring; expand Science, Technology, Engineering, Arts and Mathematics facilities at Forest Grove Elementary School, Robert Down Elementary School, Pacific Grove Middle School, Pacific Grove Adult Education Center, Pacific Grove Community High School and Pacific Grove High School be adopted, authorizing \$78 million of bonds at legal rates, annual audits, average levies below \$32 per \$100,000 of assessed valuation (approximately \$4,700,000 annually) while outstanding, citizens’ oversight, and full disclosure of spending with funds that cannot be spent elsewhere.



Project Priority

- To help the District strategically implement improvements, the plan follows the master plan and categorizes recommendations into three tiers of priority:
- **Priority 1** focuses on urgent needs including health, safety, ADA accessibility, aging infrastructure, and security upgrades.
- **Priority 2** emphasizes programmatic improvements, such as restroom modernization, classroom upgrades, and support space enhancements that promote student wellness and instructional alignment.
- **Priority 3** includes long-term goals like athletic facility upgrades, playground revitalization, outdoor learning spaces, and expansion of career technical education (CTE) and specialty classrooms.



Third Month

- Consultant Procurement
- Interim Housing Review
- Construction Delivery Methods
 - Design-Bid-Build
 - Lease-Leaseback
 - Design-Build
- Draft Program Master Schedule
- Introduction to Board and Community

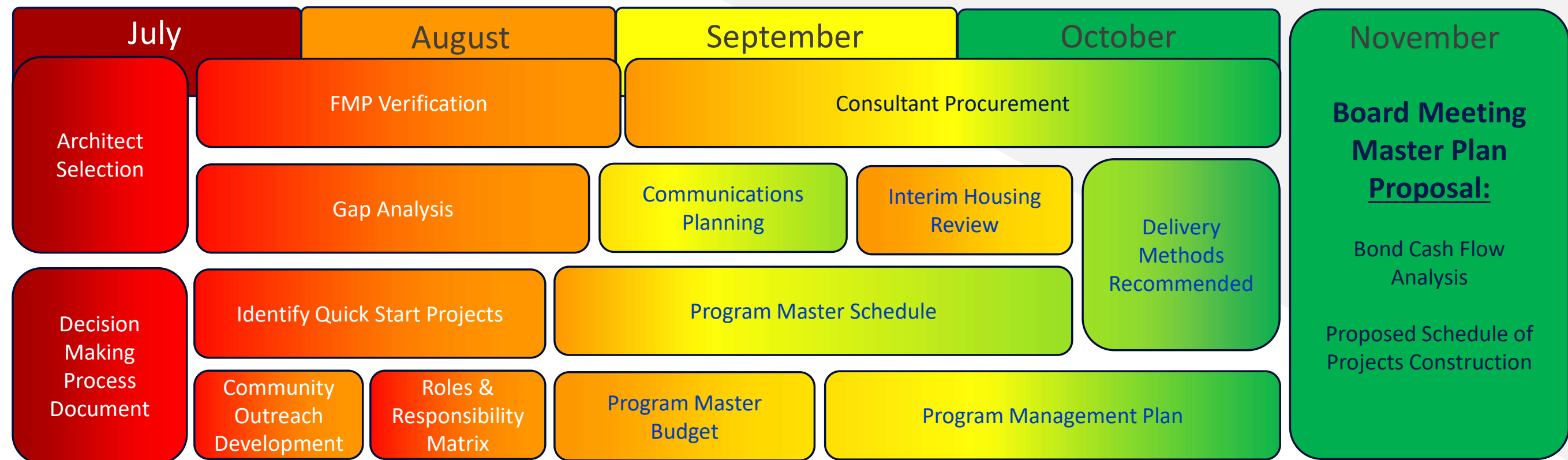


Fourth Month

Master Bond Project List Approval

- Identify Projects eligible for State Matching Funds
- Board of Trustees Presentation of Budgets for Priority #1 and #2 Projects:
 - Initial feedback
 - Revisions if needed
- December - Bond subcommittee presentation and feedback – Priority 3 Projects

120-Day Mobilization Plan





Quick Start Projects Overview (for Summer 2026)



AUSONIO
CONSTRUCTION MANAGEMENT



BRAILSFORD & DUNLAVEY

AKG
A KENNEDY GROUP

Forest Grove ES

Designer: DCA Architects

Total Campus Budget: \$3,465,000

Scope of Work:

- Playground resurfacing and striping
- ADA accessible path-of-travel improvements and extension to basketball courts and field
- Amphitheater seating
- Replace stairs and handrails for code compliance
- Modular Repair
- Multi-Purpose Room Interior Improvements



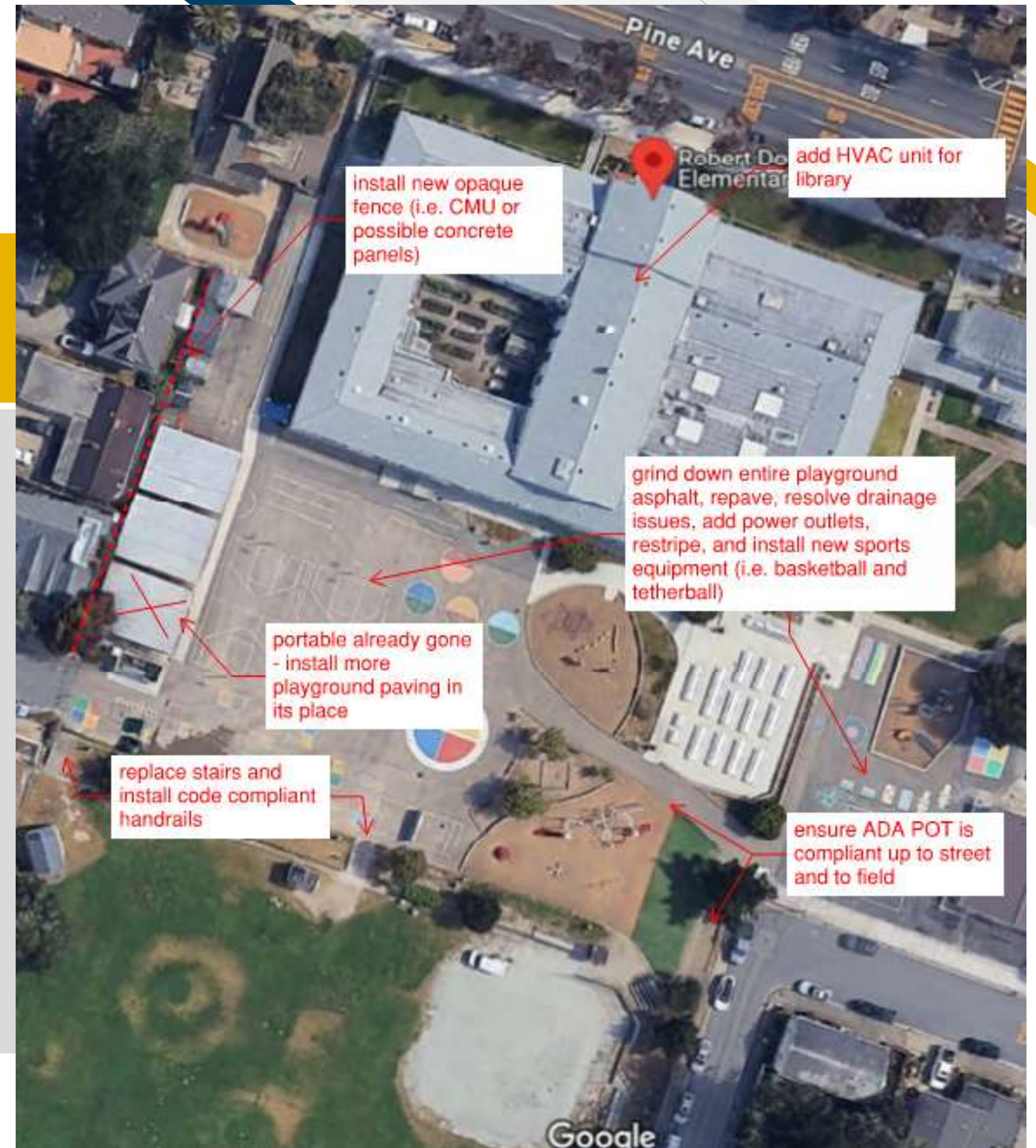
Robert Down ES

Designer: DCA Architects

Total Campus Budget: \$3,281,250

Scope of Work:

- Playground resurfacing and striping
- ADA accessible path-of-travel improvements and extension to field
- Westerly property line fence enhancement
- Replace stairs and handrails for code compliance
- Library HVAC
- Fire Alarm Replacement



Pacific Grove MS

Designer: DCA Architects
Total Campus Budget: \$231,000

Scope of Work:

- Exterior Painting Gymnasium and Modulares
- Fence improvements off southeast corner of site
- Generator – work already approved to be installed this year



Pacific Grove HS

Designer: DCA Architects

Total Campus Budget: \$2,294,250

Scope of Work:

- ADA accessible path-of-travel improvements and extension to baseball field
- Fencing additions for security at Parking Lot B
- Pave fire lane east of library
- Building Envelope roofing and paint at Gymnasium
- Replace Switchgear – work already approved to be installed this year



Pacific Grove Adult Education

Designer: DCA Architects

Total Campus Budget: \$2,201,250

Scope of Work:

- ADA accessible path-of-travel improvements between parking lot and office entries
- Parking lot resurfacing and striping
- Fencing along perimeter for security
- Demolition and Utility Relocation at Nursing Annex
- Butterfly Room Window Replacement
- Design of Community High Relocation



David Ave Campus

Designer: DCA Architects

Total Campus Budget: \$630,000

Scope of Work:

- Phase Paint and Gutter Project
- Begin design assessment of site ADA Improvements with Program funds
- Assess design for one set of restroom upgrades





Quick Start Project List for Approval (Action Item)



AUSONIO
CONSTRUCTION MANAGEMENT



BRAILSFORD & DUNLAVEY

AKG
A KENNEDY GROUP

2025-26 General Obligation Bond Quick Start List

Master Project List Report

Pacific Grove Unified School District

Pacific Grove Unified School District

8/26/2025

DRAFT

Location/Project		Status	Budget	Description
Forest Grove Elementary				
FGE-MD75	Portable Repair	Pending	\$630,000	Repair structural damage caused by fallen tree at portable including ADA upgrades to adjacent restroom.
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Pacific Grove Middle School Totals:			\$231,000	
Pacific Grove High School				
HS-MD83	ADA and Fencing	Pending	\$1,191,750	Replace or extend fencing and add gates for perimeter control on south end of campus. Install ADA paths from gym to baseball field. Pave a new fire lane by Library.
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Pacific Grove High School Totals:			\$2,294,250	

2025-26 General Obligation Bond Quick Start List

Master Project List Report

Pacific Grove Unified School District

Pacific Grove Unified School District

8/26/2025





DRAFT

Location/Project		Status	Budget	Description
Pacific Grove Adult School				
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AE-MD87	Community High Campus - Design	Pending	\$52,500	Schematic design a space to accommodate 2 classrooms of 960 SF each, and offices and restrooms in the southwest corner of the site. Include parking lot for new facility. Address path of travel from main parking lot to new site and adjacent to building 10,11,12 & 13. Widen fire lane as well.
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David Avenue				
DA-MD89	Exterior Paint and Gutter Replacement - Phase 2	Pending	\$630,000	Exterior Paint and Gutter Replacement - Phase 2 to complete the remaining work not completed in summer 2025.
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DW-MD90	Program Management	Pending	\$781,170	Program managements costs.
DW-MD91	Contingency	Pending	\$948,767	Contingency for project change orders (summer 2025 or 2026).
DW-MD92	Campus Wide Gas Survey	Pending	\$20,000	Conduct gas leak detection surveys at each campus.
District Wide Totals:			\$1,749,937	
Grand Total:			\$13,852,687	

Notes:
Funding Sources: Measure D
Statuses: Pending
This report is using draft budget data.
* Project List has been Filtered



Thank You.

-  Dustin Conner
-  831-915-7574
-  dustin@ausonio.com
-  www.Ausonio.com

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Professional Services Derivi Castellanos Amendment (DCA) No. 2 for General Obligation Bond Projects (2025-26 Quick Start)

Recommendation

The District Administration recommends that the Board review and approve Amendment Number 2 from Derivi Castellanos (DCA) for design and engineering of 2025-26 Quick Start Projects.

Background

The Board awarded a master contract in the amount of \$2,500,000 on June 5th, 2025 to Derivi Castalanos Architects (DCA) as the Architect of Record for bond program and design development for a variety of modernization and new construction projects associated with the District's Facilities Master Plan including post-construction closeout with the Division of State Architect (DSA).

The Facilities Master Plan (FMP) is the guiding document for the development of the program associated with the Districts General Obligation Bond Program.

Information

Amendment No. 1 which the Board approved on **June 5th, for \$181,170** will be **voided**, as this first Amendment tied to DCA's master contract was for program **not** project related services. The voided Amendment No. 1 scope of work will be revisited at a later date following the Master Bond Program list approval by the Board.

Master Bond Program design expenditures will include the review of historical plans and documents, supportive programming for schedule implementation, community outreach and support to the District Facilities Subcommittee, and other facets of Master Programming for the Measure B Bond.

Tonight, the Program Management team and Staff is requesting the Board to **approve** [**Amendment No. 2**](#) for DCA for specific project related design and engineering costs.

DCA has been working collaboratively with the District and Ausonio/Brailsford and Dunlavey on the design for projects associated with the 2025-26 Quick Start Projects list that will be presented for Action at the September 4th, 2025 meeting.

Attached is the detailed Amendment No. 2 that highlights the project specific soft costs associated with 2025-26 Quick Start Projects.

Fiscal Impact

Fund 21, Measure D – **\$956,625.00**

Master Contract Agreement Awarded not to exceed \$2,500,000 (encumbered) - Amendment No. 2 (\$956,625) which leaves \$1,543,375 in Master Contract Agreement with DCA

2025/26 ▾

(None) No Fiscal Impact

AMENDMENT NO. 2

AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN
PACIFIC GROVE UNIFIED SCHOOL DISTRICT AND
DERIVI CASTELLANOS ARCHITECTS

This Amendment No. 2 (“Amendment”) to the Agreement between Pacific Grove Unified School District (“District”) and Derivi Castellanos Architects (“Architect”) is hereby amended as follows:

WHEREAS, District and Architect entered into an Agreement for Architectural Services on May 15, 2025, (“Agreement”);

WHEREAS, District wishes to add Specific Projects to the scope of the Agreement, as detailed below.

WHEREAS, District has provided to Architect requirements for the Specific Projects being added to the scope of the Agreement.

WHEREAS, Architect has prepared, and District has accepted, a Proposal for its services required to complete the Specific Projects being added to the scope of the Agreement.

NOW THEREFORE, DISTRICT AND ARCHITECT AGREE AS FOLLOWS:

This Amendment adds the Specific Projects referenced below and amends the Agreement as detailed below.

In the event of any inconsistency between the terms of this Amendment and the Agreement, the terms of this Amendment shall govern.

Specific Projects being added to Agreement:

1. Site Improvements at Forest Grove Elementary School	\$304,795.00
2. Site Improvements at Robert Down Elementary School	\$220,970.00
3. Site Improvements at Pacific Grove High School	\$144,138.00
4. Site Improvements at Pacific Grove Adult School	\$151,780.00
5. Site Improvements at Monterey Charter School (Conceptual and Schematic Design Only)	\$39,022.00
6. New Continuation High School Classrooms at Pacific Grove Adult School (Conceptual and Schematic Design Only)	\$50,920.00

Total Design Fees: \$911,625.00

Scope of Work: See (6) attached proposals from Derivi Castellanos Architects, dated August 26, 2025.

<u>Fee for Basic Services:</u>	\$911,625.00
<u>Allowance for Additional Services:</u>	\$0.00
<u>Allowance for Reimbursable Expenses:</u>	\$45,000.00
Total Not-to-Exceed Fee Approved by this Amendment:	\$956,625.00

AGREEMENT SUMMARY

Original Not-to-Exceed Amount for Agreement:	\$2,500,000.00
Not-to-Exceed Fee Approved Amendment #1 (June 5, 2025):	\$181,170.00
Void Amendment #1	-\$181,170.00
Not-to-Exceed Fee Amount for Amendment #2:	\$956,625.00
Total remaining Not-to-Exceed Amount:	\$1,543,375.00

ARCHITECT:
DERIVI CASTELLANOS ARCHITECTS

DISTRICT:
PACIFIC GROVE UNIFIED SCHOOL DISTRICT

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

August 26, 2025

P25.051

Mr. Joshua Jorn
Assistant Superintendent, Business Services
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950

Re: Proposal for Architectural & Engineering Design Services
Site Improvements at Forest Grove Elementary School
Revision #1

Mr. Jorn,

Thank you for inviting Derivi Castellanos Architects (DCA) to submit this Proposal to assist you with Architectural & Engineering Design Services for site improvements at Forest Grove Elementary School.

EXECUTIVE SUMMARY

Following the successful passage of its Measure B General Obligation Bond, the Pacific Grove Unified School District (PGUSD) wishes to move forward with site improvements at Forest Grove Elementary School. This project will address accessibility, usability and safety concerns created by the age and poor condition of the various asphalt surfaces and lack of a consistent accessible path of travel throughout the site.

Improvements will include:

- Removal and replacement of asphalt and concrete paving, at playgrounds only, including baserock
- New compliant asphalt and concrete path of travel throughout the site
- Adjustment of grades as needed for path of travel and drainage
- Adjustment of utility box covers
- Addition/modification of existing storm drain system for proper drainage
- New sports/play equipment and game striping
- Amphitheater seating with new landscaping and irrigation
- Removal and replacement of concrete stairs and railings for accessibility compliance
- New fencing and gates to control pedestrian and vehicle traffic
- Existing restrooms adjacent to the playground will be modernized for accessibility compliance

This proposal includes architectural and engineering design, review and approval of the design by the Division of State Architect (DSA), assistance during the bid phase, oversight of the construction process and

closeout of the project with DSA certification. It is expected the project will be submitted to DSA in 2025 with construction scheduled for 2026. See attached exhibits for initial concepts and limits of work.

SERVICES TO BE PROVIDED BY DCA

DCA's services will be as follows:

- Review as-built information provided by District
- Site review and field measurement
- Schematic Design for review by District
 - Incorporate changes requested by District
- 90% Construction Documents for review by District
 - Incorporate changes requested by District
- Submittal of 100% Construction Documents to DSA
 - Cost estimate based on 100% Construction Documents
 - Backcheck resubmittal to DSA
- Bid Phase support
- Construction Oversight
- Project Closeout & DSA Certification

TIMELINE

The expected timeline for each potential project listed above is as follows:

- | | |
|--------------------------------------|----------|
| • Site Review/Field Measurement | 2 weeks |
| • Schematic Design | 4 weeks |
| • Construction Documents | 6 weeks |
| • DSA Review/Approval | 12 weeks |
| • Bid Phase Support | 4 weeks |
| • Construction Oversight* | 14 weeks |
| • Project Closeout/DSA Certification | 4 weeks |

SUBCONSULTANTS & PROJECT INFORMATION

The project team will provide design services, sub-consultants and information for this project as outlined below:

Discipline	By District (if required)	By DCA	Excluded, or Not Required
Division 00 & 01 Front Ends	X		
Hazmat Testing & Specifications	X		
Topographic Survey	X		
Underground Utility Survey	X		
Geotechnical/CGS Study			X
Inspector of Record (IOR)	X		
In-Plant Inspection			X
Special Inspection & Testing	X		
CEQA Study			X
Traffic Study			X
CDE/OPSC Applications	X		
Educational Specification			X
Cost Estimating		X	
Architectural Design		X	
Technical Specifications		X	
Civil Engineering		X	
Storm Water Pollution Prevention Plan (SWPPP)		X	
Landscape Architecture		X	
Modular Building Design			X
Structural Engineering*		X	
Fire Sprinkler Design			X
Mechanical/Plumbing Engineering*		X	
Mechanical/HVAC Engineering		X	
Electrical Engineering*		X	
Fire Alarm Design*		X	
Phone/Data/Wiring Systems Design			X
Clock/Bell/Speaker/PA Systems Design			X
Technology/Audio-Visual Specifications			X
Technology/Audio-Visual Infrastructure			X
Information Technology Systems			X
Furniture Specifications			X
3 rd Party Commissioning Agent			X
Acoustic Engineer			X
Theatrical Systems Design			X
Food Service Design			X
CHPS/LEED Coordination			X

* Please refer to clarifications below

ARCHITECT PAYMENT SCHEDULE

District payments to DCA shall be Lump Sum by Phase by Percent Complete as set forth below:

1. Site Review/Field Measurement	\$14,614
2. Schematic Design	\$88,560
3. Construction Documents	\$121,866
4. DSA Review	\$14,574
5. Bid Phase Support	\$7,328
6. Construction Oversight*	\$50,186
7. Project Closeout/DSA Certification	<u>\$7,667</u>
Total	\$304,795

Notes:

- a. District will budget \$10,000 for reimbursable expenses in addition to the above figures.
- b. Additional Services requested by District shall be provided at T&M rates in effect at time of request.
- c. Assumes all tasks above will be completed in one phase, if project is broken up into multiple phases, or if project is put on hold more than six months, DCA will be entitled to additional fee to cover re-start and additional staff time.
- * Construction duration is assumed as 14 weeks (one phase), needs to be confirmed by District.

Payment Terms: District will be billed monthly. Invoiced amounts are payable and due within thirty (30) days from receipt of invoice. DCA Hourly Rate Schedule is attached.

ASSUMPTIONS & CLARIFICATIONS

1. Structural engineering is limited to amphitheater seating and other site features.
2. Mechanical engineering is limited to plumbing and exhaust fans for modernization of restrooms
3. Electrical Engineering is limited to power and lighting for modernization of restrooms and site lighting required by code.
4. Fire alarm design is limited to new devices for modernization of restrooms. A fire alarm system upgrade is not included in this proposal.
5. Only the work specifically described above and in attached exhibits is included in this proposal.
6. DCA will not be responsible for availability and/or lead times for materials or equipment.
7. All utilities and services will be connected to existing infrastructure, service upgrades are excluded.
8. District will provide DSA-approved as-built drawings and other pertinent information; this will include access to the District's plan archive.
9. Submittals to any agencies (other than DSA) or utility companies are excluded.
10. DCA will not be responsible for existing site conditions, deficiencies, violations, hazardous materials, contamination that may exist on the site.
11. District will be responsible for any permit, agency or utility company fees.

12. District is advised to investigate any-and-all uncertified projects on this site prior to proceeding with this work. DCA can assist District with certification of old/uncertified projects upon request at T&M rates in effect at the time of the request.
13. DCA's drawing deliverables will be produced in two-dimensional industry-standard Revit/AutoCAD format and will be transmitted to District in PDF format.
14. Changes to design requested by District after approval of any design milestone will incur additional cost at T&M rates in effect at the time of the requested change.
15. Any other services required, but not specifically included above will incur additional cost at T&M Rates in effect at the time of the request.
16. If District adds scope during construction, DCA will be entitled to additional compensation.
17. It is assumed this project will be submitted as one package to DSA; if it is submitted as multiple packages, DCA will be entitled to an additional \$15,000 per package.
18. Cost estimating is advisory in nature; costs are not guaranteed.
19. Timelines are advisory in nature; timelines are not guaranteed.
20. The construction duration is assumed to be 14 weeks; if this is extended, DCA will be entitled to an additional Construction Oversight Fee at a rate of \$3,800 per week for additional staff time and consultant costs.
21. This proposal assumes construction will be completed in one phase. More than one phase will incur additional Construction Oversight Fee at a rate of \$3,800 per week for additional staff time and consultant costs.
22. DCA provides the following standard insurance coverages; if additional coverages are requested by District, they will be provided upon acceptance by District of additional premium:
 - a. General Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - b. Automobile Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - c. Workers Comp: \$1 million policy limit (per statute)
 - d. Professional Errors & Omissions: \$2 million per occurrence/\$2 million aggregate

Respectfully submitted,

DERIVI CASTELLANOS ARCHITECTS



Juan G. Barroso
Managing Partner

This Proposal is accepted as presented above,

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Signature of Authorized Representative

Printed Name and Title

Date

Pacific Grove Unified
School District

Quick Start Projects for
Summer 2026 Construction

Measure B Bond





Yellow represents general area of 143/1104 improvements

Remove sandbox

Provide ADA accessible POT to fields and up to PGHS gate

Forest Grove Elementary School
Recently viewed

Congress Ave

Pacific Grove High School JV Baseball Field

Grind off asphalt and repave along with adding rings to pullboxes. repair DIs for storm drainage and re-stripe

Accessibility improvements to existing restrooms are required

Provide ADA accessible POT to playground

Install concrete pad for bike racks to be mounted to near PGHS gate

Sloped asphalt to remain for vehicular access. Add gates

Amphitheater seating and fencing

Replace concrete stairs and handrails for code compliance

Grind off asphalt, repave, restripe, and install new sports equipment

Forest Grove ES

Google



Fencing additions for secure campus and bike racks on a concrete pad
Chain link fencing pedestrian gate



Provide ADA accessible POT to fields and up to PGHS gate

Forest Grove ES





Accessible POT improvements
Concrete ramp by classroom walkway

Forest Grove ES

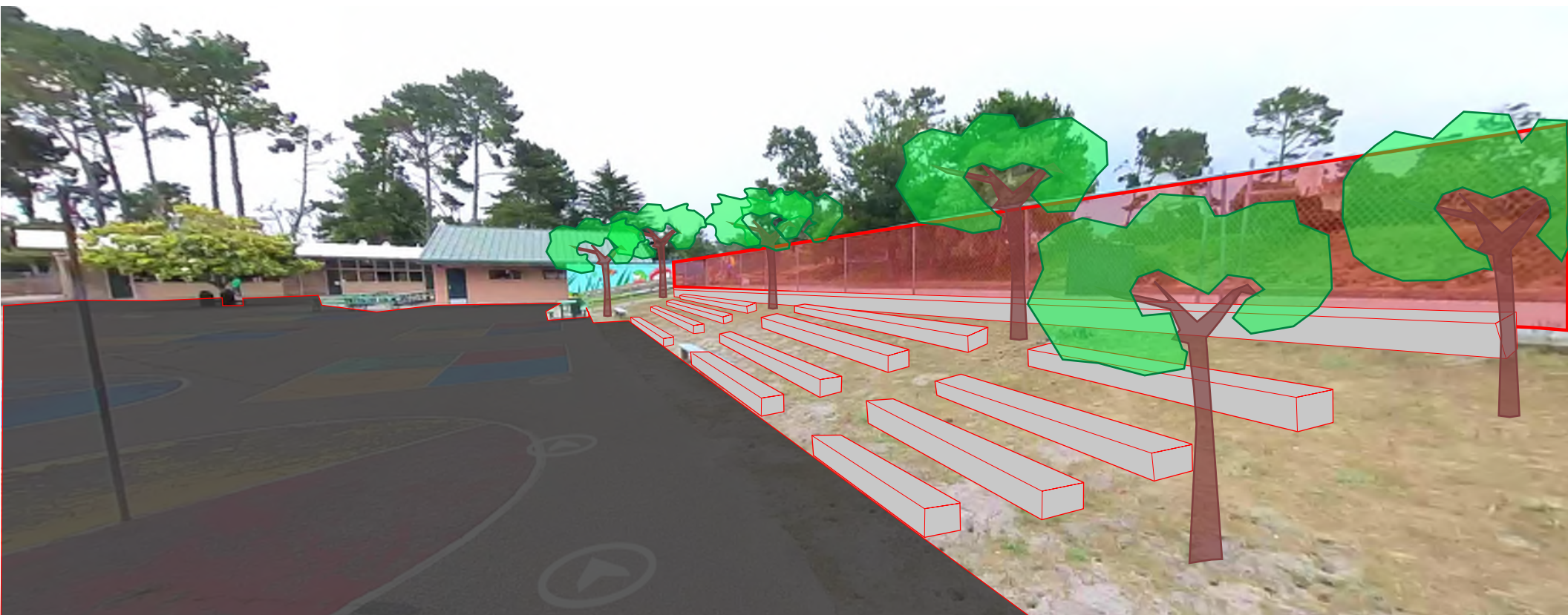


Provide ADA accessible POT to sidewalk
Concrete ramp and walkway



Vehicular access to remain between playgrounds
Chain link vehicular gates at the top of AC ramp
Replace chain link fence with new

Forest Grove ES



Amphitheater seating and fencing

Amphitheater style tiered concrete seating with planters and trees
Replace chain link fence with new. Replace AC paving at playground.



Replace concrete stairs and handrails for code compliance

Replace chain link fence with new. Replace AC paving at playground.



Upper playground

Grind off asphalt, repave, restripe, and install new sports equipment

Forest Grove ES



Upper playground

Grind off asphalt, repave, re stripe. Add storm drain inlets.

Forest Grove ES

J



Accessibility improvements at restrooms

Upgrade (e) restrooms to achieve code compliance

Forest Grove ES



Accessibility improvements at restrooms

Upgrade (e) restrooms to achieve code compliance

Forest Grove ES

K

DERIVI CASTELLANOS ARCHITECTS

Pacific Grove Unified School District

Site Improvements

Forest Grove Elementary School

FEE ESTIMATE WORKSHEET

Fee Estimate by: J. Barroso

Date: 8/26/25

Revision: 1

DCA Proposal No.: P25.051

Constr. Duration (wks): 14

DELIVERABLES: Field investigation, architectural and engineering design, construction documents, submittal to DSA, bid phase support, construction oversight, project closeout, DSA certification.

Phase/Task	Sr. Principal Architect	Sr Project Manager	Cost Estimator	Job Captain	Designer	Admin Support	DCA Staff Hours	DCA Staff Cost	Consultant Fees	Project Expenses	Total Cost
Hourly Rate (\$/hr):	\$265	\$235	\$210	\$175	\$125	\$95					
Project initiation	2	2		2		4	10	\$1,730			\$1,730
Review as-built information		4		4			8	\$1,640			\$1,640
Field investigation, measurement		8		8			16	\$3,280			\$3,280
SD - paving		8		8			16	\$3,280			\$3,280
SD - path of travel		16		24			40	\$7,960			\$7,960
SD - amphitheater seating		16		24			40	\$7,960			\$7,960
SD - concrete stairs, handrails		8		16			24	\$4,680			\$4,680
SD - restroom modernization		16		24			40	\$7,960			\$7,960
SD - new play equipment		16		24			40	\$7,960			\$7,960
SD - fencing & gates		8		16			24	\$4,680			\$4,680
Update meetings w District	4	4					8	\$2,000			\$2,000
SD Cost estimate			16				16	\$3,360			\$3,360
CD - paving		8		8			16	\$3,280			\$3,280
CD - path of travel		8		16			24	\$4,680			\$4,680
CD - amphitheater seating		16		24			40	\$7,960			\$7,960
CD - concrete stairs, handrails		8		16			24	\$4,680			\$4,680
CD - restroom modernization		16		24			40	\$7,960			\$7,960
CD - new play equipment		16		24			40	\$7,960			\$7,960
CD - fencing & gates		8		8			16	\$3,280			\$3,280
CD Cost estimate			24				24	\$5,040			\$5,040
Update meetings w District	4	4					8	\$2,000			\$2,000
Consultant coordination		40					40	\$9,400			\$9,400
DSA submittal		8		16			24	\$4,680			\$4,680
DSA backcheck		8		16			24	\$4,680			\$4,680
Bid phase support		8		8			16	\$3,280			\$3,280
Construction oversight		84		112			196	\$39,340			\$39,340
Project closeout, DSA certification		8		16		4	28	\$5,060			\$5,060
ENGINEERS & CONSULTANTS:											\$0
Landscape Architect									\$24,310		\$24,310
Civil Engineer									\$57,134		\$57,134
Structural Engineer									\$17,138		\$17,138
Plumbing/HVAC Engineer									\$15,840		\$15,840
Electrical Engineer									\$17,424		\$17,424
Fire Alarm Designer									\$3,179		\$3,179
Subtotal - Hours:	10	346	40	438	0	8	842				
Subtotals - Cost:	\$2,650	\$81,310	\$8,400	\$76,650	\$0	\$760		\$169,770	\$135,025	\$0	\$304,795

DERIVI CASTELLANOS ARCHITECTS

HOURLY RATE SCHEDULE

Effective January 1, 2025

The following rate schedule shall be used as a basis for establishing "time-and-materials" compensation:

ARCHITECTURAL SERVICES:

Partner	\$280
Senior Principal Architect	\$265
Principal Architect	\$255
Senior Architect	\$235
Senior Project Manager	\$235
Architect	\$220
Design Manager	\$210
Project Manager	\$210
Job Captain	\$175
Senior Designer	\$160
Designer	\$125
Design Assistant	\$100
Admin Support Staff	\$95

PROJECT MANAGEMENT/CONSULTING SERVICES:

Partner	\$280
Project Executive	\$265
Senior Project Manager	\$235
Senior Cost Estimator	\$235
Electrical Project Manager	\$235
Project Manager	\$210
Cost Estimator	\$210
Senior Project Coordinator	\$175
Project Coordinator	\$160
Project Assistant	\$100
Support Staff	\$95

Reimbursable costs shall be billed at actual cost plus 10% and include reproduction, office consumables, mileage, shipping, telephone, software services, meeting costs, travel time, lodging, other miscellaneous services and expenses required to accomplish the work. Mileage will be reimbursed at the IRS standard mileage rate. These expenses shall not be considered a part of the overall maximum fee. All invoices are due and payable within 30 days of invoice date. All invoices for which payment is not received within 45 days will be assessed a 1.5% per month late charge (18% Annual Percentage Rate). This schedule is subject to adjustment every January 1st.

August 26, 2025

P25.052

Mr. Joshua Jorn
Assistant Superintendent, Business Services
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950

Re: Proposal for Architectural & Engineering Design Services
Site Improvements at Robert Down Elementary School
Revision #1

Mr. Jorn,

Thank you for inviting Derivi Castellanos Architects (DCA) to submit this Proposal to assist you with Architectural & Engineering Design Services for site improvements at Robert Down Elementary School.

EXECUTIVE SUMMARY

Following the successful passage of its Measure B General Obligation Bond, the Pacific Grove Unified School District (PGUSD) wishes to move forward with site improvements at Robert Down Elementary School. This project will address accessibility, usability and safety concerns created by the age and poor condition of the various asphalt surfaces and lack of a consistent accessible path of travel throughout the site.

Improvements will include:

- Removal and replacement of asphalt and concrete paving, at playgrounds only, including baserock
- New compliant asphalt and concrete path of travel throughout the site
- Adjustment of grades as needed for path of travel and drainage
- Adjustment of utility box covers
- Addition/modification of existing storm drain system for proper drainage
- New sports/play equipment and game striping
- Electrical outlets at the new play courts
- Removal and replacement of concrete stairs and railings for accessibility compliance
- New concrete or CMU fence along neighbors' property line
- Fill in hole where portable once existed, westerly side of site

This proposal includes architectural and engineering design, review and approval of the design by the Division of State Architect (DSA), assistance during the bid phase, oversight of the construction process and closeout of the project with DSA certification. It is expected the project will be submitted to DSA in 2025 with construction scheduled for 2026. See attached exhibits for initial concepts and limits of work.

SERVICES TO BE PROVIDED BY DCA

DCA's services shall be as follows:

- Review as-built information provided by District
- Site review and field measurement
- Schematic Design for review by District
 - Incorporate changes requested by District
- 90% Construction Documents for review by District
 - Incorporate changes requested by District
- Submittal of 100% Construction Documents to DSA
 - Cost estimate based on 100% Construction Documents
 - Backcheck resubmittal to DSA
- Bid Phase support
- Construction Oversight
- Project Closeout & DSA Certification

TIMELINE

The expected timeline for each potential project listed above is as follows:

- | | |
|--------------------------------------|----------|
| • Site Review/Field Measurement | 2 weeks |
| • Schematic Design | 4 weeks |
| • Construction Documents | 6 weeks |
| • DSA Review (Access only) | 4 weeks |
| • Bid Phase Support | 4 weeks |
| • Construction Oversight* | 14 weeks |
| • Project Closeout/DSA Certification | 4 weeks |

SUBCONSULTANTS & PROJECT INFORMATION

The project team will provide design services, sub-consultants and information for this project as outlined below:

Discipline	By District (if required)	By DCA	Excluded, or Not Required
Division 00 & 01 Front Ends	X		
Hazmat Testing & Specifications	X		
Topographic Survey	X		
Underground Utility Survey	X		
Geotechnical/CGS Study			X
Inspector of Record (IOR)	X		
In-Plant Inspection			X
Special Inspection & Testing	X		
CEQA Study			X
Traffic Study			X
CDE/OPSC Applications	X		
Educational Specification			X
Cost Estimating		X	
Architectural Design		X	
Technical Specifications		X	
Civil Engineering		X	
Storm Water Pollution Prevention Plan (SWPPP)		X	
Landscape Architecture*		X	
Modular Building Design			X
Structural Engineering*		X	
Fire Sprinkler Design			X
Mechanical/Plumbing Engineering			X
Mechanical/HVAC Engineering			X
Electrical Engineering*		X	
Fire Alarm Design			X
Phone/Data/Wiring Systems Design			X
Clock/Bell/Speaker/PA Systems Design			X
Technology/Audio-Visual Specifications			X
Technology/Audio-Visual Infrastructure			X
Information Technology Systems			X
Furniture Specifications			X
3 rd Party Commissioning Agent			X
Acoustic Engineer			X
Theatrical Systems Design			X
Food Service Design			X
CHPS/LEED Coordination			X

* Please refer to clarifications below

ARCHITECT PAYMENT SCHEDULE

District payments to DCA shall be Lump Sum by Phase by Percent Complete as set forth below:

1. Site Review/Field Measurement	\$9,862
2. Schematic Design	\$60,282
3. Construction Documents	\$83,664
4. DSA Review	\$12,616
5. Bid Phase Support	\$6,536
6. Construction Oversight*	\$41,626
7. Project Closeout/DSA Certification	<u>\$6,384</u>
Total	\$220,970

Notes:

- a. District will budget \$10,000 for reimbursable expenses in addition to the above figures.
- b. Additional Services requested by District shall be provided at T&M rates in effect at time of request.
- c. Assumes all tasks above will be completed in one phase, if project is broken up into multiple phases, or if project is put on hold more than six months, DCA will be entitled to additional fee to cover re-start and additional staff time.
- * Construction duration is assumed as 14 weeks (one phase), needs to be confirmed by District.

Payment Terms: District will be billed monthly. Invoiced amounts are payable and due within thirty (30) days from receipt of invoice. DCA Hourly Rate Schedule is attached.

ASSUMPTIONS & CLARIFICATIONS

1. Landscape Architecture is limited to trees near the existing play structure currently being replaced.
2. Structural Engineering is limited to the new concrete or CMU fence and footing.
3. Electrical Engineering is limited to power outlets at the play courts and site lighting required by code.
4. New ball walls are not included in this proposal. New ball walls can be provided as an additional service.
5. Only the work specifically described above and in attached exhibits is included in this proposal.
6. DCA will not be responsible for availability and/or lead times for materials or equipment.
7. All utilities and services will be connected to existing infrastructure, service upgrades are excluded.
8. District will provide DSA-approved as-built drawings and other pertinent information; this will include access to the District's plan archive.
9. Submittals to any agencies (other than DSA) or utility companies are excluded.
10. DCA will not be responsible for existing site conditions, deficiencies, violations, hazardous materials, contamination that may exist on the site.
11. District will be responsible for any permit, agency or utility company fees.
12. District is advised to investigate any-and-all uncertified projects on this site prior to proceeding with this work. DCA can assist District with certification of old/uncertified projects upon request at T&M rates in effect at the time of the request.
13. DCA's drawing deliverables will be produced in two-dimensional industry-standard Revit/AutoCAD format and will be transmitted to District in PDF format.

14. Changes to design requested by District after approval of any design milestone will incur additional cost at T&M rates in effect at the time of the requested change.
15. Any other services required, but not specifically included above will incur additional cost at T&M Rates in effect at the time of the request.
16. If District adds scope during construction, DCA will be entitled to additional compensation.
17. It is assumed this project will be submitted as one package to DSA; if it is submitted as multiple packages, DCA will be entitled to an additional \$15,000 per package.
18. Cost estimating is advisory in nature; costs are not guaranteed.
19. Timelines are advisory in nature; timelines are not guaranteed.
20. The construction duration is assumed to be 14 weeks; if this is extended, DCA will be entitled to an additional Construction Oversight Fee at a rate of \$3,200 per week for additional staff time and consultant costs.
21. This proposal assumes construction will be completed in one phase. More than one phase will incur additional Construction Oversight Fee at a rate of \$3,200 per week for additional staff time and consultant costs.
22. DCA provides the following standard insurance coverages; if additional coverages are requested by District, they will be provided upon acceptance by District of additional premium:
 - a. General Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - b. Automobile Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - c. Workers Comp: \$1 million policy limit (per statute)
 - d. Professional Errors & Omissions: \$2 million per occurrence/\$2 million aggregate

Respectfully submitted,

DERIVI CASTELLANOS ARCHITECTS



Juan G. Barroso
Managing Partner

This Proposal is accepted as presented above,

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Signature of Authorized Representative

Printed Name and Title

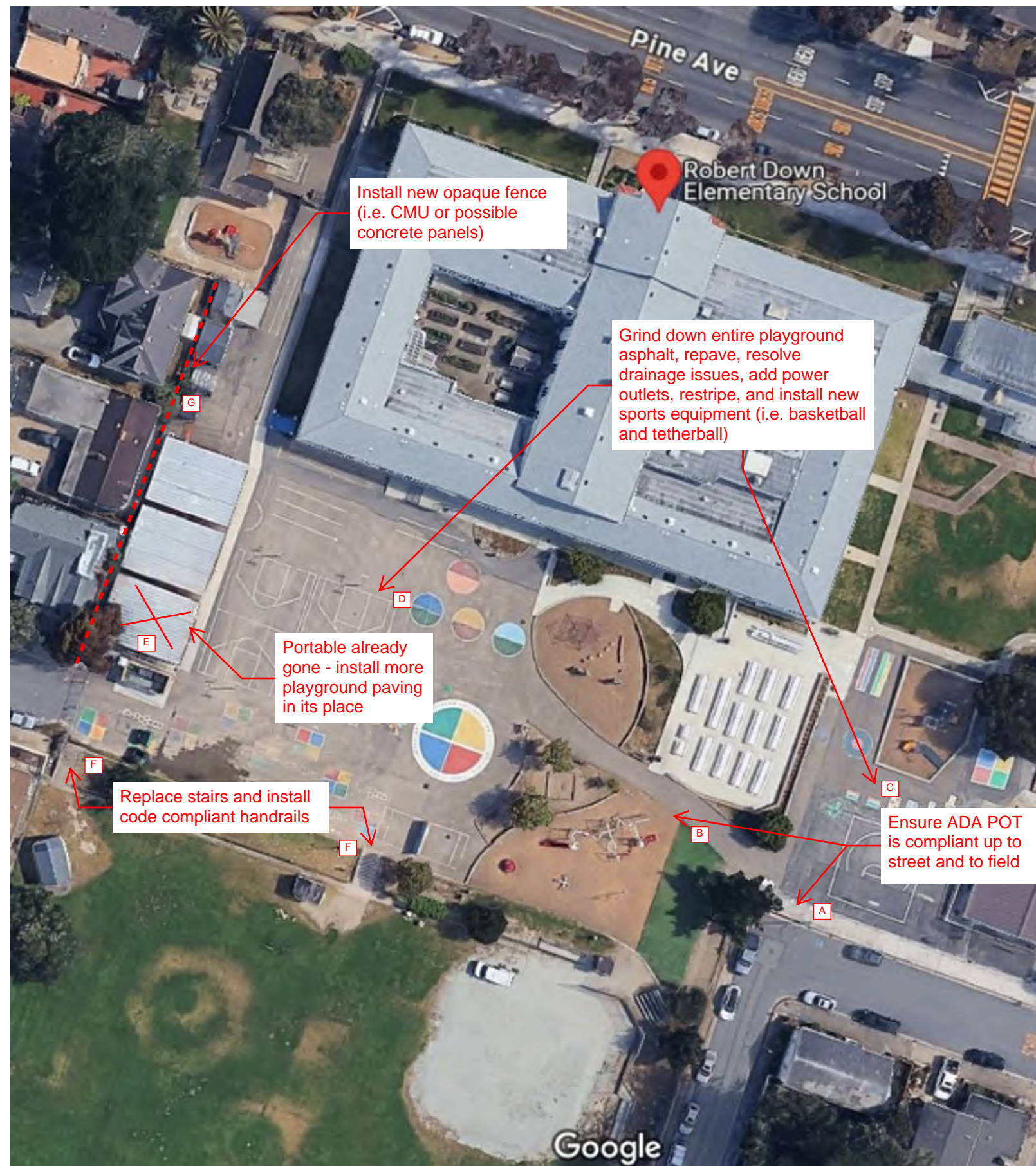
Date

Pacific Grove Unified
School District

Quick Start Projects for
Summer 2026 Construction

Measure B Bond





Robert Down ES



Ensure ADA POT is compliant up to street and to field
Concrete POT to street.
Chain link fencing pedestrian gate

Robert Down ES

Accessible POT with concrete ramps

Leave an AC Paved path for pedestrians and golf carts



Provide ADA accessible POT to fields and up to street gate

Propose a few trees in this area

Grind (e) AC paving and re pave playground

Play structure currently being replaced. Not part of our scope.



Provide ADA accessible POT to playground
Remove (e) sand box



Grind (e) AC paving and re pave playground

Robert Down ES

D



Portable already gone - install more playground paving in its place

Remove portions of (e) Concrete ramp and curb

Robert Down ES

E



Replace stairs and install code compliant handrails



Install new opaque fence (i.e. CMU or possible concrete panels)
(E) wood fencing to remain in place

Robert Down ES

DERIVI CASTELLANOS ARCHITECTS

Pacific Grove Unified School District

Site Improvements

Robert Down Elementary School

FEE ESTIMATE WORKSHEET

Fee Estimate by: J. Barroso

Date: 8/26/25

Revision: 1

DCA Proposal No.: P25.052

Constr. Duration (wks): 14

DELIVERABLES: Field investigation, architectural and engineering design, construction documents, submittal to DSA, bid phase support, construction oversight, project closeout, DSA certification.

Phase/Task	Sr. Principal Architect	Sr Project Manager	Cost Estimator	Job Captain	Designer	Admin Support	DCA Staff		Consultant Fees	Project Expenses	Total Cost
Hourly Rate (\$/hr):	\$265	\$235	\$210	\$175	\$125	\$95	Hours	Cost			
Project initiation	2	2		2		4	10	\$1,730			\$1,730
Review as-built information		4		4			8	\$1,640			\$1,640
Field investigation, measurement		8		8			16	\$3,280			\$3,280
SD - paving		8		8			16	\$3,280			\$3,280
SD - path of travel		12		20			32	\$6,320			\$6,320
SD - concrete stairs, handrails		8		12			20	\$3,980			\$3,980
SD - new play equipment		10		20			30	\$5,850			\$5,850
SD - new concrete or CMU fence		8		12			20	\$3,980			\$3,980
SD - fencing & gates		4		8			12	\$2,340			\$2,340
Update meetings w District	4	4					8	\$2,000			\$2,000
SD - cost estimate			16				16	\$3,360			\$3,360
CD - paving		8		8			16	\$3,280			\$3,280
CD - path of travel		8		16			24	\$4,680			\$4,680
CD - concrete stairs, handrails		8		16			24	\$4,680			\$4,680
CD - new play equipment		12		20			32	\$6,320			\$6,320
CD - new concrete or CMU fence		8		12			20	\$3,980			\$3,980
CD - fencing & gates		4		8			12	\$2,340			\$2,340
CD - cost estimate			24				24	\$5,040			\$5,040
Update meetings w District	4	4					8	\$2,000			\$2,000
Consultant coordination		32					32	\$7,520			\$7,520
DSA submittal		8		16			24	\$4,680			\$4,680
DSA backcheck		8		16			24	\$4,680			\$4,680
Bid phase support		8		8			16	\$3,280			\$3,280
Construction oversight		56		112			168	\$32,760			\$32,760
Project closeout, DSA certification		8		12		4	24	\$4,360			\$4,360
ENGINEERS & CONSULTANTS:											\$0
Landscape Architect									\$17,952		\$17,952
Civil Engineer									\$48,356		\$48,356
Structural Engineer									\$14,630		\$14,630
Electrical Engineer									\$12,672		\$12,672
Subtotal - Hours:	10	240	40	338	0	8	636				
Subtotals - Cost:	\$2,650	\$56,400	\$8,400	\$59,150	\$0	\$760		\$127,360	\$93,610	\$0	\$220,970

DERIVI CASTELLANOS ARCHITECTS

HOURLY RATE SCHEDULE

Effective January 1, 2025

The following rate schedule shall be used as a basis for establishing "time-and-materials" compensation:

ARCHITECTURAL SERVICES:

Partner	\$280
Senior Principal Architect	\$265
Principal Architect	\$255
Senior Architect	\$235
Senior Project Manager	\$235
Architect	\$220
Design Manager	\$210
Project Manager	\$210
Job Captain	\$175
Senior Designer	\$160
Designer	\$125
Design Assistant	\$100
Admin Support Staff	\$95

PROJECT MANAGEMENT/CONSULTING SERVICES:

Partner	\$280
Project Executive	\$265
Senior Project Manager	\$235
Senior Cost Estimator	\$235
Electrical Project Manager	\$235
Project Manager	\$210
Cost Estimator	\$210
Senior Project Coordinator	\$175
Project Coordinator	\$160
Project Assistant	\$100
Support Staff	\$95

Reimbursable costs shall be billed at actual cost plus 10% and include reproduction, office consumables, mileage, shipping, telephone, software services, meeting costs, travel time, lodging, other miscellaneous services and expenses required to accomplish the work. Mileage will be reimbursed at the IRS standard mileage rate. These expenses shall not be considered a part of the overall maximum fee. All invoices are due and payable within 30 days of invoice date. All invoices for which payment is not received within 45 days will be assessed a 1.5% per month late charge (18% Annual Percentage Rate). This schedule is subject to adjustment every January 1st.

August 26, 2025

P25.054

Mr. Joshua Jorn
Assistant Superintendent, Business Services
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950

Re: Proposal for Architectural & Engineering Design Services
Site Improvements at Pacific Grove High School
Revision #1

Mr. Jorn,

Thank you for inviting Derivi Castellanos Architects (DCA) to submit this Proposal to assist you with Architectural & Engineering Design Services for site improvements at Pacific Grove High School.

EXECUTIVE SUMMARY

Following the successful passage of its Measure B General Obligation Bond, the Pacific Grove Unified School District (PGUSD) wishes to move forward with site improvements at Pacific Grove High School. This project will address accessibility, usability and safety concerns created by the age and poor condition of the various asphalt surfaces and lack of a consistent accessible path of travel throughout the site.

Improvements will include:

- New fencing, pedestrian gates, and vehicle gates as indicated on the attached exhibits.
- New compacted baserock and asphalt paving at the existing dirt fire lane at the southeast portion of the site completing the asphalt fire lane on the east side of the campus including a new vehicular gate.
- A new concrete accessible path of travel from the main campus to the baseball field and stadium.
- Replacement of concrete paving and drainage improvements west of Library

This proposal includes architectural and engineering design, review and approval of the design by the Division of State Architect (DSA), assistance during the bid phase, oversight of the construction process and closeout of the project with DSA certification. It is expected the project will be submitted to DSA in 2025 with construction scheduled for 2026. See attached exhibits for initial concepts and limits of work.

SERVICES TO BE PROVIDED BY DCA

DCA's services shall be as follows:

- Review as-built information provided by District
- Site review and field measurement
- Schematic Design for review by District
 - Incorporate changes requested by District
- 90% Construction Documents for review by District
 - Incorporate changes requested by District
- Submittal of 100% Construction Documents to DSA
 - Cost estimate based on 100% Construction Documents
 - Backcheck resubmittal to DSA
- Bid Phase support
- Construction Oversight
- Project Closeout & DSA Certification

TIMELINE

The expected timeline for each potential project listed above is as follows:

- | | |
|--------------------------------------|----------|
| • Site Review/Field Measurement | 2 weeks |
| • Schematic Design | 4 weeks |
| • Construction Documents | 4 weeks |
| • DSA Review/Approval | 12 weeks |
| • Bid Phase Support | 4 weeks |
| • Construction Oversight* | 14 weeks |
| • Project Closeout/DSA Certification | 4 weeks |

SUBCONSULTANTS & PROJECT INFORMATION

The project team will provide design services, sub-consultants and information for this project as outlined below:

Discipline	By District (if required)	By DCA	Excluded, or Not Required
Division 00 & 01 Front Ends	X		
Hazmat Testing & Specifications	X		
Topographic Survey	X		
Underground Utility Survey	X		
Geotechnical/CGS Study			X
Inspector of Record (IOR)	X		
In-Plant Inspection			X
Special Inspection & Testing	X		
CEQA Study			X
Traffic Study			X
CDE/OPSC Applications	X		
Educational Specification			X
Cost Estimating		X	
Architectural Design		X	
Technical Specifications		X	
Civil Engineering		X	
Storm Water Pollution Prevention Plan (SWPPP)		X	
Landscape Architecture			X
Modular Building Design			X
Structural Engineering*		X	
Fire Sprinkler Design			X
Mechanical/Plumbing Engineering			X
Mechanical/HVAC Engineering			X
Electrical Engineering			X
Fire Alarm Design			X
Phone/Data/Wiring Systems Design			X
Clock/Bell/Speaker/PA Systems Design			X
Technology/Audio-Visual Specifications			X
Technology/Audio-Visual Infrastructure			X
Information Technology Systems			X
Furniture Specifications			X
3 rd Party Commissioning Agent			X
Acoustic Engineer			X
Theatrical Systems Design			X
Food Service Design			X
CHPS/LEED Coordination			X

* Please refer to clarifications below

ARCHITECT PAYMENT SCHEDULE

District payments to DCA shall be Lump Sum by Phase by Percent Complete as set forth below:

1. Site Review/Field Measurement	\$8,322
2. Schematic Design	\$37,632
3. Construction Documents	\$52,064
4. DSA Review/Approval	\$8,378
5. Bid Phase Support	\$3,296
6. Construction Oversight*	\$30,368
7. Project Closeout/DSA Certification	<u>\$4,078</u>
Total	\$144,138

Notes:

- a. District will budget \$7,500 for reimbursable expenses in addition to the above figures.
- b. Additional Services requested by District shall be provided at T&M rates in effect at time of request.
- c. Assumes all tasks above will be completed in one phase, if project is broken up into multiple phases, or if project is put on hold more than six months, DCA will be entitled to additional fee to cover re-start and additional staff time.
- * Construction duration is assumed as 14 weeks (one phase), needs to be confirmed by District.

Payment Terms: District will be billed monthly. Invoiced amounts are payable and due within thirty (30) days from receipt of invoice. DCA Hourly Rate Schedule is attached.


ASSUMPTIONS & CLARIFICATIONS

1. Structural Engineering is limited to foundations for vehicle gates.
2. Vehicle gates will be manual.
3. Investigation of flooding inside the Library basement will be done under a separate agreement.
4. Only the work specifically described above and in attached exhibits is included in this proposal.
5. DCA will not be responsible for availability and/or lead times for materials or equipment.
6. All utilities and services will be connected to existing infrastructure, service upgrades are excluded.
7. District will provide DSA-approved as-built drawings and other pertinent information; this will include access to the District's plan archive.
8. Submittals to any agencies (other than DSA) or utility companies are excluded.
9. DCA will not be responsible for existing site conditions, deficiencies, violations, hazardous materials, contamination that may exist on the site.
10. District will be responsible for any permit, agency or utility company fees.
11. District is advised to investigate any-and-all uncertified projects on this site prior to proceeding with this work. DCA can assist District with certification of old/uncertified projects upon request at T&M rates in effect at the time of the request.
12. DCA's drawing deliverables will be produced in two-dimensional industry-standard Revit/AutoCAD format and will be transmitted to District in PDF format.

13. Changes to design requested by District after approval of any design milestone will incur additional cost at T&M rates in effect at the time of the requested change.
14. Any other services required, but not specifically included above will incur additional cost at T&M Rates in effect at the time of the request.
15. If District adds scope during construction, DCA will be entitled to additional compensation.
16. It is assumed this project will be submitted as one package to DSA; if it is submitted as multiple packages, DCA will be entitled to an additional \$15,000 per package.
17. Cost estimating is advisory in nature; costs are not guaranteed.
18. Timelines are advisory in nature; timelines are not guaranteed.
19. The construction duration is assumed to be 14 weeks; if this is extended, DCA will be entitled to an additional Construction Oversight Fee at a rate of \$2,200 per week for additional staff time and consultant costs.
20. This proposal assumes construction will be completed in one phase. More than one phase will incur additional Construction Oversight Fee at a rate of \$2,200 per week for additional staff time and consultant costs.
21. DCA provides the following standard insurance coverages; if additional coverages are requested by District, they will be provided upon acceptance by District of additional premium:
 - a. General Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - b. Automobile Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - c. Workers Comp: \$1 million policy limit (per statute)
 - d. Professional Errors & Omissions: \$2 million per occurrence/\$2 million aggregate

Respectfully submitted,

DERIVI CASTELLANOS ARCHITECTS



Juan G. Barroso
Managing Partner

This Proposal is accepted as presented above,

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Signature of Authorized Representative

Printed Name and Title

Date

Pacific Grove Unified
School District

Quick Start Projects for
Summer 2026 Construction

Measure B Bond





Pacific Grove HS

Fencing additions for secure campus

replace concrete here and improve storm drainage

library basement drainage issues

Pave this area as part of fire lane

ADA POT down to baseball field



Fencing additions for secure campus
Chain link fencing and pedestrian double gate

Pacific Grove HS



Fencing additions for secure campus
Vehicular pipe gate

Pacific Grove HS



Fencing additions for secure campus
Chain link fencing and pedestrian double gate
Vehicular pipe gates



Fencing additions for secure campus
Vehicular pipe gate

Pacific Grove HS



ADA POT down to baseball field
Concrete pedestrian ramp and path



Pave this area as part of fire lane
Vehicular pipe gate

yes to be included, but not drainage improvements inside basement - that will be done under a separate project



Library basement flooding remediation
Damage appears to be from single rain water leader at sunken courtyard

DERIVI CASTELLANOS ARCHITECTS

Pacific Grove Unified School District

Site Improvements

Pacific Grove High School

FEE ESTIMATE WORKSHEET

Fee Estimate by: J. Barroso

Date: 8/26/25

Revision: 1

DCA Proposal No.: P25.054

Constr. Duration (wks): 14

DELIVERABLES: Field investigation, architectural and engineering design, construction documents, submittal to DSA, bid phase support, construction oversight, project closeout, DSA certification.

Phase/Task	Sr. Principal Architect	Sr Project Manager	Cost Estimator	Job Captain	Designer	Admin Support	DCA Staff		Consultant Fees	Project Expenses	Total Cost
Hourly Rate (\$/hr):	\$265	\$235	\$210	\$175	\$125	\$95	Hours	Cost			
Project initiation	2	2		2		4	10	\$1,730			\$1,730
Review as-built information		4		4			8	\$1,640			\$1,640
Field investigation, measurement		8		8			16	\$3,280			\$3,280
SD - fire lane paving		8		8			16	\$3,280			\$3,280
SD - path of travel to baseball		12		20			32	\$6,320			\$6,320
SD - fencing & gates		16		24			40	\$7,960			\$7,960
SD - concrete paving, storm drain west of Library		8		16			24	\$4,680			\$4,680
Update meetings w District	4	4					8	\$2,000			\$2,000
SD - cost estimate			16				16	\$3,360			\$3,360
CD - fire lane paving		8		8			16	\$3,280			\$3,280
CD - path of travel to baseball		8		16			24	\$4,680			\$4,680
CD - fencing & gates		16		24			40	\$7,960			\$7,960
CD - concrete paving, storm drain west of Library		8		16			24	\$4,680			\$4,680
CD - cost estimate			20				20	\$4,200			\$4,200
Update meetings w District	4	4					8	\$2,000			\$2,000
Consultant coordination		24					24	\$5,640			\$5,640
DSA submittal		8		12			20	\$3,980			\$3,980
DSA backcheck		8		12			20	\$3,980			\$3,980
Bid phase support		6		6			12	\$2,460			\$2,460
Construction oversight		56		84			140	\$27,860			\$27,860
Project closeout, DSA certification		8		8		4	20	\$3,660			\$3,660
ENGINEERS & CONSULTANTS:											\$0
Civil Engineer									\$31,328		\$31,328
Structural Engineer									\$4,180		\$4,180
Subtotal - Hours:	10	216	36	268	0	8	538				
Subtotals - Cost:	\$2,650	\$50,760	\$7,560	\$46,900	\$0	\$760		\$108,630	\$35,508	\$0	\$144,138

DERIVI CASTELLANOS ARCHITECTS

HOURLY RATE SCHEDULE

Effective January 1, 2025

The following rate schedule shall be used as a basis for establishing "time-and-materials" compensation:

ARCHITECTURAL SERVICES:

Partner	\$280
Senior Principal Architect	\$265
Principal Architect	\$255
Senior Architect	\$235
Senior Project Manager	\$235
Architect	\$220
Design Manager	\$210
Project Manager	\$210
Job Captain	\$175
Senior Designer	\$160
Designer	\$125
Design Assistant	\$100
Admin Support Staff	\$95

PROJECT MANAGEMENT/CONSULTING SERVICES:

Partner	\$280
Project Executive	\$265
Senior Project Manager	\$235
Senior Cost Estimator	\$235
Electrical Project Manager	\$235
Project Manager	\$210
Cost Estimator	\$210
Senior Project Coordinator	\$175
Project Coordinator	\$160
Project Assistant	\$100
Support Staff	\$95

Reimbursable costs shall be billed at actual cost plus 10% and include reproduction, office consumables, mileage, shipping, telephone, software services, meeting costs, travel time, lodging, other miscellaneous services and expenses required to accomplish the work. Mileage will be reimbursed at the IRS standard mileage rate. These expenses shall not be considered a part of the overall maximum fee. All invoices are due and payable within 30 days of invoice date. All invoices for which payment is not received within 45 days will be assessed a 1.5% per month late charge (18% Annual Percentage Rate). This schedule is subject to adjustment every January 1st.

August 26, 2025

P25.055

Mr. Joshua Jorn
Assistant Superintendent, Business Services
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950

Re: Proposal for Architectural & Engineering Design Services
Site Improvements at Pacific Grove Adult School
Revision #1

Mr. Jorn,

Thank you for inviting Derivi Castellanos Architects (DCA) to submit this Proposal to assist you with Architectural & Engineering Design Services for site improvements at Pacific Grove Adult School.

EXECUTIVE SUMMARY

Following the successful passage of its Measure B General Obligation Bond, the Pacific Grove Unified School District (PGUSD) wishes to move forward with site improvements at Pacific Grove Adult School. This project will address accessibility, usability and safety concerns created by the age and poor condition of the various asphalt surfaces and lack of a consistent accessible path of travel throughout the site.

Improvements will include:

- Removal and replacement of asphalt and concrete paving at the existing northerly parking lot, including baserock and new striping
- Adjustment of grades as needed for path of travel and drainage
- Addition/modification of existing storm drain system for proper drainage
- A new CMU trash enclosure with a connection to sanitary sewer
- New fencing along 17 Mile Drive with including a manual rolling gate at the southerly parking lot entrance.
- An accessible concrete path of travel and a short retaining wall from the existing northerly parking lot to the main entry

This proposal includes architectural and engineering design, review and approval of the design by the Division of State Architect (DSA), assistance during the bid phase, oversight of the construction process and closeout of the project with DSA certification. It is expected the project will be submitted to DSA in 2025 with construction scheduled for 2026. See attached exhibits for initial concepts and limits of work.

SERVICES TO BE PROVIDED BY DCA

DCA's services shall be as follows:

- Review as-built information provided by District
- Site review and field measurement
- Schematic Design for review by District
 - Incorporate changes requested by District
- 90% Construction Documents for review by District
 - Incorporate changes requested by District
- Submittal of 100% Construction Documents to DSA
 - Cost estimate based on 100% Construction Documents
 - Backcheck resubmittal to DSA
- Bid Phase support
- Construction Oversight
- Project Closeout & DSA Certification

TIMELINE

The expected timeline for each potential project listed above is as follows:

- | | |
|--------------------------------------|----------|
| • Site Review/Field Measurement | 2 weeks |
| • Schematic Design | 4 weeks |
| • Construction Documents | 5 weeks |
| • DSA Review/Approval | 12 weeks |
| • Bid Phase Support | 4 weeks |
| • Construction Oversight* | 14 weeks |
| • Project Closeout/DSA Certification | 4 weeks |

SUBCONSULTANTS & PROJECT INFORMATION

The project team will provide design services, sub-consultants and information for this project as outlined below:

Discipline	By District (if required)	By DCA	Excluded, or Not Required
Division 00 & 01 Front Ends	X		
Hazmat Testing & Specifications	X		
Topographic Survey	X		
Underground Utility Survey	X		
Geotechnical/CGS Study			X
Inspector of Record (IOR)	X		
In-Plant Inspection			X
Special Inspection & Testing	X		
CEQA Study			X
Traffic Study			X
CDE/OPSC Applications	X		
Educational Specification			X
Cost Estimating		X	
Architectural Design		X	
Technical Specifications		X	
Civil Engineering		X	
Storm Water Pollution Prevention Plan (SWPPP)		X	
Landscape Architecture			X
Modular Building Design			X
Structural Engineering*		X	
Fire Sprinkler Design			X
Mechanical/Plumbing Engineering			X
Mechanical/HVAC Engineering			X
Electrical Engineering			X
Fire Alarm Design			X
Phone/Data/Wiring Systems Design			X
Clock/Bell/Speaker/PA Systems Design			X
Technology/Audio-Visual Specifications			X
Technology/Audio-Visual Infrastructure			X
Information Technology Systems			X
Furniture Specifications			X
3 rd Party Commissioning Agent			X
Acoustic Engineer			X
Theatrical Systems Design			X
Food Service Design			X
CHPS/LEED Coordination			X

* Please refer to clarifications below

ARCHITECT PAYMENT SCHEDULE

District payments to DCA shall be Lump Sum by Phase by Percent Complete as set forth below:

1. Site Review/ Field Measurement	\$8,322
2. Schematic Design	\$33,224
3. Construction Documents	\$58,006
4. DSA Review	\$8,650
5. Bid Phase Support	\$5,370
6. Construction Oversight*	\$33,294
7. Project Closeout/DSA Certification	<u>\$4,914</u>
Total	\$151,780

Notes:

- a. District will budget \$7,500 for reimbursable expenses in addition to the above figures.
- b. Additional Services requested by District shall be provided at T&M rates in effect at time of request.
- c. Assumes all tasks above will be completed in one phase, if project is broken up into multiple phases, or if project is put on hold more than six months, DCA will be entitled to additional fee to cover re-start and additional staff time.
- * Construction duration is assumed as 14 weeks (one phase), needs to be confirmed by District.

Payment Terms: District will be billed monthly. Invoiced amounts are payable and due within thirty (30) days from receipt of invoice. DCA Hourly Rate Schedule is attached.

ASSUMPTIONS & CLARIFICATIONS

1. Structural engineering is limited to design of trash enclosure and fence post footings.
2. New roller gates will be manual.
3. Restroom upgrades are not included in this proposal.
4. Only the work specifically described above is included in this proposal.
5. DCA will not be responsible for availability and/or lead times for materials or equipment.
6. All utilities and services will be connected to existing infrastructure, service upgrades are excluded.
7. District will provide DSA-approved as-built drawings and other pertinent information; this will include access to the District's plan archive.
8. Submittals to any agencies (other than DSA) or utility companies are excluded.
9. DCA will not be responsible for existing site conditions, deficiencies, violations, hazardous materials, contamination that may exist on the site.
10. District will be responsible for any permit, agency or utility company fees.
11. District is advised to investigate any-and-all uncertified projects on this site prior to proceeding with this work. DCA can assist District with certification of old/uncertified projects upon request at T&M rates in effect at the time of the request.
12. DCA's drawing deliverables will be produced in two-dimensional industry-standard Revit/AutoCAD format and will be transmitted to District in PDF format.

13. Changes to design requested by District after approval of any design milestone will incur additional cost at T&M rates in effect at the time of the requested change.
14. Any other services required, but not specifically included above will incur additional cost at T&M Rates in effect at the time of the request.
15. If District adds scope during construction, DCA will be entitled to additional compensation.
16. It is assumed this project will be submitted as one package to DSA; if it is submitted as multiple packages, DCA will be entitled to an additional \$15,000 per package.
17. Cost estimating is advisory in nature; costs are not guaranteed.
18. Timelines are advisory in nature; timelines are not guaranteed.
19. The construction duration is assumed to be 10 weeks; if this is extended, DCA will be entitled to an additional Construction Oversight Fee at a rate of \$2,600 per week for additional staff time and consultant costs.
20. This proposal assumes construction will be completed in one phase. More than one phase will incur additional Construction Oversight Fee at a rate of \$2,600 per week for additional staff time and consultant costs.
21. DCA provides the following standard insurance coverages; if additional coverages are requested by District, they will be provided upon acceptance by District of additional premium:
 - a. General Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - b. Automobile Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - c. Workers Comp: \$1 million policy limit (per statute)
 - d. Professional Errors & Omissions: \$2 million per occurrence/\$2 million aggregate

Respectfully submitted,

DERIVI CASTELLANOS ARCHITECTS



Juan G. Barroso
Managing Partner

This Proposal is accepted as presented above,

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Signature of Authorized Representative

Printed Name and Title

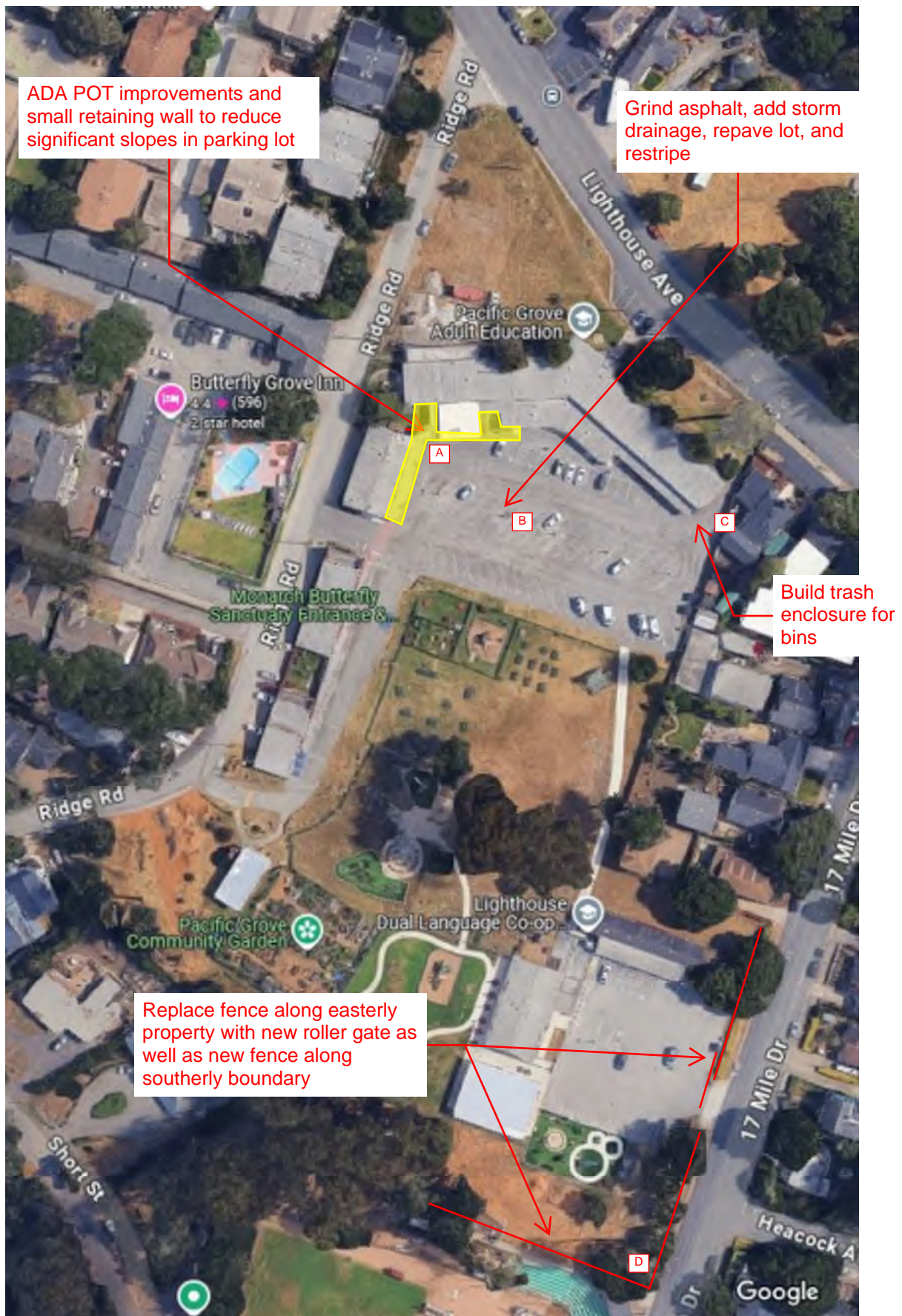
Date

Pacific Grove Unified
School District

Quick Start Projects for
Summer 2026 Construction

Measure B Bond





Pacific Grove Adult School



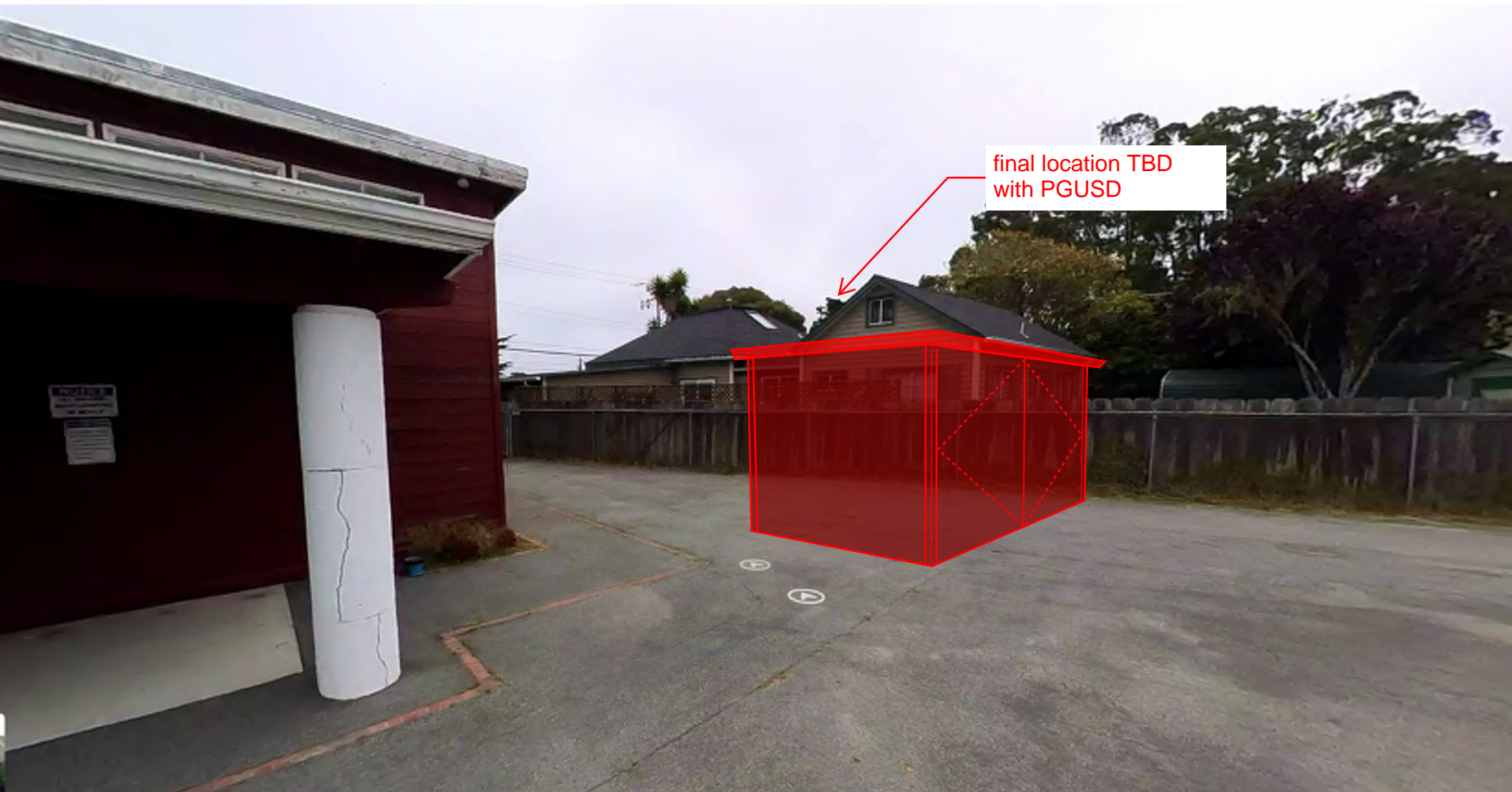
ADA POT improvements and small retaining wall to reduce significant slopes in parking lot
Concrete POT from back entrance to side wing

Pacific Grove Adult School



Grind asphalt, add storm drainage, repave lot, and restripe

Pacific Grove Adult School



final location TBD
with PGUSD

Build trash enclosure for trash containers
Covered and with connection to sewer line



Pacific Grove HS

Perimeter Fencing for Security
Replace fence along easterly property with new roller gate as well as new fence along southerly boundary

DERIVI CASTELLANOS ARCHITECTS

Pacific Grove Unified School District

Site Improvements

Pacific Grove Adult School

FEE ESTIMATE WORKSHEET

Fee Estimate by: J. Barroso

Date: 8/26/25

Revision: 1

DCA Proposal No.: P25.055

Constr. Duration (wks): 14

DELIVERABLES: Field investigation, architectural and engineering design, construction documents, submittal to DSA, bid phase support, construction oversight, project closeout, DSA certification.

Phase/Task	Sr. Principal Architect	Sr Project Manager	Cost Estimator	Job Captain	Designer	Admin Support	DCA Staff		Consultant Fees	Project Expenses	Total Cost
Hourly Rate (\$/hr):	\$265	\$235	\$210	\$175	\$125	\$95	Hours	Cost			
Project initiation	2	2		2		4	10	\$1,730			\$1,730
Review as-built information		4		4			8	\$1,640			\$1,640
Field investigation, measurement		8		8			16	\$3,280			\$3,280
SD - paving		8		8			16	\$3,280			\$3,280
SD - path of travel		8		8			16	\$3,280			\$3,280
SD - retaining wall		8		8			16	\$3,280			\$3,280
SD - trash enclosure		8		12			20	\$3,980			\$3,980
SD - fencing & gates		4		8			12	\$2,340			\$2,340
Update meetings w District	4	4					8	\$2,000			\$2,000
SD - cost estimate			16				16	\$3,360			\$3,360
CD - paving		8		8			16	\$3,280			\$3,280
CD - path of travel		8		16			24	\$4,680			\$4,680
CD - retaining wall		8		8			16	\$3,280			\$3,280
CD - trash enclosure		8		12			20	\$3,980			\$3,980
CD - fencing & gates		4		8			12	\$2,340			\$2,340
CD - cost estimate			20				20	\$4,200			\$4,200
Update meetings w District	4	4					8	\$2,000			\$2,000
Consultant coordination		20					20	\$4,700			\$4,700
DSA submittal		8		8			16	\$3,280			\$3,280
DSA backcheck		8		8			16	\$3,280			\$3,280
Bid phase support		8		8			16	\$3,280			\$3,280
Construction oversight		56		84			140	\$27,860			\$27,860
Project closeout, DSA certification		8		8		4	20	\$3,660			\$3,660
ENGINEERS & CONSULTANTS:											\$0
Civil Engineer									\$41,668		\$41,668
Structural Engineer									\$12,122		\$12,122
Subtotal - Hours:	10	202	36	226	0	8	482				
Subtotals - Cost:	\$2,650	\$47,470	\$7,560	\$39,550	\$0	\$760		\$97,990	\$53,790	\$0	\$151,780

DERIVI CASTELLANOS ARCHITECTS

HOURLY RATE SCHEDULE

Effective January 1, 2025

The following rate schedule shall be used as a basis for establishing "time-and-materials" compensation:

ARCHITECTURAL SERVICES:

Partner	\$280
Senior Principal Architect	\$265
Principal Architect	\$255
Senior Architect	\$235
Senior Project Manager	\$235
Architect	\$220
Design Manager	\$210
Project Manager	\$210
Job Captain	\$175
Senior Designer	\$160
Designer	\$125
Design Assistant	\$100
Admin Support Staff	\$95

PROJECT MANAGEMENT/CONSULTING SERVICES:

Partner	\$280
Project Executive	\$265
Senior Project Manager	\$235
Senior Cost Estimator	\$235
Electrical Project Manager	\$235
Project Manager	\$210
Cost Estimator	\$210
Senior Project Coordinator	\$175
Project Coordinator	\$160
Project Assistant	\$100
Support Staff	\$95

Reimbursable costs shall be billed at actual cost plus 10% and include reproduction, office consumables, mileage, shipping, telephone, software services, meeting costs, travel time, lodging, other miscellaneous services and expenses required to accomplish the work. Mileage will be reimbursed at the IRS standard mileage rate. These expenses shall not be considered a part of the overall maximum fee. All invoices are due and payable within 30 days of invoice date. All invoices for which payment is not received within 45 days will be assessed a 1.5% per month late charge (18% Annual Percentage Rate). This schedule is subject to adjustment every January 1st.

August 26, 2025

P25.056

Mr. Joshua Jorn
Assistant Superintendent, Business Services
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950

Re: Proposal for Architectural & Engineering Design Services
Site Improvements at Monterey Charter School
Revision #1

Mr. Jorn,

Thank you for inviting Derivi Castellanos Architects (DCA) to submit this Proposal to assist you with Architectural & Engineering Design Services for site improvements at Monterey Charter School.

EXECUTIVE SUMMARY

Following the successful passage of its Measure B General Obligation Bond, the Pacific Grove Unified School District (PGUSD) wishes to move forward with site improvements at Monterey Charter School. This project will address accessibility, usability and safety concerns created by the age and poor condition of some of the elements of the campus, and lack of a consistent accessible path of travel through the site. This proposal includes schematic design of the potential project. See attached exhibits for initial concepts and limits of work.

Improvements will include:

- Accessible parking at the David Avenue entrance
- Accessible concrete path of travel from the accessible parking up to and along the covered walkway
- Modernize one set of restrooms at the rear of the covered walkway to meet ADA code compliance

SERVICES TO BE PROVIDED BY DCA

DCA's services shall be as follows:

- Review as-built information provided by District
- Site review and field measurement
- Schematic Design for review by District
 - Incorporate changes requested by District
 - Cost estimate based on Schematic Design

SUBCONSULTANTS & PROJECT INFORMATION

The project team will provide design services, sub-consultants and information for this project as outlined below:

Discipline	By District (if required)	By DCA	Excluded, or Not Required
Division 00 & 01 Front Ends	X		
Hazmat Testing & Specifications	X		
Topographic Survey	X		
Underground Utility Survey	X		
Geotechnical/CGS Study			X
Inspector of Record (IOR)			X
In-Plant Inspection			X
Special Inspection & Testing			X
CEQA Study			X
Traffic Study			X
CDE/OPSC Applications	X		
Educational Specification			X
Cost Estimating		X	
Architectural Design		X	
Technical Specifications			X
Civil Engineering		X	
Storm Water Pollution Prevention Plan (SWPPP)			X
Landscape Architecture			X
Modular Building Design			X
Structural Engineering			X
Fire Sprinkler Design			X
Mechanical/Plumbing Engineering			X
Mechanical/HVAC Engineering			X
Electrical Engineering			X
Fire Alarm Design			X
Phone/Data/Wiring Systems Design			X
Clock/Bell/Speaker/PA Systems Design			X
Technology/Audio-Visual Specifications			X
Technology/Audio-Visual Infrastructure			X
Information Technology Systems			X
Furniture Specifications			X
3 rd Party Commissioning Agent			X
Acoustic Engineer			X
Theatrical Systems Design			X
Food Service Design			X
CHPS/LEED Coordination			X

* Please refer to clarifications below

TIMELINE

The expected timeline for each potential project listed above is as follows:

- | | |
|---------------------------------|---------|
| • Site Review/Field Measurement | 2 weeks |
| • Schematic Design | 4 weeks |

ARCHITECT PAYMENT SCHEDULE

District payments to DCA shall be Lump Sum by Phase by Percent Complete as set forth below:

1. Site Review/Field Measurement	\$7,502
2. Schematic Design	<u>\$31,520</u>
Total	\$39,022

Notes:

- a. District will budget \$5,000 for reimbursable expenses in addition to the above figures.
- b. Additional Services requested by District shall be provided at T&M rates in effect at time of request.
- c. Assumes all tasks above will be completed in one phase, if project is broken up into multiple phases, or if project is put on hold more than six months, DCA will be entitled to additional fee to cover re-start and additional staff time.

Payment Terms: District will be billed monthly. Invoiced amounts are payable and due within thirty (30) days from receipt of invoice. DCA Hourly Rate Schedule is attached.

ASSUMPTIONS & CLARIFICATIONS

1. Only the work specifically described above and in attached exhibits is included in this proposal.
2. All utilities and services will be connected to existing infrastructure, service upgrades are excluded.
3. District will provide DSA-approved as-built drawings and other pertinent information; this will include access to the District's plan archive.
4. Submittals to any agencies (other than DSA) or utility companies are excluded.
5. DCA will not be responsible for existing site conditions, deficiencies, violations, hazardous materials, contamination that may exist on the site.
6. District will be responsible for any permit, agency or utility company fees.
7. District is advised to investigate any-and-all uncertified projects on this site prior to proceeding with this work. DCA can assist District with certification of old/uncertified projects upon request at T&M rates in effect at the time of the request.
8. DCA's drawing deliverables will be produced in two-dimensional industry-standard Revit/AutoCAD format and will be transmitted to District in PDF format.
9. Changes to design requested by District after approval of any design milestone will incur additional cost at T&M rates in effect at the time of the requested change.
10. Any other services required, but not specifically included above will incur additional cost at T&M Rates in effect at the time of the request.
11. If District adds scope during construction, DCA will be entitled to additional compensation.
12. Cost estimating is advisory in nature; costs are not guaranteed.

13. Timelines are advisory in nature; timelines are not guaranteed.
14. DCA provides the following standard insurance coverages; if additional coverages are requested by District, they will be provided upon acceptance by District of additional premium:
- a. General Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - b. Automobile Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - c. Workers Comp: \$1 million policy limit (per statute)
 - d. Professional Errors & Omissions: \$2 million per occurrence/\$2 million aggregate

Respectfully submitted,
DERIVI CASTELLANOS ARCHITECTS



Juan G. Barroso
Managing Partner

This Proposal is accepted as presented above,
PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Signature of Authorized Representative

Printed Name and Title

Date

Pacific Grove Unified
School District

Quick Start Projects for
Summer 2026 Construction

Measure B Bond





Renovate one set of restrooms

Replace covered walkway and improve ADA POT

POT at the entrance

Provide Accessible Parking

Monterey Charter



Provide Accessible Parking
Concrete POT from parking spots to covered walkway

Monterey Charter School



Provide Accessible POT at entrance
Concrete paving and concrete ramp

Monterey Charter School



Renovate one set of restrooms

Monterey Charter School

DERIVI CASTELLANOS ARCHITECTS

Pacific Grove Unified School District

Site Improvements

Monterey Charter School

DELIVERABLES: Field investigation, architectural and civil schematic design.**212/1104****FEE ESTIMATE WORKSHEET**

Fee Estimate by: J. Barroso

Date: 8/26/25

Revision: 1

DCA Proposal No.: P25.056

Constr. Duration (wks): n/a

Phase/Task	Sr. Principal Architect	Sr Project Manager	Cost Estimator	Job Captain	Designer	Admin Support	DCA Staff		Consultant Fees	Project Expenses	Total Cost
Hourly Rate (\$/hr):	\$265	\$235	\$210	\$175	\$125	\$95	Hours	Cost			
Project initiation	2	2		2		4	10	\$1,730			\$1,730
Review as-built information		2		2			4	\$820			\$820
Field investigation, measurement		8		8			16	\$3,280			\$3,280
SD - ADA parking		8		8			16	\$3,280			\$3,280
SD - walkway path of travel		8		16			24	\$4,680			\$4,680
SD - restroom modernization		16		24			40	\$7,960			\$7,960
SD - new covered walkway DELETED							0	\$0			\$0
Consultant coordination		8					8	\$1,880			\$1,880
Update meetings w District	4	4					8	\$2,000			\$2,000
SD - cost estimate			16				16	\$3,360			\$3,360
											\$0
ENGINEERS & CONSULTANTS:											\$0
Civil Engineer SD ONLY									\$10,032		\$10,032
Structural Engineer DELETED									\$0		\$0
Plumbing/HVAC Engineer DELETED									\$0		\$0
Electrical Engineer DELETED									\$0		\$0
Fire Alarm Designer DELETED									\$0		\$0
Subtotal - Hours:	6	56	16	60	0	4	142				
Subtotals - Cost:	\$1,590	\$13,160	\$3,360	\$10,500	\$0	\$380		\$28,990	\$10,032	\$0	\$39,022

DERIVI CASTELLANOS ARCHITECTS

HOURLY RATE SCHEDULE

Effective January 1, 2025

The following rate schedule shall be used as a basis for establishing "time-and-materials" compensation:

ARCHITECTURAL SERVICES:

Partner	\$280
Senior Principal Architect	\$265
Principal Architect	\$255
Senior Architect	\$235
Senior Project Manager	\$235
Architect	\$220
Design Manager	\$210
Project Manager	\$210
Job Captain	\$175
Senior Designer	\$160
Designer	\$125
Design Assistant	\$100
Admin Support Staff	\$95

PROJECT MANAGEMENT/CONSULTING SERVICES:

Partner	\$280
Project Executive	\$265
Senior Project Manager	\$235
Senior Cost Estimator	\$235
Electrical Project Manager	\$235
Project Manager	\$210
Cost Estimator	\$210
Senior Project Coordinator	\$175
Project Coordinator	\$160
Project Assistant	\$100
Support Staff	\$95

Reimbursable costs shall be billed at actual cost plus 10% and include reproduction, office consumables, mileage, shipping, telephone, software services, meeting costs, travel time, lodging, other miscellaneous services and expenses required to accomplish the work. Mileage will be reimbursed at the IRS standard mileage rate. These expenses shall not be considered a part of the overall maximum fee. All invoices are due and payable within 30 days of invoice date. All invoices for which payment is not received within 45 days will be assessed a 1.5% per month late charge (18% Annual Percentage Rate). This schedule is subject to adjustment every January 1st.

August 26, 2025

P25.059

Mr. Joshua Jorn
Assistant Superintendent, Business Services
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950

Re: Proposal for Architectural & Engineering Design Services
New Continuation High School Classrooms at Pacific Grove Adult School
Revision #1

Mr. Jorn,

Thank you for inviting Derivi Castellanos Architects (DCA) to submit this Proposal to assist you with Architectural & Engineering Design Services at Pacific Grove Adult School.

EXECUTIVE SUMMARY

Following the successful passage of its Measure B General Obligation Facilities Bond, the Pacific Grove Unified School District (PGUSD) wishes to move forward with schematic design of a potential project that would provide a new classroom building and site improvements at Pacific Grove Adult School. The new classroom building will consist of two general classrooms, two single-occupancy restrooms, and two offices. Site improvements will consist of a small parking lot including accessible parking, landscaping, and an accessible path of travel leading to the back entrance of the Adult School building. One existing portable classroom will be demolished as part of this project. This proposal includes schematic design of the potential project. See attached exhibits for initial concepts and limits of work.

SERVICES TO BE PROVIDED BY DCA

DCA's services shall be as follows:

- Review as-built information provided by District
- Site review and field measurement
- Schematic Design for review by District
 - Incorporate changes requested by District
 - Cost Estimate based on Schematic Design

SUBCONSULTANTS & PROJECT INFORMATION

The project team will provide design services, sub-consultants and information for this project as outlined below:

Discipline	By District (if required)	By DCA	Excluded, or Not Required
Division 00 & 01 Front Ends	X		
Hazmat Testing & Specifications	X		
Topographic Survey	X		
Underground Utility Survey	X		
Geotechnical/CGS Study	X		
Inspector of Record (IOR)			X
In-Plant Inspection			X
Special Inspection & Testing			X
CEQA Study			X
Traffic Study			X
CDE/OPSC Applications	X		
Educational Specification	X		
Cost Estimating		X	
Architectural Design		X	
Technical Specifications			X
Civil Engineering		X	
Storm Water Pollution Prevention Plan (SWPPP)			X
Landscape Architecture			X
Structural Engineering			X
Fire Sprinkler Design			X
Mechanical/Plumbing Engineering			X
Mechanical/HVAC Engineering			X
Electrical Engineering		X	
Fire Alarm Design		X	
Phone/Data/Wiring Systems Design			X
Clock/Bell/Speaker/PA Systems Design			X
Technology/Audio-Visual Specifications	X		
Technology/Audio-Visual Infrastructure			X
Information Technology Systems	X		
Furniture Specifications	X		
Acoustic Engineer			X
Food Service Design			X
CHPS/LEED Coordination			X

* Please refer to clarifications below

TIMELINE

The expected timeline for each potential project listed above is as follows:

- | | |
|---------------------------------|---------|
| • Site Review/Field Measurement | 2 weeks |
| • Schematic Design | 6 weeks |

ARCHITECT PAYMENT SCHEDULE

District payments to DCA shall be Lump Sum by Phase by Percent Complete as set forth below:

1. Site Review/Field Measurement	\$10,280
2. Schematic Design	<u>\$40,640</u>
Total	\$50,920

Notes:

- a. District will budget \$5,000 for reimbursable expenses in addition to the above figures.
- b. Additional Services requested by District shall be provided at T&M rates in effect at time of request.
- c. Assumes all tasks above will be completed in one phase, if project is broken up into multiple phases, or if project is put on hold more than six months, DCA will be entitled to additional fee to cover re-start and additional staff time.

Payment Terms: District will be billed monthly. Invoiced amounts are payable and due within thirty (30) days from receipt of invoice. DCA Hourly Rate Schedule is attached.

ASSUMPTIONS & CLARIFICATIONS

1. This proposal assumes the new building will be stick-built utilizing conventional wood framing.
2. This proposal assumes an electrical service upgrade will not be required. A service upgrade is not included in this proposal.
3. Fire alarm design is limited to a new sub-panel and new devices for the new building. A fire alarm system upgrade is not included in this proposal.
4. Only the work specifically described above and in attached exhibits is included in this proposal.
5. All utilities and services will be connected to existing infrastructure, service upgrades are excluded.
6. District will provide DSA-approved as-built drawings and other pertinent information; this will include access to the District's plan archive.
7. Submittals to any agencies or utility companies are excluded.
8. DCA will not be responsible for existing site conditions, deficiencies, violations, hazardous materials, contamination that may exist on the site.
9. District will be responsible for any permit, agency or utility company fees.
10. District is advised to investigate any-and-all uncertified projects on this site prior to proceeding with this work. DCA can assist District with certification of old/uncertified projects upon request at T&M rates in effect at the time of the request.

11. DCA's drawing deliverables will be produced in two-dimensional industry-standard Revit/AutoCAD format and will be transmitted to District in PDF format.
12. Changes to design requested by District after approval of any design milestone will incur additional cost at T&M rates in effect at the time of the requested change.
13. Any other services required, but not specifically included above will incur additional cost at T&M Rates in effect at the time of the request.
14. If District adds scope during construction, DCA will be entitled to additional compensation.
15. Cost estimating is advisory in nature; costs are not guaranteed.
16. Timelines are advisory in nature; timelines are not guaranteed.
17. DCA provides the following standard insurance coverages; if additional coverages are requested by District, they will be provided upon acceptance by District of additional premium:
 - a. General Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - b. Automobile Liability: \$1 million per occurrence/\$2 million aggregate/\$1 million umbrella
 - c. Workers Comp: \$1 million policy limit (per statute)
 - d. Professional Errors & Omissions: \$2 million per occurrence/\$2 million aggregate

Respectfully submitted,

DERIVI CASTELLANOS ARCHITECTS



Juan G. Barroso
Managing Partner

This Proposal is accepted as presented above,
PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Signature of Authorized Representative

Printed Name and Title

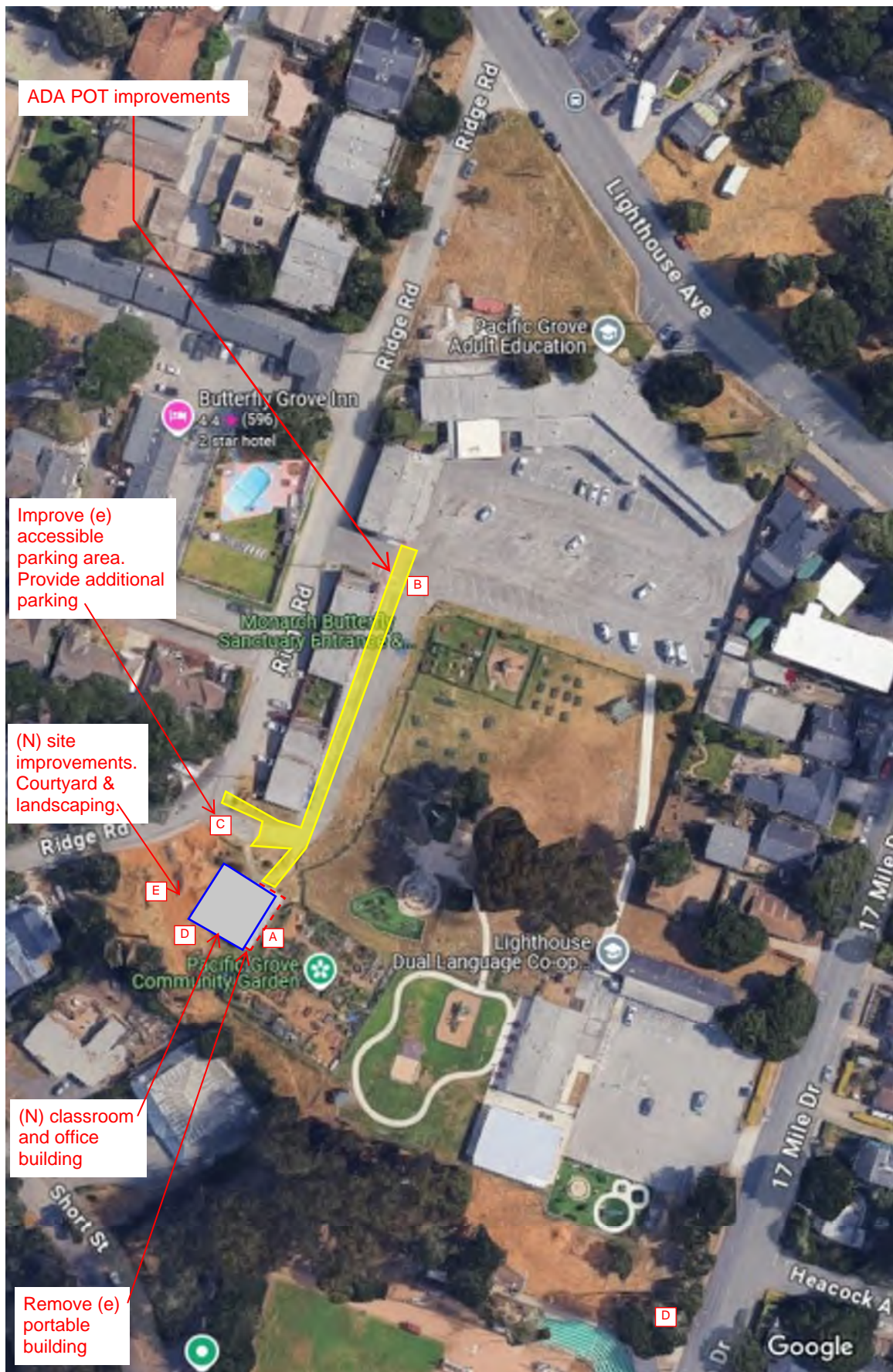
Date

Pacific Grove Unified
School District

Quick Start Projects for
Summer 2026 Construction

Measure B Bond





Pacific Grove Adult School
Continuation HS Bldg.



**Pacific Grove Adult School
Continuation HS Bldg.**

Remove (e) portable building
Remove adjacent storage shed



**Pacific Grove Adult School
Continuation HS Bldg.**

ADA POT improvements
Grind asphalt, overlay AC paving for accessible path of travel.



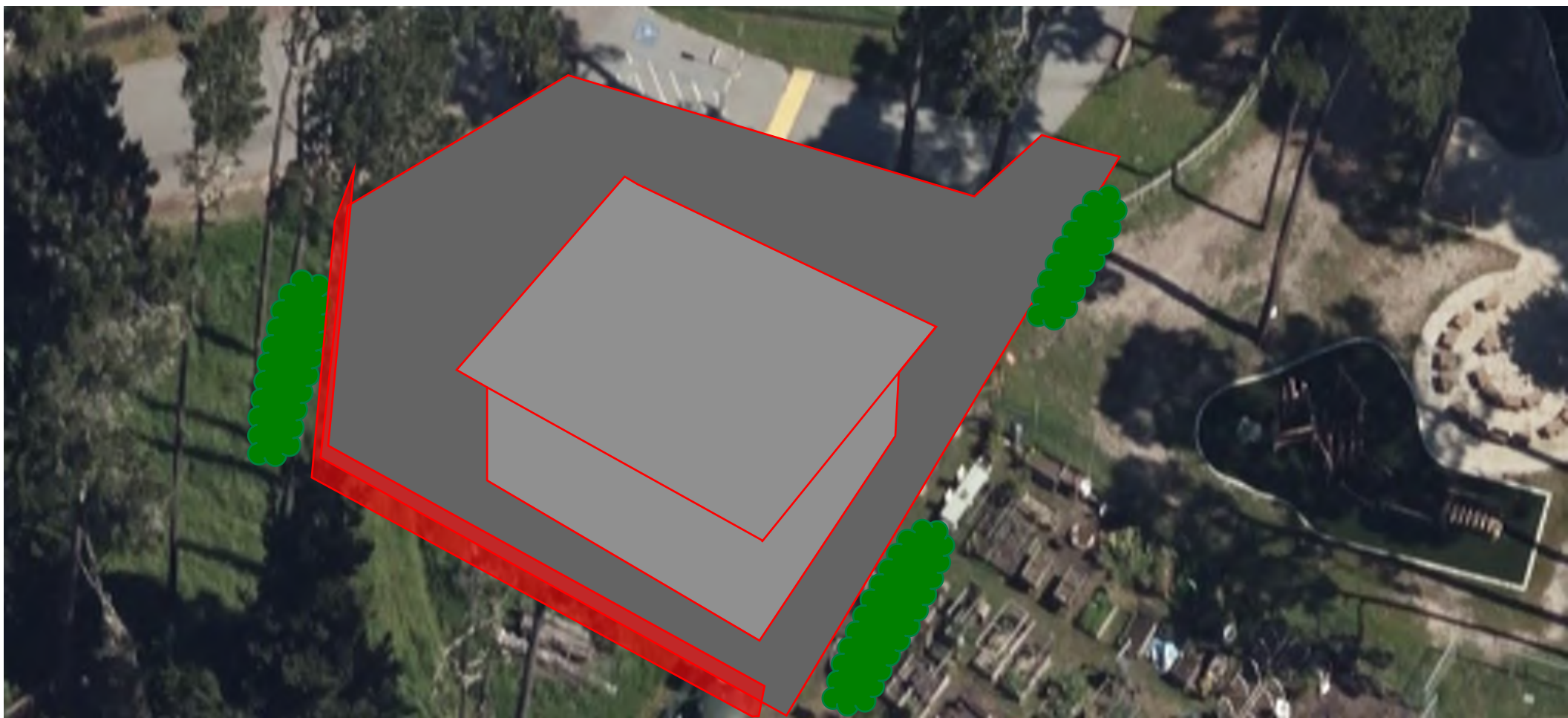
Pacific Grove Adult School Continuation HS Bldg.

Parking
Improve (e) accessible parking area. Provide additional parking



Pacific Grove Adult School Continuation HS Bldg.

New classroom and office building
Provide new building. Classrooms, offices and all gender restrooms



Pacific Grove Adult School Continuation HS Bldg.

(N) Site improvements
Provide (n) courtyard, fencing & landscaping around new building.

DERIVI CASTELLANOS ARCHITECTS

Pacific Grove Unified School District
New Continuation HS Classrooms
Pacific Grove Adult School

FEE ESTIMATE WORKSHEET

Fee Estimate by: J. Barroso
Date: 8/26/25
Revision: 1
DCA Proposal No.: P25.059
Constr. Duration (wks): n/a

DELIVERABLES: Field investigation, schematic design.

Phase/Task	Sr. Principal Architect	Sr Project Manager	Cost Estimator	Job Captain	Admin Support	DCA Staff		Consultant Fees	Project Expenses	Total Cost
Hourly Rate (\$/hr):	\$265	\$235	\$210	\$175	\$95	Hours	Cost			
Project initiation	2	2		2	4	10	\$1,730			\$1,730
Review as-built information		4		4		8	\$1,640			\$1,640
Field investigation, measurement		8		8		16	\$3,280			\$3,280
SD - site plan		8		16		24	\$4,680			\$4,680
SD - floor plan		8		8		16	\$3,280			\$3,280
SD - reflected ceiling		4		8		12	\$2,340			\$2,340
SD - roof plan		4		8		12	\$2,340			\$2,340
SD - Cost estimate			8			8	\$1,680			\$1,680
Consultant coordination		8				8	\$1,880			\$1,880
Update meetings w District	4	4				8	\$2,000			\$2,000
						0	\$0			\$0
ENGINEERS & CONSULTANTS:						0	\$0			\$0
Civil Engineer								\$11,704		\$11,704
Landscape Architect DELETED								\$0		\$0
Structural Engineer DELETED								\$0		\$0
Plumbing/HVAC Engineer DELETED								\$0		\$0
Electrical Engineer								\$9,504		\$9,504
Fire Alarm Designer								\$4,862		\$4,862
Subtotal - Hours:	6	50	8	54	4	122				
Subtotals - Cost:	\$1,590	\$11,750	\$1,680	\$9,450	\$380		\$24,850	\$26,070	\$0	\$50,920

DERIVI CASTELLANOS ARCHITECTS

HOURLY RATE SCHEDULE

Effective January 1, 2025

The following rate schedule shall be used as a basis for establishing "time-and-materials" compensation:

ARCHITECTURAL SERVICES:

Partner	\$280
Senior Principal Architect	\$265
Principal Architect	\$255
Senior Architect	\$235
Senior Project Manager	\$235
Architect	\$220
Design Manager	\$210
Project Manager	\$210
Job Captain	\$175
Senior Designer	\$160
Designer	\$125
Design Assistant	\$100
Admin Support Staff	\$95

PROJECT MANAGEMENT/CONSULTING SERVICES:

Partner	\$280
Project Executive	\$265
Senior Project Manager	\$235
Senior Cost Estimator	\$235
Electrical Project Manager	\$235
Project Manager	\$210
Cost Estimator	\$210
Senior Project Coordinator	\$175
Project Coordinator	\$160
Project Assistant	\$100
Support Staff	\$95

Reimbursable costs shall be billed at actual cost plus 10% and include reproduction, office consumables, mileage, shipping, telephone, software services, meeting costs, travel time, lodging, other miscellaneous services and expenses required to accomplish the work. Mileage will be reimbursed at the IRS standard mileage rate. These expenses shall not be considered a part of the overall maximum fee. All invoices are due and payable within 30 days of invoice date. All invoices for which payment is not received within 45 days will be assessed a 1.5% per month late charge (18% Annual Percentage Rate). This schedule is subject to adjustment every January 1st.

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Buck Roggeman
Chief Human Resources Officer

Item

Declaration of Need for Fully Qualified Educators

Recommendation

The District Administration recommends that the Board review and approve the Declaration of Need for Fully Qualified Educators.

Background

This item is brought to the Board of Trustees as an action item seeking adoption of the attached Declaration of Need for Fully Qualified Educators. Upon approval, the Declaration is submitted to the California Commission on Teacher Credentialing in order for the District to lawfully hire anyone who holds an internship credential or emergency teaching permit. It is also required in order for the district to petition for an emergency CLAD or its equivalent for employees teaching English Learners and who do not hold the proper authorization.

Information

Education Code 44300 requires that a Declaration of Need for Fully Qualified Educators be adopted at a public meeting by the Governing Board of the District. The Declaration will be valid for no more than twelve months and shall expire on June 30 following its submission to the Commission

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact



State of California
Commission on Teacher Credentialing
Certification Division
651 Bannon Street, Suite 601
Sacramento, CA 95811

228/1104

Email: DON@ctc.ca.gov
Website: www.ctc.ca.gov

DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

Original Declaration of Need for year: _____

Revised Declaration of Need for year: _____

FOR SERVICE IN A SCHOOL DISTRICT OR DISTRICT/COUNTY AUTHORIZED CHARTER SCHOOL

Name of District or Charter: _____ District CDS Code: _____

Name of County: _____ County CDS Code: _____

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board/body of the school district or charter school specified above adopted a declaration at a regularly scheduled public meeting held on ____/____/____ certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

► **Enclose a copy of the board agenda item**

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, _____.

Submitted by (Superintendent, Board Secretary, or Designee):

Name *Signature* *Title*

Fax Number *Telephone Number* *Date*

Mailing Address

E-Mail Address

FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL AGENCY

Name of County _____ County CDS Code _____

Name of State Agency _____

Name of NPS/NPA _____ County of Location _____

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on ____/____/____, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, _____.

► **Enclose a copy of the public announcement**

Submitted by Superintendent, Director, or Designee:

Name Signature Title

Fax Number Telephone Number Date

Mailing Address

EMail Address

- *This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency*

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit

Estimated Number Needed

CLAD/English Learner Authorization (applicant already holds teaching credential)

Bilingual Authorization (applicant already holds teaching credential)

List target language(s) for bilingual authorization:

Resource Specialist

Teacher Librarian Services

Emergency Transitional Kindergarten (ETK)

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas. Additionally, for the Single Subject Limited Assignment Permits estimated, please include the authorization(s) which will be requested:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	
Single Subject	
Special Education	
TOTAL	

Authorizations for Single Subject Limited Assignment Permits

SUBJECT	ESTIMATED NUMBER NEEDED	SUBJECT	ESTIMATED NUMBER NEEDED
Agriculture		Mathematics	
Art		Music	
Business		Physical Education	
Dance		Science: Biological Sciences	
English		Science: Chemistry	
Foundational-Level Math		Science: Geoscience	
Foundational-Level Science		Science: Physics	
Health		Social Science	
Home Economics		Theater	
Industrial & Technology Education		World Languages (specify)	

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved internship program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? Yes No

If no, explain. _____

Does your agency participate in a Commission-approved college or university internship program? Yes No

If yes, how many interns do you expect to have this year? _____

If yes, list each college or university with which you participate in an internship program.

If no, explain why you do not participate in an internship program.

Board Cover Sheet

Action/Discussion

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☐ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Buck Roggeman
Chief Human Resources Officer

Item

MOU – Toileting Stipend with CSEA Chapter 229

Recommendation

The District Administration recommends that the Board approve the Memorandum of Understanding (MOU) with California School Employees Association (CSEA) Chapter 229 to establish a stipend for employees who assist students with toilet learning.

Background

In recent years, California has expanded the age of students eligible for transitional kindergarten resulting in an increase in students who are toilet learning. The District has a need to compensate those adults who volunteer to assist students with this important phase of child development.

Information

The District will pay employees who volunteer to assist students with toileting a \$200 monthly stipend. The CSEA members who are eligible for this stipend fall under the “Instructional Support” family who are assigned to classrooms. The MOU also establishes an order in which employees will be assigned to assist students with their toileting needs. Up to three unit members at Forest Grove Elementary School and Robert Down Elementary will be eligible to receive the stipend.

Fiscal Impact

\$16,530 (including benefits)

2025/26 ▾

(01) General Fund ▾

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
AND THE
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND ITS CHAPTER 229**

MEMORANDUM OF UNDERSTANDING
Toileting Support for TK-3rd Grade Students

August 25, 2025

The Pacific Unified School District ("District") and the California School Employees Association, and its Chapter 229 Pacific Grove ("CSEA"), collectively known as the "Parties," enter into this Memorandum of Understanding ("MOU") to address toileting support in accordance with law. The Parties hereby agree to the following:

1. The District shall pay a stipend of \$200 per month to classified bargaining unit members who provide toileting support to TK-3rd grade students. "Toileting" includes diapering.
2. No more than three (3) toileting stipends shall be available at Forest Grove Elementary School and at Robert H. Down Elementary School.
3. Unit members in the "Instructional Support" class family who are assigned to a classroom are eligible to receive the stipend and may volunteer. The assignments and stipend shall be offered in seniority order.
4. Unit members who hold positions in a classification with toileting in the job description shall not be eligible for the additional stipend.
5. All staff engaged in a toileting assignment shall be provided training from the District in proper protocols for toileting.
6. Assignments to provide assistance to a student(s) shall be made as follows:
 - a. A Volunteer assigned to a classroom with a student(s) requiring assistance shall be primary.
 - b. A Volunteer assigned to a different classroom at the same site, in the absence of the primary volunteer.
 - c. The Health Assistant assigned to the same site, in the absence or unavailability of a and b above.
 - d. A Paraprofessional assigned to the same site in the absence of a, b, and c above.
7. Unit members may rescind their agreement to provide toileting support to students by notifying their supervisor and Human Resources in writing. Unit members will be expected to continue providing services for up to 10 days to provide the District with time to secure another volunteer. The stipend will stop in the month following the notice.

This Agreement is subject to ratification by CSEA and adoption by the Board of Trustees and is subject to the grievance and arbitration sections of the Parties' collective bargaining agreement.

Date Signed: 08/27/25


For the District:


Buck Roggeman (Aug 25, 2025 15:18:56 PDT)
Buck Roggeman, Chief Human Resources Officer


Joshua R. Jorn (Aug 25, 2025 15:05:38 PDT)
Joshua R. Jorn, Assistant Superintendent - CBO


Linda Adamson (Aug 25, 2025 16:45:47 PDT)
Linda Adamson, EdD., Superintendent

For CSEA Chapter 229:


Leslie Ternullo (Aug 25, 2025 15:13:40 PDT)
Leslie Ternullo, President and Chair, Negotiations


Sarah Herrera (Aug 25, 2025 15:13:40 PDT)
Sarah Herrera, Labor Relations Representative

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Updated Expenditure Plan for Resource 6770 (Prop. 28) Arts & Music Programs – AMS

Recommendation

The Administration recommends that the Board review and approve the updated Expenditure Plan for Resource 6770 (Proposition 28) Arts and Music Program – AMS.

Background

The allowable use of funds:

- instruction and training, supplies, materials, and arts educational partnership programs for instruction in: dance; media arts; music; theatre; and visual arts including folk art, painting, sculpture, photography, and craft arts; creative expressions including graphic arts and design, computer coding, animation, music composition and ensembles; and script writing, costume design, film, and video.

The Funds must be allocated as follows:

- At least 80 percent of the expenditures from the allocation were used to employ certificated and classified employees to provide arts education program instruction or that the LEA has a valid waiver of this requirement.
- No more than 1 percent of the expenditures from the allocation were used for administrative costs, including indirect costs

The Board of Trustees must approve an expenditure plan at a public meeting. If the expenditure plan needs to be amended, a revised spending plan can be presented to the Board of Trustees at a future meeting.

Information

See attached [6770 Expenditure Plan](#) for all sites

Fiscal Impact

Fund 01, Resource 6770

The total 2025-26 expenditure plan proposed for adoption by the Board of Trustees is \$375,115

2025/26 ▾

(01) General Fund ▾

**Arts and Music in Schools (AMS)-Funding Guarantee and Accountability Act
(Prop 28)
Grant Term: FY 2022/23- Ongoing**

SITES SPENDING PLAN:

Robert Down Elementary School

.3FTE Elementary Music Instructor	41,000
Schoolwide Art Project Materials	15,362
Art in Action	8,200
Instrument Music Purchases	3,000
Instrument Music Repairs/Tuning	3,000
Winter Concert Materials	500
Piano Accompanist	500

TOTAL	71,562
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Forest Grove Elementary School

.3FTE Elementary Music Instructor	41,000
Art in Action	12,000
Makers Space Materials & Supplies	8,000
Music Repairs	2,904

TOTAL	63,904
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Pacific Grove Middle School

.625 FTE Roving VAPA Instructional Assistant	50,560
.2FTE Additional Music Section	40,000
Chorus Piano Accompanist	9,690
PGMS Musical Theatre Contracts (Director, Assist D	9,600
Various Guest Instructional Artists	9,500
Temp Coding Section Instructor	3,250

TOTAL	122,600
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Pacific Grove High School/CHS:

.6FTE VAPA CTE Coordinator	\$	105,705
VAPA Week Materials & Supplies		11,344

TOTAL	117,049
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Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn
Assistant Superintendent

Item

Updated Expenditure Plan for Resource 6762 Music Arts Discretionary Block Grant

Recommendation

The District Administration recommends that the Board review and approve the Updated Expenditure Plan for Resource 6762 Music Arts Discretionary Block Grant.

Background

On June 30, 2022, Governor Newsom signed the 2022-23 State Budget into law. The final Budget consists of \$242.2 billion in General Fund resources with a \$7.8 billion projected surplus. Included in the final state Budget are one-time funds such as the Arts, Music, and Instructional Materials Discretionary Block Grant.

Information

The state budget allocated \$3.6 billion for all local educational agencies (LEAs) was based on 2021-22 P-2 ADA, available for encumbrance through 2025-26 fiscal year.

The total one-time revenue received for Resource 6762 by Pacific Grove USD: \$1,000,658

Allowable use:

- Any “operational costs”
- Standards-aligned instructional materials and professional development related to arts, music and other subject areas
- Instructional materials and professional development aligned to best practices for improving school climate, digital literacy, physical education, and learning through play
- Diverse book collections and culturally relevant texts in English, pupils’ home languages, or combination of languages
- Covid-19 pandemic related supplies

Updates

- The Fiscal Office has met with all sites to review the updated needs since the 2021-22 expenditure plan was approved.
- The plan updates includes Board directives for use of funds for one-time position funding
- This is the final plan associated with these one-time funds that will expire June 30, 2026
- The Governing Board must approve the [updated expenditure plan for 2025-26](#) at a public meeting.

Fiscal Impact

Fund 01, Resource 6762

The total revenue received for Pacific Grove USD is \$1,000,658

The total updated expenditure plan proposed for 2025-26 adoption by the Board of Trustees is \$414,519.44

2025/26 ▾

(01) General Fund ▾

Prop 28-Arts, Music, and Instructional Materials Discretionary Block Grant**Total Allocation: \$1,000,658****Grant Term: FY 2022/23- FY 2025/26****SUMMARY:**

	Carryover	Allocation	Expense	Ending Balance
2022-23	-	1,000,658	213,327	787,331
2023-24	787,331	-	82,537	704,793
2024-25	704,793	-	290,274	414,519
2025-26	414,519	-	414,519	-

SITES SPENDING PLAN:

Final Year Site Allocation is based on 2025/26 Projected Enrollment

Robert Down Elementary School

.2FTE Elementary Music Instructor	30,000
Schoolwide Art Project Contract for Services	10,000
Special Projects Materials/Supplies	5,106
BASRP Materials/Supplies	5,000
Scholastic Book Subscription (all grade levels)	3,257
Spanish Materials/Supplies	2,500
Drama Materials/Supplies	2,000
Joint Elementary School STEM Night	1,000

TOTAL	58,863
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Forest Grove Elementary School

.2FTE Elementary Music Instructor	30,000
Olweus Bully Prevention	4,000
Makers Space Storage/Organization	2,917
Spanish Materials/Supplies	2,500
5th Grade Tech Museum Transportation	2,000
Classroom Flex Seating	2,000
Classroom Libraries Novels/Books	2,000
Joint Elementary School STEM Night	1,000

TOTAL	46,417
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Pacific Grove Middle School

Outdoor Science Camp Transportation	\$	20,000.00
Athletic Equipment/Improvements	\$	17,730.00
PGMS Lunch Clubs	\$	16,000.00
Spirit Squad Coach	\$	2,243.00
Foods Class (Thai)	\$	2,200.00
Outdoor Science School Coordinator	\$	2,000.00
SVMI Math Membership	\$	1,500.00
Home Ec Contract-Parsley & Fig	\$	840.00
Home Ec Contract-Linda Goulet	\$	450.00

TOTAL	62,963
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Prop 28-Arts, Music, and Instructional Materials Discretionary Block Grant**Total Allocation: \$1,000,658****Grant Term: FY 2022/23- FY 2025/26****Pacific Grove High School**

Student & Teacher Classroom Furniture	\$	11,240
Tennis Post Repair	\$	7,500
Gator	\$	11,000
Baseball Field Maintenance	\$	3,100
Athletic Department Operational Costs	\$	17,000
Music Acoustic Panels	\$	10,000
MultiPurpose Room Sound System	\$	4,000
Water Polo Balls	\$	1,500
Pool Covers Rollers	\$	13,583

TOTAL	78,923
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Community High School

mEarth Contract for Services		1,757
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TOTAL	1,757
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Districtwide

1.0FTE Mental Health Therapist	\$	137,647
Indirect Cost @ 7.23%	\$	27,949

TOTAL \$	165,596
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Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn
Assistant Superintendent

Item

2024-25 Unaudited Actuals

Recommendation

The District Administration recommends that the Board review and approve 2024-25 Unaudited Actuals.

Background

Following the close of each fiscal year, the District Business Services Department prepares the Unaudited Actuals Financial Report. This report reflects the final posting of all revenues, expenditures, transfers and ending fund balances for the year just ended.

This is the final District's financial statements prior to having the reports audited by the independent auditors. Following Board approval, the Unaudited Actuals Financial Report will be submitted to the Monterey County Office of Education for their review and will be made available to the public on the District website at www.pgusd.org.

Information

The attached Standardized Account Code Structure (SACS) reports show the financial activities for each of the District's funds with some major highlights:

Fund 1 – Combined (Unrestricted and Restricted) General Fund

- Posted **Revenues of \$46,497,585**
- Posted **Expenditures of \$48,565,632** including Interfund Transfers Out
- Resulting in a **net operating deficit of (\$1,1468,049)**

<u>Name</u>	<u>Operating Surplus/(Deficit)</u>	<u>Ending Fund Balance</u>
Unrestricted General Fund	\$ (577,547)	\$ 4,877,724
Restricted General Fund	\$ (890,502)	\$ 2,318,963
Combined General Fund	\$ (1,468,049)	\$ 7,201,682

The District met its 3.0% minimum reserve, and has a total (Unrestricted/Restricted) reserve of 9.5%.

Fund 11 – The Adult Education Fund posted **total revenues of \$2,852,765** for programs & services directly supported by the District, and **total expenditures of \$3,303,350**. The **operational deficit is (\$450,585) for 2024-25**, and an **Ending Fund Balance of \$2,306,909**.

Fund 12 – The Child Development Fund accounts for all the child development financial activities including the two primary programs - State Preschool and the Before-and-After-School-Recreation-Program (BASRP).

The Child Development Fund posted **revenues of \$482,051** for programs & services, and **total expenditures of \$572,295**. The **operational deficit is (\$90,244)**, and an **Ending Fund Balance of \$151,113**.

Fund 13 – The Cafeteria Fund posted **revenues of \$1,597,602** and **expenditures of \$1,426,485**, resulting in an **operational surplus of \$171,117**. Fund 13 has an **Ending Fund Balance of \$1,348,687**.

Fund 14 – The Deferred Maintenance Fund posted **revenues of \$409,914**. The total **expenditures of \$123,549** resulted in an **operating surplus of \$286,365**. Fund 14 has an **Ending Fund Balance of \$823,356**.

Note: Deferred Maintenance will continue to receive a General Fund Contribution of \$200,000 to build net positive cash flow.

Fund 20 – There was no transfer of funds from the General Fund to the Postemployment Benefits Fund in 2024-25. This Fund can be used for additional funding for the unfunded liability of future retiree benefits in addition to the pay-as-you-go amount budgeted in the General Fund. The **Ending Fund Balance is \$6,846**.

Fund 21 – The Building Fund accounts for all revenues and expenditures related to the Measure A (Education Technology) Bond, Measure D and Measure B (Facilities) Bonds.

The Building Fund posted total revenues of \$220,123 (interest), the release of Series C \$8,750,000 for combined **revenue of \$8,970,123**. Total **expenditures of \$5,080,322**, which generated an **operational surplus of \$3,889,801**. Fund 21 **Ending Fund Balance is \$6,305,092**.

Note: PGUSD will issue the final series, Measure D, Series D and Measure A, Series E in October of 2025 to meet 2025-26 projected expenditures associated with the Facilities Master Plan and Educational Technology Plan.

Fund 25 – The Developed Fee (Capital Fund) accounts for all revenues derived from PGUSD levying of Developer Fees. No expenditure plan has been developed for Fund 25 and will remain a revenue location for Capital Outlay until further Board direction.

The Developed Fee (Capital Fund) posted **total revenues of \$178,955** which was its second year of established Fund activity. **No expenditures** were realized in 2024-25 and no expenditures are planned for 2025-26 until further direction from the Board. The fund has an **Ending Fund Balance of \$251,469**.

Fund 40 – The Capital Outlay Projects Fund accounts for all revenues derived from the lease at the David Avenue campus, and all collected facility use fees, with **revenue totaling \$345,518**. Fund 40 had **total expenditures of \$683,811**. The **operating deficit is \$338,293**, and an **Ending Fund Balance of \$727,242**.

Note: Capital Outlay Projects Fund will no longer receive a \$200,000 UGF contribution per Board direction.

Fiscal Impact

Approval of this report has no fiscal impact.

Pacific Grove Unified
Monterey County

Unaudited Actuals
FINANCIAL REPORTS
2024-25 Unaudited Actuals
School District Certification

27 66134 0000000
Form CA
F8AXHT5K6X(2024-25)

UNAUDITED ACTUAL FINANCIAL REPORT:

To the County Superintendent of Schools:

2024-25 UNAUDITED ACTUAL FINANCIAL REPORT. This report was prepared in accordance with Education Code Section 41010 and is hereby approved and filed by the governing board of the school district pursuant to Education Code Section 42100.

Signed: _____
Clerk / Secretary of the Governing Board
(Original signature required)

Date of Meeting: Sep 04, 2025

Printed Name: Jennifer McNary

Title: Clerk

To the Superintendent of Public Instruction:

2024-25 UNAUDITED ACTUAL FINANCIAL REPORT. This report has been verified for accuracy by the County Superintendent of Schools pursuant to Education Code Section 42100.

Signed: _____
County Superintendent/Designee
(Original signature required)

Date: _____

Printed Name: Dr. Deneen Guss

Title: County Superintendent

For additional information on the unaudited actual reports, please contact:

For County Office of Education:

For School District:

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Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
A. REVENUES									
1) LCFF Sources		8010-8099	40,258,708.64	0.00	40,258,708.64	41,148,891.00	0.00	41,148,891.00	2.2%
2) Federal Revenue		8100-8299	0.00	678,227.74	678,227.74	0.00	635,342.58	635,342.58	-6.3%
3) Other State Revenue		8300-8599	488,900.09	2,934,488.81	3,423,388.90	451,581.00	2,838,376.72	3,289,957.72	-3.9%
4) Other Local Revenue		8600-8799	923,355.24	2,213,902.23	3,137,257.47	883,530.00	1,901,080.90	2,784,610.90	-11.2%
5) TOTAL, REVENUES			41,670,963.97	5,826,618.78	47,497,582.75	42,484,002.00	5,374,800.20	47,858,802.20	0.8%
B. EXPENDITURES									
1) Certificated Salaries		1000-1999	15,900,069.49	3,535,728.78	19,435,798.27	16,381,787.64	3,806,254.91	20,188,042.55	3.9%
2) Classified Salaries		2000-2999	6,192,060.15	3,090,594.73	9,282,654.88	5,586,338.94	3,832,537.60	9,418,876.54	1.5%
3) Employee Benefits		3000-3999	8,208,401.49	3,996,278.24	12,204,679.73	8,176,966.97	4,670,751.86	12,847,718.83	5.3%
4) Books and Supplies		4000-4999	507,708.49	645,142.40	1,152,850.89	504,930.80	851,092.28	1,356,023.08	17.6%
5) Services and Other Operating Expenditures		5000-5999	3,755,729.67	2,690,274.58	6,446,004.25	3,793,337.80	890,983.40	4,684,321.20	-27.3%
6) Capital Outlay		6000-6999	347.02	51,430.79	51,777.81	0.00	0.00	0.00	-100.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299 7400-7499	0.00	147,511.57	147,511.57	0.00	110,000.00	110,000.00	-25.4%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	(350,999.99)	195,355.09	(155,644.90)	(129,280.13)	80,584.77	(48,695.36)	-68.7%
9) TOTAL, EXPENDITURES			34,213,316.32	14,352,316.18	48,565,632.50	34,314,082.02	14,242,204.82	48,556,286.84	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)									
			7,457,647.65	(8,525,697.40)	(1,068,049.75)	8,169,919.98	(8,867,404.62)	(697,484.64)	-34.7%
D. OTHER FINANCING SOURCES/USES									
1) Interfund Transfers									
a) Transfers In		8900-8929	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Transfers Out		7600-7629	400,000.00	0.00	400,000.00	340,051.31	0.00	340,051.31	-15.0%
2) Other Sources/Uses									
a) Sources		8930-8979	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
3) Contributions		8980-8999	(7,635,195.22)	7,635,195.22	0.00	(8,454,297.06)	8,454,297.06	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			(8,035,195.22)	7,635,195.22	(400,000.00)	(8,794,348.37)	8,454,297.06	(340,051.31)	-15.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)									
			(577,547.57)	(890,502.18)	(1,468,049.75)	(624,428.39)	(413,107.56)	(1,037,535.95)	-29.3%
F. FUND BALANCE, RESERVES									
1) Beginning Fund Balance									
a) As of July 1 - Unaudited		9791	5,460,266.32	3,286,819.27	8,747,085.59	4,882,718.75	2,318,963.30	7,201,682.05	-17.7%
b) Audit Adjustments		9793	0.00	0.00	0.00	0.00	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
General Fund
Unrestricted and Restricted
Expenditures by Object

27 66134 0000000
Form 01
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
c) As of July 1 - Audited (F1a + F1b)			5,460,266.32	3,286,819.27	8,747,085.59	4,882,718.75	2,318,963.30	7,201,682.05	-17.7%
d) Other Restatements		9795	0.00	(77,353.79)	(77,353.79)	0.00	0.00	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			5,460,266.32	3,209,465.48	8,669,731.80	4,882,718.75	2,318,963.30	7,201,682.05	-16.9%
2) Ending Balance, June 30 (E + F1e)			4,882,718.75	2,318,963.30	7,201,682.05	4,258,290.36	1,905,855.74	6,164,146.10	-14.4%
Components of Ending Fund Balance									
a) Nonspendable									
Revolving Cash		9711	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	0.0%
Stores		9712	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Prepaid Items		9713	518.83	0.00	518.83	0.00	0.00	0.00	-100.0%
All Others		9719	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Restricted		9740	0.00	2,318,963.30	2,318,963.30	0.00	1,905,855.74	1,905,855.74	-17.8%
c) Committed									
Stabilization Arrangements		9750	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
d) Assigned									
Other Assignments		9780	3,838,800.43	0.00	3,838,800.43	2,786,399.36	0.00	2,786,399.36	-27.4%
Property Tax Reserve	0000	9780	146,481.56		146,481.56			0.00	
Deferred Maintenance Reserve	0000	9780	173,067.00		173,067.00			0.00	
STRS/SPERS Reserve	0000	9780	357,845.00		357,845.00			0.00	
Basic Aid Reserve	0000	9780	3,161,406.87		3,161,406.87			0.00	
Deferred Maintenance Reserve	0000	9780			0.00	244,482.00		244,482.00	
STRS/SPERS Reserve (OPEB)	0000	9780			0.00	357,845.00		357,845.00	
Vacation Liability	0000	9780			0.00	658,609.34		658,609.34	
Basic Aid Reserve	0000	9780			0.00	1,507,973.42		1,507,973.42	
Change to Ending Balance Adjusted due to Prior Year Expenditures	0000	9780			0.00	17,489.60		17,489.60	
e) Unassigned/Unappropriated									
Reserve for Economic Uncertainties		9789	1,038,399.49	0.00	1,038,399.49	1,466,891.00	0.00	1,466,891.00	41.3%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
G. ASSETS									
1) Cash									
a) in County Treasury		9110	5,761,616.74	1,529,381.95	7,290,998.69				
1) Fair Value Adjustment to Cash in County Treasury		9111	34,174.02	0.00	34,174.02				
b) in Banks		9120	0.00	0.00	0.00				
c) in Revolving Cash Account		9130	5,000.00	0.00	5,000.00				

Unaudited Actuals
General Fund
Unrestricted and Restricted
Expenditures by Object

Pacific Grove Unified
Monterey County

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
d) with Fiscal Agent/Trustee		9135	0.00	0.00	0.00				
e) Collections Awaiting Deposit		9140	9,715.24	17,881.96	27,597.20				
2) Investments		9150	0.00	0.00	0.00				
3) Accounts Receivable		9200	424,967.88	1,065,130.86	1,490,098.74				
4) Due from Grantor Government		9290	0.00	0.00	0.00				
5) Due from Other Funds		9310	0.00	0.00	0.00				
6) Stores		9320	0.00	0.00	0.00				
7) Prepaid Expenditures		9330	518.83	0.00	518.83				
8) Other Current Assets		9340	0.00	0.00	0.00				
9) Lease Receivable		9380	0.00	0.00	0.00				
10) TOTAL, ASSETS			6,235,992.71	2,612,394.77	8,848,387.48				
H. DEFERRED OUTFLOWS OF RESOURCES									
1) Deferred Outflows of Resources		9490	0.00	0.00	0.00				
2) TOTAL, DEFERRED OUTFLOWS			0.00	0.00	0.00				
I. LIABILITIES									
1) Accounts Payable		9500	1,326,741.88	116,420.02	1,443,161.90				
2) Due to Grantor Governments		9590	0.00	0.00	0.00				
3) Due to Other Funds		9610	0.00	0.00	0.00				
4) Current Loans		9640	0.00	0.00	0.00				
5) Unearned Revenue		9650	26,532.08	177,011.45	203,543.53				
6) TOTAL, LIABILITIES			1,353,273.96	293,431.47	1,646,705.43				
J. DEFERRED INFLOWS OF RESOURCES									
1) Deferred Inflows of Resources		9690	0.00	0.00	0.00				
2) TOTAL, DEFERRED INFLOWS			0.00	0.00	0.00				
K. FUND EQUITY									
Ending Fund Balance, June 30 (must agree with line F2) (G10 + H2) - (I6 + J2)			4,882,718.75	2,318,963.30	7,201,682.05				
LCFF SOURCES									
Principal Apportionment									
State Aid - Current Year		8011	2,505,456.00	0.00	2,505,456.00	2,505,456.00	0.00	2,505,456.00	0.0%
Education Protection Account State Aid - Current Year		8012	323,256.00	0.00	323,256.00	324,448.00	0.00	324,448.00	0.4%
State Aid - Prior Years		8019	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Tax Relief Subventions									
Homeowners' Exemptions		8021	115,580.44	0.00	115,580.44	121,687.00	0.00	121,687.00	5.3%

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Timber Yield Tax		8022	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Subventions/In-Lieu Taxes		8029	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
County & District Taxes									
Secured Roll Taxes		8041	35,175,185.10	0.00	35,175,185.10	36,507,335.00	0.00	36,507,335.00	3.8%
Unsecured Roll Taxes		8042	1,804,295.31	0.00	1,804,295.31	1,889,965.00	0.00	1,889,965.00	4.7%
Prior Years' Taxes		8043	280,284.93	0.00	280,284.93	0.00	0.00	0.00	-100.0%
Supplemental Taxes		8044	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Education Revenue Augmentation Fund (ERAF)		8045	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Community Redevelopment Funds (SB 617/699/1992)		8047	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Penalties and Interest from Delinquent Taxes		8048	67,110.86	0.00	67,110.86	0.00	0.00	0.00	-100.0%
Miscellaneous Funds (EC 41604)									
Royalties and Bonuses		8081	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other In-Lieu Taxes		8082	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Less: Non-LCFF (50%) Adjustment		8089	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Subtotal, LCFF Sources			40,271,168.64	0.00	40,271,168.64	41,348,891.00	0.00	41,348,891.00	2.7%
LCFF Transfers									
Unrestricted LCFF Transfers - Current Year	0000	8091	0.00		0.00	(200,000.00)		(200,000.00)	New
All Other LCFF Transfers - Current Year	All Other	8091	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers to Charter Schools in Lieu of Property Taxes		8096	(12,460.00)	0.00	(12,460.00)	0.00	0.00	0.00	-100.0%
Property Taxes Transfers		8097	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
LCFF Transfers - Prior Years		8099	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, LCFF SOURCES			40,258,708.64	0.00	40,258,708.64	41,148,891.00	0.00	41,148,891.00	2.2%
FEDERAL REVENUE									
Maintenance and Operations		8110	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Special Education Entitlement		8181	0.00	403,413.72	403,413.72	0.00	417,777.96	417,777.96	3.6%
Special Education Discretionary Grants		8182	0.00	25,825.54	25,825.54	0.00	1,627.03	1,627.03	-93.7%
Child Nutrition Programs		8220	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Donated Food Commodities		8221	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Forest Reserve Funds		8260	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Flood Control Funds		8270	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Wildlife Reserve Funds		8280	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
FEMA		8281	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Interagency Contracts Between LEAs		8285	0.00	0.00	0.00	0.00	0.00	0.00	0.0%

Unaudited Actuals
General Fund
Unrestricted and Restricted
Expenditures by Object

Pacific Grove Unified
Monterey County

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Pass-Through Revenues from Federal Sources		8287	0.00	14,025.00	14,025.00	0.00	0.00	0.00	-100.0%
Title I, Part A, Basic	3010	8290		168,067.00	168,067.00		168,077.59	168,077.59	0.0%
Title I, Part D, Local Delinquent Programs	3025	8290		0.00	0.00		0.00	0.00	0.0%
Title II, Part A, Supporting Effective Instruction	4035	8290		36,777.00	36,777.00		35,712.00	35,712.00	-2.9%
Title III, Immigrant Student Program	4201	8290		0.00	0.00		0.00	0.00	0.0%
Title III, English Learner Program	4203	8290		0.00	0.00		0.00	0.00	0.0%
Public Charter Schools Grant Program (PCSGP)	4610	8290		0.00	0.00		0.00	0.00	0.0%
	3040, 3060, 3061, 3110, 3150, 3155, 3180, 3182, 4037, 4123, 4124, 4126, 4127, 4128, 5630	8290		13,612.00	13,612.00		12,148.00	12,148.00	-10.8%
Career and Technical Education	3500-3599	8290		16,507.48	16,507.48		0.00	0.00	-100.0%
All Other Federal Revenue	All Other	8290	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL FEDERAL REVENUE			0.00	678,227.74	678,227.74	0.00	635,342.58	635,342.58	-6.3%
OTHER STATE REVENUE									
Other State Apportionments									
Special Education Master Plan									
Current Year	6500	8311		0.00	0.00		0.00	0.00	0.0%
Prior Years	6500	8319		0.00	0.00		0.00	0.00	0.0%
All Other State Apportionments - Current Year	All Other	8311	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other State Apportionments - Prior Years	All Other	8319	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Child Nutrition Programs		8520	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Mandated Costs Reimbursements		8550	79,238.00	0.00	79,238.00	79,000.00	0.00	79,000.00	-0.3%
Lottery - Unrestricted and Instructional Materials		8560	340,375.25	161,511.09	501,886.34	303,615.00	128,115.00	431,730.00	-14.0%
Tax Relief Subventions									
Restricted Levies - Other									
Homeowners' Exemptions		8575	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Subventions/In-Lieu Taxes		8576	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Pass-Through Revenues from State Sources			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Expanded Learning Opportunities Program (ELO-P)	2600	8590		101,046.00	101,046.00		217,832.18	217,832.18	115.6%
After School Education and Safety (ASES)	6010	8590		0.00	0.00		0.00	0.00	0.0%
Charter School Facility Grant	6030	8590		0.00	0.00		0.00	0.00	0.0%
Drug/Alcohol/Tobacco Funds	6650, 6690, 6695	8590		0.00	0.00		6,000.00	6,000.00	New
California Clean Energy Jobs Act	6230	8590		0.00	0.00		0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Career Technical Education Incentive Grant Program	6387	8590		48,871.91	48,871.91		25,527.11	25,527.11	-47.8%
Arts and Music in Schools (Prop 28)	6770	8590		209,657.00	209,657.00		412,841.66	412,841.66	96.9%
American Indian Early Childhood Education	7210	8590		0.00	0.00		0.00	0.00	0.0%
Specialized Secondary	7370	8590		0.00	0.00		0.00	0.00	0.0%
All Other State Revenue	All Other	8590	69,286.84	2,413,402.81	2,482,689.65	68,966.00	2,048,060.77	2,117,026.77	-14.7%
TOTAL, OTHER STATE REVENUE			488,900.09	2,934,488.81	3,423,388.90	451,581.00	2,838,376.72	3,289,957.72	-3.9%
OTHER LOCAL REVENUE									
Other Local Revenue									
County and District Taxes									
Other Restricted Levies									
Secured Roll		8615	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Unsecured Roll		8616	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Prior Years' Taxes		8617	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Supplemental Taxes		8618	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Non-Ad Valorem Taxes									
Parcel Taxes		8621	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other		8622	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Community Redevelopment Funds Not Subject to LCFF Deduction		8625	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Penalties and Interest from Delinquent Non-LCFF Taxes		8629	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Sales									
Sale of Equipment/Supplies		8631	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Sale of Publications		8632	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Food Service Sales		8634	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Sales		8639	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Leases and Rentals		8650	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Interest		8660	425,430.87	2,955.45	428,386.32	343,741.00	0.00	343,741.00	-19.8%
Net Increase (Decrease) in the Fair Value of Investments		8662	91,711.00	0.00	91,711.00	245,789.00	0.00	245,789.00	168.0%
Fees and Contracts									
Adult Education Fees		8671	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Non-Resident Students		8672	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transportation Fees From Individuals		8675	2,990.00	0.00	2,990.00	5,000.00	0.00	5,000.00	67.2%
Interagency Services		8677	0.00	0.00	0.00	0.00	0.00	0.00	0.0%

Unaudited Actuals
 General Fund
 Unrestricted and Restricted
 Expenditures by Object

 Pacific Grove Unified
 Monterey County

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Mitigation/Developer Fees		8681	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Fees and Contracts		8689	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Local Revenue									
Plus: Miscellaneous Funds Non-LCFF (50 Percent) Adjustment		8691	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Pass-Through Revenue from Local Sources		8697	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Local Revenue		8699	403,223.37	548,604.21	951,827.58	289,000.00	401,320.00	690,320.00	-27.5%
Tuition		8710	0.00	293,196.68	293,196.68	0.00	200,000.00	200,000.00	-31.8%
All Other Transfers In		8781-8783	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers of Apportionments									
Special Education SELPA Transfers									
From Districts or Charter Schools	6500	8791		0.00	0.00		0.00	0.00	0.0%
From County Offices	6500	8792		1,369,145.89	1,369,145.89		1,299,760.90	1,299,760.90	-5.1%
From JPAs	6500	8793		0.00	0.00		0.00	0.00	0.0%
ROC/P Transfers									
From Districts or Charter Schools	6360	8791		0.00	0.00		0.00	0.00	0.0%
From County Offices	6360	8792		0.00	0.00		0.00	0.00	0.0%
From JPAs	6360	8793		0.00	0.00		0.00	0.00	0.0%
Other Transfers of Apportionments									
From Districts or Charter Schools	All Other	8791	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
From County Offices	All Other	8792	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
From JPAs	All Other	8793	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			923,355.24	2,213,902.23	3,137,257.47	863,530.00	1,901,080.90	2,764,610.90	-11.2%
TOTAL REVENUES			41,670,963.97	5,826,618.78	47,497,582.75	42,484,002.00	5,374,800.20	47,858,802.20	0.8%
CERTIFICATED SALARIES									
Certificated Teachers' Salaries		1100	12,814,345.13	2,462,041.73	15,276,386.86	13,259,430.06	2,655,363.06	15,914,793.12	4.2%
Certificated Pupil Support Salaries		1200	994,763.95	870,707.42	1,865,471.37	1,017,343.61	943,149.45	1,960,493.06	5.1%
Certificated Supervisors' and Administrators' Salaries		1300	1,860,712.16	202,979.63	2,063,691.79	1,926,395.59	207,742.40	2,134,137.99	3.4%
Other Certificated Salaries		1900	230,248.25	0.00	230,248.25	178,618.38	0.00	178,618.38	-22.4%
TOTAL CERTIFICATED SALARIES			15,900,069.49	3,535,728.78	19,435,798.27	16,381,767.64	3,806,254.91	20,188,042.55	3.9%
CLASSIFIED SALARIES									
Classified Instructional Salaries		2100	995,222.55	1,826,522.97	2,822,745.52	841,578.70	2,067,882.18	2,909,460.88	3.1%
Classified Support Salaries		2200	1,667,768.68	656,113.69	2,323,882.37	1,698,467.35	675,738.50	2,374,205.85	2.2%
Classified Supervisors' and Administrators' Salaries		2300	685,118.92	174,416.28	859,535.20	656,153.90	177,895.01	834,048.91	-3.0%

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Clerical, Technical and Office Salaries		2400	2,034,163.83	111,523.48	2,145,683.31	1,933,694.51	101,972.19	2,035,666.70	-5.1%
Other Classified Salaries		2900	808,780.17	322,018.31	1,130,798.48	456,444.48	809,049.72	1,265,494.20	11.9%
TOTAL, CLASSIFIED SALARIES			6,192,060.15	3,090,594.73	9,282,654.88	5,586,338.94	3,832,537.60	9,418,876.54	1.5%
EMPLOYEE BENEFITS									
STRS		3101-3102	2,959,504.98	2,386,907.81	5,346,412.79	3,081,902.28	2,585,260.61	5,667,162.89	6.0%
PERS		3201-3202	1,505,177.25	726,117.63	2,231,294.88	1,538,262.58	970,598.57	2,508,861.15	12.4%
OASDI/Medicare/Alternative		3301-3302	688,413.67	262,383.26	950,796.93	778,971.44	349,783.34	1,128,754.78	18.7%
Health and Welfare Benefits		3401-3402	2,084,372.93	453,574.61	2,537,947.54	1,784,121.07	568,656.86	2,352,777.93	-7.3%
Unemployment Insurance		3501-3502	11,092.39	3,225.07	14,317.46	11,014.64	3,818.61	14,833.25	3.6%
Workers' Compensation		3601-3602	553,189.52	160,888.28	714,077.80	546,718.24	189,450.75	736,168.99	3.1%
OPEB, Allocated		3701-3702	387,083.56	0.00	387,083.56	416,110.00	0.00	416,110.00	7.5%
OPEB, Active Employees		3751-3752	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	19,567.19	3,181.58	22,748.77	19,866.72	3,183.12	23,049.84	1.3%
TOTAL, EMPLOYEE BENEFITS			8,208,401.49	3,996,278.24	12,204,679.73	8,176,986.97	4,670,751.86	12,847,718.83	5.3%
BOOKS AND SUPPLIES									
Approved Textbooks and Core Curricula Materials		4100	93,200.19	74,196.18	167,396.37	61,885.00	232,250.85	294,135.85	75.7%
Books and Other Reference Materials		4200	13,853.96	9,898.87	23,752.83	16,800.00	0.00	16,800.00	-29.3%
Materials and Supplies		4300	373,117.59	361,262.94	734,380.53	414,745.80	583,841.43	998,587.23	36.0%
Noncapitalized Equipment		4400	27,536.75	199,784.41	227,321.16	11,500.00	35,000.00	46,500.00	-79.5%
Food		4700	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, BOOKS AND SUPPLIES			507,708.49	645,142.40	1,152,850.89	504,930.80	851,092.28	1,356,023.08	17.6%
SERVICES AND OTHER OPERATING EXPENDITURES									
Subagreements for Services		5100	0.00	231,975.02	231,975.02	85,000.00	60,000.00	145,000.00	-37.5%
Travel and Conferences		5200	53,888.94	45,618.50	99,507.44	45,218.75	58,000.00	103,218.75	3.7%
Dues and Memberships		5300	50,832.55	0.00	50,832.55	62,389.00	0.00	62,389.00	22.7%
Insurance		5400 - 5450	272,263.00	0.00	272,263.00	300,000.00	0.00	300,000.00	10.2%
Operations and Housekeeping Services		5500	1,399,430.22	928.19	1,400,358.41	1,438,615.00	0.00	1,438,615.00	2.7%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	95,771.49	89,253.90	185,025.39	104,955.45	51,000.00	155,955.45	-15.7%
Transfers of Direct Costs		5710	(3,307.50)	3,307.50	0.00	0.00	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	20,938.00	20,938.00	28,000.00	0.00	28,000.00	33.7%
Professional/Consulting Services and Operating Expenditures		5800	1,800,502.86	2,296,358.26	4,096,861.12	1,612,928.00	720,000.00	2,332,928.00	-43.1%
Communications		5900	86,348.11	1,895.21	88,243.32	116,231.60	1,983.40	118,215.00	34.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			3,755,729.67	2,690,274.58	6,446,004.25	3,793,337.80	890,983.40	4,684,321.20	-27.3%

Unaudited Actuals
General Fund
Unrestricted and Restricted
Expenditures by Object

Pacific Grove Unified
Monterey County

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
CAPITAL OUTLAY									
Land		6100	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Land Improvements		6170	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Buildings and Improvements of Buildings		6200	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Books and Media for New School Libraries or Major Expansion of School Libraries		6300	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Equipment		6400	347.02	51,430.79	51,777.81	0.00	0.00	0.00	-100.0%
Equipment Replacement		6500	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			347.02	51,430.79	51,777.81	0.00	0.00	0.00	-100.0%
OTHER OUTGO (excluding Transfers of Indirect Costs)									
Tuition									
Tuition for Instruction Under Interdistrict		7110	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Attendance Agreements		7130	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
State Special Schools									
Tuition, Excess Costs, and/or Deficit Payments		7141	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Payments to Districts or Charter Schools		7142	0.00	133,486.57	133,486.57	0.00	110,000.00	110,000.00	-17.6%
Payments to County Offices		7143	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Payments to JPAs									
Transfers of Pass-Through Revenues									
To Districts or Charter Schools		7211	0.00	14,025.00	14,025.00	0.00	0.00	0.00	-100.0%
To County Offices		7212	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To JPAs		7213	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Special Education SELPA Transfers of Apportionments									
To Districts or Charter Schools	6500	7221		0.00	0.00		0.00	0.00	0.0%
To County Offices	6500	7222		0.00	0.00		0.00	0.00	0.0%
To JPAs	6500	7223		0.00	0.00		0.00	0.00	0.0%
ROC/P Transfers of Apportionments									
To Districts or Charter Schools	6360	7221		0.00	0.00		0.00	0.00	0.0%
To County Offices	6360	7222		0.00	0.00		0.00	0.00	0.0%
To JPAs	6360	7223		0.00	0.00		0.00	0.00	0.0%
Other Transfers of Apportionments	All Other	7221-7223	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers		7281-7283	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers Out to All Others		7299	0.00	0.00	0.00	0.00	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Debt Service									
Debt Service - Interest		7438	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	147,511.57	147,511.57	0.00	110,000.00	110,000.00	-25.4%
OTHER OUTGO - TRANSFERS OF INDIRECT COSTS									
Transfers of Indirect Costs		7310	(195,355.09)	195,355.09	0.00	(80,584.77)	80,584.77	0.00	0.0%
Transfers of Indirect Costs - Interfund		7350	(155,644.90)	0.00	(155,644.90)	(48,695.36)	0.00	(48,695.36)	-68.7%
TOTAL, OTHER OUTGO - TRANSFERS OF INDIRECT COSTS			(350,999.99)	195,355.09	(155,644.90)	(129,280.13)	80,584.77	(48,695.36)	-68.7%
TOTAL, EXPENDITURES			34,213,316.32	14,352,316.18	48,565,632.50	34,314,082.02	14,242,204.82	48,556,286.84	0.0%
INTERFUND TRANSFERS									
INTERFUND TRANSFERS IN									
From: Special Reserve Fund		8912	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
From: Bond Interest and Redemption Fund		8914	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
INTERFUND TRANSFERS OUT									
To: Child Development Fund		7611	0.00	0.00	0.00	140,051.31	0.00	140,051.31	New
To: Special Reserve Fund		7612	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To State School Building Fund/County School Facilities Fund		7613	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To: Cafeteria Fund		7616	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	400,000.00	0.00	400,000.00	200,000.00	0.00	200,000.00	-50.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			400,000.00	0.00	400,000.00	340,051.31	0.00	340,051.31	-15.0%
OTHER SOURCES/USES									
SOURCES									
State Apportionments		8931	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Emergency Apportionments		8953	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Proceeds									
Proceeds from Disposal of Capital Assets									
Other Sources									
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Long-Term Debt Proceeds									
Proceeds from Certificates of Participation		8971	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.00	0.00	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Proceeds from Lease Revenue Bonds		8973	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
USES									
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
CONTRIBUTIONS									
Contributions from Unrestricted Revenues		8980	(7,658,972.99)	7,658,972.99	0.00	(8,454,297.06)	8,454,297.06	0.00	0.0%
Contributions from Restricted Revenues		8990	23,777.77	(23,777.77)	0.00	0.00	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			(7,635,195.22)	7,635,195.22	0.00	(8,454,297.06)	8,454,297.06	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			(8,035,195.22)	7,635,195.22	(400,000.00)	(8,794,348.37)	8,454,297.06	(340,051.31)	-15.0%

Unaudited Actuals
General Fund
Unrestricted and Restricted
Expenditures by Function

Pacific Grove Unified
Monterey County

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
A. REVENUES									
1) LCFF Sources		8010-8099	40,258,708.64	0.00	40,258,708.64	41,148,891.00	0.00	41,148,891.00	2.2%
2) Federal Revenue		8100-8299	0.00	678,227.74	678,227.74	0.00	635,342.58	635,342.58	-6.3%
3) Other State Revenue		8300-8599	488,900.09	2,934,488.81	3,423,388.90	451,581.00	2,838,376.72	3,289,957.72	-3.9%
4) Other Local Revenue		8600-8799	923,355.24	2,213,902.23	3,137,257.47	883,530.00	1,901,080.90	2,784,610.90	-11.2%
5) TOTAL, REVENUES			41,670,963.97	5,826,618.78	47,497,582.75	42,484,002.00	5,374,800.20	47,858,802.20	0.8%
B. EXPENDITURES (Objects 1000-7999)									
1) Instruction	1000-1999		19,241,016.37	8,852,989.06	28,094,005.43	19,272,865.95	9,014,450.86	28,287,316.81	0.7%
2) Instruction - Related Services	2000-2999		3,940,349.51	566,383.79	4,506,733.30	4,475,705.44	532,824.14	5,008,529.58	11.1%
3) Pupil Services	3000-3999		2,675,154.93	2,737,107.45	5,412,262.38	1,958,135.03	2,629,156.76	4,587,291.79	-15.2%
4) Ancillary Services	4000-4999		562,356.70	107,042.83	669,399.53	577,450.47	40,390.00	617,840.47	-7.7%
5) Community Services	5000-5999		11,003.52	152,150.59	163,154.11	0.00	203,144.81	203,144.81	24.5%
6) Enterprise	6000-6999		0.00	0.00	0.00	0.00	0.00	0.00	0.0%
7) General Administration	7000-7999		4,183,095.26	271,961.62	4,455,056.88	4,220,630.38	145,313.77	4,365,944.15	-2.0%
8) Plant Services	8000-8999		3,456,110.86	1,517,169.27	4,973,280.13	3,499,294.75	1,566,924.48	5,066,219.23	1.9%
9) Other Outgo	9000-9999	Except 7600-7699	144,229.17	147,511.57	291,740.74	310,000.00	110,000.00	420,000.00	44.0%
10) TOTAL, EXPENDITURES			34,213,316.32	14,352,316.18	48,565,632.50	34,314,082.02	14,242,204.82	48,556,286.84	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (AS - B10)									
			7,457,647.65	(8,525,697.40)	(1,068,049.75)	8,169,919.98	(8,867,404.62)	(697,484.64)	-34.7%
D. OTHER FINANCING SOURCES/USES									
1) Interfund Transfers									
a) Transfers In		8900-8929	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Transfers Out		7600-7629	400,000.00	0.00	400,000.00	340,051.31	0.00	340,051.31	-15.0%
2) Other Sources/Uses									
a) Sources		8930-8979	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
3) Contributions		8980-8999	(7,635,195.22)	7,635,195.22	0.00	(8,454,297.06)	8,454,297.06	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			(8,035,195.22)	7,635,195.22	(400,000.00)	(8,794,348.37)	8,454,297.06	(340,051.31)	-15.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)									
			(577,547.57)	(890,502.18)	(1,468,049.75)	(824,428.39)	(413,107.56)	(1,037,535.95)	-29.3%
F. FUND BALANCE, RESERVES									
1) Beginning Fund Balance			5,460,266.32	3,286,819.27	8,747,085.59	4,882,718.75	2,318,963.30	7,201,682.05	-17.7%
a) As of July 1 - Unaudited		9791							

27 66134 0000000
Form 01
F8AXHT5K6X(2024-25)

Unaudited Actuals
General Fund
Unrestricted and Restricted
Expenditures by Function

Pacific Grove Unified
Monterey County

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals			2025-26 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
b) Audit Adjustments		9793	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			5,460,266.32	3,286,819.27	8,747,085.59	4,882,718.75	2,318,963.30	7,201,682.05	-17.7%
d) Other Restatements		9795	0.00	(77,353.79)	(77,353.79)	0.00	0.00	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			5,460,266.32	3,209,465.48	8,669,731.80	4,882,718.75	2,318,963.30	7,201,682.05	-16.9%
2) Ending Balance, June 30 (E + F1e)			4,882,718.75	2,318,963.30	7,201,682.05	4,258,290.36	1,905,855.74	6,164,146.10	-14.4%
Components of Ending Fund Balance									
a) Nonspendable									
Revolving Cash		9711	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	0.0%
Stores		9712	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Prepaid Items		9713	518.83	0.00	518.83	0.00	0.00	0.00	-100.0%
All Others		9719	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Restricted		9740	0.00	2,318,963.30	2,318,963.30	0.00	1,905,855.74	1,905,855.74	-17.8%
c) Committed									
Stabilization Arrangements		9750	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
d) Assigned									
Other Assignments (by Resource/Object)		9780	3,838,800.43	0.00	3,838,800.43	2,786,399.36	0.00	2,786,399.36	-27.4%
Property Tax Reserve	0000	9780	146,481.56		146,481.56			0.00	
Deferred Maintenance Reserve	0000	9780	173,067.00		173,067.00			0.00	
STRS/PERS Reserve	0000	9780	357,845.00		357,845.00			0.00	
Basic Aid Reserve	0000	9780	3,161,406.87		3,161,406.87			0.00	
Deferred Maintenance Reserve	0000	9780			0.00	244,482.00		244,482.00	
STRS/PERS Reserve (OPEB)	0000	9780			0.00	357,845.00		357,845.00	
Vacation Liability	0000	9780			0.00	658,609.34		658,609.34	
Basic Aid Reserve	0000	9780			0.00	1,507,973.42		1,507,973.42	
Change to Ending Balance Adjusted due to Prior Year Expenditures	0000	9780			0.00	17,489.60		17,489.60	
e) Unassigned/Unappropriated									
Reserve for Economic Uncertainties		9789	1,038,399.49	0.00	1,038,399.49	1,466,891.00	0.00	1,466,891.00	41.3%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.00	0.00	0.00	0.00	0.0%

Pacific Grove Unified Monterey County		Unaudited Actuals General Fund Exhibit: Restricted Balance Detail		27 66134 0000000 Form 01 F8A.XHT5K6X(2024-25)	
Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget		
6300	Lottery : Instructional Materials	184,743.38	80,607.53		
6383	Golden State Pathways Program	145,264.13	145,264.13		
6547	Special Education Early Intervention Preschool Grant	104,781.44	104,781.44		
6762	Arts, Music, and Instructional Materials Discretionary Block Grant	414,519.44	105,547.73		
6770	Arts and Music in Schools (AMS)-Funding Guarantee and Accountability Act (Prop 28)	270,175.29	270,175.29		
7032	Child Nutrition: Kitchen Infrastructure and Training Funds - 2022 KIT Funds	234,522.50	234,522.50		
7339	Dual Enrollment Opportunities	92,724.34	92,724.34		
7399	LCFF Equity Multiplier	50,000.00	50,000.00		
7810	Other Restricted State	20,912.84	20,912.84		
9010	Other Restricted Local	801,319.94	801,319.94		
Total, Restricted Balance		2,318,963.30	1,905,855.74		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Student Activity Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 08
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	441,878.68	0.00	-300.0%
5) TOTAL, REVENUES			441,878.68	0.00	-300.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	176,768.26	0.00	-100.0%
5) Services and Other Operating Expenditures		5000-5999	250,993.39	0.00	-200.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			427,761.65	0.00	-300.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			14,117.03	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			14,117.03	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	415,462.10	429,579.13	3.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			415,462.10	429,579.13	3.4%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			415,462.10	429,579.13	3.4%
2) Ending Balance, June 30 (E + F1e)			429,579.13	429,579.13	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	429,579.13	429,579.13	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					

Pacific Grove Unified
Monterey County

Unaudited Actuals
Student Activity Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 08
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
a) in County Treasury		9110	0.00		
1) Fair Value Adjustment to Cash in County Treasury		9111	0.00		
b) in Banks		9120	418,992.33		
c) in Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	0.00		
2) Investments		9150	10,586.80		
3) Accounts Receivable		9200	0.00		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9360	0.00		
10) TOTAL, ASSETS			429,579.13		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	0.00		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640	0.00		
5) Unearned Revenues		9650	0.00		
6) TOTAL, LIABILITIES			0.00		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
Ending Fund Balance, June 30					
(must agree with line F2) (G10 + H2) - (I6 + J2)			429,579.13		
REVENUES					
Sale of Equipment and Supplies		8631	0.00	0.00	0.0%
All Other Sales		8639	0.00	0.00	0.0%
Interest		8660	1,873.90	0.00	-100.0%
Net Increase (Decrease) in the Fair Value of Investments		8662	(121.91)	0.00	-100.0%
All Other Fees and Contracts		8689	0.00	0.00	0.0%
All Other Local Revenue		8699	440,126.69	0.00	-100.0%
TOTAL, REVENUES			441,878.68	0.00	-300.0%
CERTIFICATED SALARIES					
Certificated Teachers' Salaries		1100	0.00	0.00	0.0%
Certificated Pupil Support Salaries		1200	0.00	0.00	0.0%
Certificated Supervisors' and Administrators' Salaries		1300	0.00	0.00	0.0%
Other Certificated Salaries		1900	0.00	0.00	0.0%
TOTAL, CERTIFICATED SALARIES			0.00	0.00	0.0%
CLASSIFIED SALARIES					
Classified Instructional Salaries		2100	0.00	0.00	0.0%
Classified Support Salaries		2200	0.00	0.00	0.0%
Classified Supervisors' and Administrators' Salaries		2300	0.00	0.00	0.0%
Clerical, Technical and Office Salaries		2400	0.00	0.00	0.0%
Other Classified Salaries		2900	0.00	0.00	0.0%
TOTAL, CLASSIFIED SALARIES			0.00	0.00	0.0%
EMPLOYEE BENEFITS					
STRS		3101-3102	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Student Activity Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 08
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
PERS		3201-3202	0.00	0.00	0.0%
OASDI/Medicare/Alternative		3301-3302	0.00	0.00	0.0%
Health and Welfare Benefits		3401-3402	0.00	0.00	0.0%
Unemployment Insurance		3501-3502	0.00	0.00	0.0%
Workers' Compensation		3601-3602	0.00	0.00	0.0%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	0.00	0.00	0.0%
TOTAL, EMPLOYEE BENEFITS			0.00	0.00	0.0%
BOOKS AND SUPPLIES					
Materials and Supplies		4300	176,768.26	0.00	-100.0%
Noncapitalized Equipment		4400	0.00	0.00	0.0%
TOTAL, BOOKS AND SUPPLIES			176,768.26	0.00	-100.0%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Dues and Memberships		5300	52,026.30	0.00	-100.0%
Insurance		5400-5450	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	198,967.09	0.00	-100.0%
Communications		5900	0.00	0.00	0.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			250,993.39	0.00	-200.0%
CAPITAL OUTLAY					
Equipment		6400	0.00	0.00	0.0%
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			0.00	0.00	0.0%
OTHER OUTGO - TRANSFERS OF INDIRECT COSTS					
Transfers of Indirect Costs - Interfund		7350	0.00	0.00	0.0%
TOTAL, OTHER OUTGO - TRANSFERS OF INDIRECT COSTS			0.00	0.00	0.0%
TOTAL, EXPENDITURES			427,761.65	0.00	-300.0%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Proceeds from Disposal of Capital Assets		8953	0.00	0.00	0.0%
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Student Activity Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 08
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES					
(a- b + c - d + e)			0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Student Activity Special Revenue Fund
Expenditures by Function

27 66134 0000000
Form 08
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	441,878.68	0.00	-300.0%
5) TOTAL, REVENUES			441,878.68	0.00	-300.0%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		427,761.65	0.00	-100.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		0.00	0.00	0.0%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			427,761.65	0.00	-100.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			14,117.03	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			14,117.03	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	415,462.10	429,579.13	3.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			415,462.10	429,579.13	3.4%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			415,462.10	429,579.13	3.4%
2) Ending Balance, June 30 (E + F1e)			429,579.13	429,579.13	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	429,579.13	429,579.13	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Student Activity Special Revenue Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 08
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
8210	Student Activity Funds	429,579.13	429,579.13
Total, Restricted Balance		429,579.13	429,579.13

Pacific Grove Unified
Monterey County

Unaudited Actuals
Adult Education Fund
Expenditures by Object

27 66134 0000000
Form 11
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	200,000.00	New
2) Federal Revenue		8100-8299	50,956.57	48,000.00	-5.8%
3) Other State Revenue		8300-8599	1,860,892.00	1,907,776.86	2.5%
4) Other Local Revenue		8600-8799	940,917.09	580,000.00	-38.4%
5) TOTAL, REVENUES			2,852,765.66	2,735,776.86	-4.1%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	784,431.09	800,600.50	2.1%
2) Classified Salaries		2000-2999	1,316,455.49	1,414,073.53	7.4%
3) Employee Benefits		3000-3999	755,481.04	939,271.15	24.3%
4) Books and Supplies		4000-4999	93,915.08	110,350.00	17.5%
5) Services and Other Operating Expenditures		5000-5999	197,276.83	253,910.00	28.7%
6) Capital Outlay		6000-6999	54,425.00	26,000.00	-52.2%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	101,366.03	0.00	-100.0%
9) TOTAL, EXPENDITURES			3,303,350.56	3,544,205.18	7.3%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(450,584.90)	(808,428.32)	79.4%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(450,584.90)	(808,428.32)	79.4%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	2,757,494.16	2,306,909.26	-16.3%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			2,757,494.16	2,306,909.26	-16.3%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			2,757,494.16	2,306,909.26	-16.3%
2) Ending Balance, June 30 (E + F1e)			2,306,909.26	1,498,480.94	-35.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	451,227.89	309,914.21	-31.3%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	1,855,681.37	1,188,566.73	-35.9%
Adult Education Reserve	0000	9780	1,855,681.37		
Adult Education Reserve	0000	9780		1,188,566.73	
e) Unassigned/Unappropriated Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) in County Treasury		9110	2,131,291.95		
1) Fair Value Adjustment to Cash in County Treasury		9111	9,989.69		
b) in Banks		9120	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Adult Education Fund
Expenditures by Object

27 66134 0000000
Form 11
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
c) in Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	21,060.00		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	174,421.00		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			2,336,762.64		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	29,853.38		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640			
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			29,853.38		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
(must agree with line F2) (G10 + H2) - (I6 + J2)			2,306,909.26		
LCFF SOURCES					
LCFF Transfers					
LCFF Transfers - Current Year		8091	0.00	200,000.00	New
LCFF Transfers - Prior Years		8099	0.00	0.00	0.0%
TOTAL, LCFF SOURCES			0.00	200,000.00	New
FEDERAL REVENUE					
Interagency Contracts Between LEAs		8285	0.00	0.00	0.0%
Pass-Through Revenues from Federal Sources		8287	0.00	0.00	0.0%
Career and Technical Education	3500-3599	8290	0.00	0.00	0.0%
All Other Federal Revenue	All Other	8290	50,956.57	48,000.00	-5.8%
TOTAL, FEDERAL REVENUE			50,956.57	48,000.00	-5.8%
OTHER STATE REVENUE					
Other State Apportionments					
All Other State Apportionments - Current Year		8311	0.00	0.00	0.0%
All Other State Apportionments - Prior Years		8319	0.00	0.00	0.0%
Pass-Through Revenues from State Sources		8587	0.00	0.00	0.0%
Adult Education Program	6391	8590	1,788,019.00	1,831,467.86	2.4%
All Other State Revenue	All Other	8590	72,873.00	76,309.00	4.7%
TOTAL, OTHER STATE REVENUE			1,860,892.00	1,907,776.86	2.5%
OTHER LOCAL REVENUE					
Other Local Revenue					
Sales					
Sale of Equipment/Supplies		8631	0.00	0.00	0.0%
Leases and Rentals		8650	0.00	0.00	0.0%
Interest		8660	95,514.26	40,000.00	-58.1%
Net Increase (Decrease) in the Fair Value of Investments		8662	21,592.56	10,000.00	-53.7%
Fees and Contracts					
Adult Education Fees		8671	810,473.24	530,000.00	-34.6%
Interagency Services		8677	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Adult Education Fund
Expenditures by Object

27 66134 0000000
Form 11
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Other Local Revenue					
All Other Local Revenue		8699	13,337.03	0.00	-100.0%
Tuition		8710	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			940,917.09	580,000.00	-38.4%
TOTAL, REVENUES			2,852,765.66	2,735,776.86	-4.1%
CERTIFICATED SALARIES					
Certificated Teachers' Salaries		1100	570,249.69	582,443.25	2.1%
Certificated Pupil Support Salaries		1200	0.00	0.00	0.0%
Certificated Supervisors' and Administrators' Salaries		1300	214,181.40	218,157.25	1.9%
Other Certificated Salaries		1900	0.00	0.00	0.0%
TOTAL, CERTIFICATED SALARIES			784,431.09	800,600.50	2.1%
CLASSIFIED SALARIES					
Classified Instructional Salaries		2100	729,638.08	769,475.85	5.5%
Classified Support Salaries		2200	146,903.32	169,000.80	15.0%
Classified Supervisors' and Administrators' Salaries		2300	131,033.60	133,138.76	1.6%
Clerical, Technical and Office Salaries		2400	272,351.58	287,544.09	5.6%
Other Classified Salaries		2900	36,528.91	54,914.03	50.3%
TOTAL, CLASSIFIED SALARIES			1,316,455.49	1,414,073.53	7.4%
EMPLOYEE BENEFITS					
STRS		3101-3102	224,601.23	227,778.20	1.4%
PERS		3201-3202	277,729.38	370,300.38	33.3%
OASDI/Medicare/Alternative		3301-3302	96,841.08	117,939.90	21.8%
Health and Welfare Benefits		3401-3402	100,216.28	164,398.44	64.0%
Unemployment Insurance		3501-3502	1,056.14	1,107.96	4.9%
Workers' Compensation		3601-3602	52,244.41	54,953.75	5.2%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	2,792.52	2,792.52	0.0%
TOTAL, EMPLOYEE BENEFITS			755,481.04	939,271.15	24.3%
BOOKS AND SUPPLIES					
Approved Textbooks and Core Curricula Materials		4100	0.00	0.00	0.0%
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	65,325.64	82,250.00	25.9%
Noncapitalized Equipment		4400	28,589.44	28,100.00	-1.7%
TOTAL, BOOKS AND SUPPLIES			93,915.08	110,350.00	17.5%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	1,174.00	1,500.00	27.8%
Travel and Conferences		5200	31,422.28	44,000.00	40.0%
Dues and Memberships		5300	781.86	2,550.00	226.1%
Insurance		5400-5450	0.00	0.00	0.0%
Operations and Housekeeping Services		5500	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	3,432.71	300.00	-91.3%
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	143,457.51	189,000.00	31.7%
Communications		5900	17,008.47	16,560.00	-2.6%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			197,276.83	253,910.00	28.7%
CAPITAL OUTLAY					
Land		6100	28,800.00	0.00	-100.0%
Land Improvements		6170	0.00	0.00	0.0%
Buildings and Improvements of Buildings		6200	25,625.00	0.00	-100.0%
Equipment		6400	0.00	26,000.00	New
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			54,425.00	26,000.00	-52.2%
OTHER OUTGO (excluding Transfers of Indirect Costs)					

Pacific Grove Unified
Monterey County

Unaudited Actuals
Adult Education Fund
Expenditures by Object

27 66134 0000000
Form 11
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Tuition					
Tuition, Excess Costs, and/or Deficit Payments					
Payments to Districts or Charter Schools		7141	0.00	0.00	0.0%
Payments to County Offices		7142	0.00	0.00	0.0%
Payments to JPAs		7143	0.00	0.00	0.0%
Other Transfers Out					
Transfers of Pass-Through Revenues					
To Districts or Charter Schools		7211	0.00	0.00	0.0%
To County Offices		7212	0.00	0.00	0.0%
To JPAs		7213	0.00	0.00	0.0%
Debt Service					
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
OTHER OUTGO - TRANSFERS OF INDIRECT COSTS					
Transfers of Indirect Costs - Interfund		7350	101,366.03	0.00	-100.0%
TOTAL, OTHER OUTGO - TRANSFERS OF INDIRECT COSTS			101,366.03	0.00	-100.0%
TOTAL, EXPENDITURES			3,303,350.56	3,544,205.18	7.3%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
To: State School Building Fund/County School Facilities Fund		7613	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					
Proceeds from Certificates of Participation		8971	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Adult Education Fund
Expenditures by Function

27 66134 0000000
Form 11
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	200,000.00	New
2) Federal Revenue		8100-8299	50,956.57	48,000.00	-5.8%
3) Other State Revenue		8300-8599	1,860,892.00	1,907,776.86	2.5%
4) Other Local Revenue		8600-8799	940,917.09	580,000.00	-38.4%
5) TOTAL, REVENUES			2,852,765.66	2,735,776.86	-4.1%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		1,864,193.62	2,100,171.45	12.7%
2) Instruction - Related Services	2000-2999		1,054,978.95	1,189,604.01	12.8%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		101,366.03	0.00	-100.0%
8) Plant Services	8000-8999		282,811.96	254,429.72	-10.0%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			3,303,350.56	3,544,205.18	7.3%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B10)			(450,584.90)	(808,428.32)	79.4%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(450,584.90)	(808,428.32)	79.4%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	2,757,494.16	2,306,909.26	-16.3%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			2,757,494.16	2,306,909.26	-16.3%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			2,757,494.16	2,306,909.26	-16.3%
2) Ending Balance, June 30 (E + F1e)			2,306,909.26	1,498,480.94	-35.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	451,227.89	309,914.21	-31.3%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	1,855,681.37	1,188,566.73	-35.9%
Adult Education Reserve	0000	9780	1,855,681.37		
Adult Education Reserve	0000	9780		1,188,566.73	
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Adult Education Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 11
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
6391	Adult Education Program	253,400.04	112,086.36
9010	Other Restricted Local	197,827.85	197,827.85
Total, Restricted Balance		451,227.89	309,914.21

Pacific Grove Unified
Monterey County

Unaudited Actuals
Child Development Fund
Expenditures by Object

27 66134 0000000
Form 12
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	161,677.53	133,801.18	-17.2%
4) Other Local Revenue		8600-8799	320,373.73	270,000.00	-15.7%
5) TOTAL, REVENUES			482,051.26	403,801.18	-16.2%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	50,477.29	52,000.00	3.0%
2) Classified Salaries		2000-2999	316,075.44	289,288.36	-8.5%
3) Employee Benefits		3000-3999	173,099.09	185,668.77	7.3%
4) Books and Supplies		4000-4999	20,428.71	6,000.00	-70.6%
5) Services and Other Operating Expenditures		5000-5999	5,276.17	2,200.00	-58.3%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	6,938.74	8,695.36	25.3%
9) TOTAL, EXPENDITURES			572,295.44	543,852.49	-5.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(90,244.18)	(140,051.31)	55.2%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	140,051.31	New
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	140,051.31	New
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(90,244.18)	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	199,990.29	151,113.11	-24.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			199,990.29	151,113.11	-24.4%
d) Other Restatements		9795	41,367.00	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			241,357.29	151,113.11	-37.4%
2) Ending Balance, June 30 (E + F1e)			151,113.11	151,113.11	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	142,753.74	142,753.74	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	8,359.37	8,359.37	0.0%
Child Development Reserve	0000	9780	8,359.37		
Child Development Reserve	0000	9780		8,359.37	
e) Unassigned/Unappropriated Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) In County Treasury		9110	77,090.99		
1) Fair Value Adjustment to Cash in County Treasury		9111	361.34		
b) In Banks		9120	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Child Development Fund
Expenditures by Object

27 66134 0000000
Form 12
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
c) In Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	65,162.74		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	38,460.36		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			181,075.43		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	9,898.98		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640			
5) Unearned Revenue		9650	20,063.34		
6) TOTAL, LIABILITIES			29,962.32		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
(must agree with line F2) (G10 + H2) - (I6 + J2)			151,113.11		
FEDERAL REVENUE					
Child Nutrition Programs		8220	0.00	0.00	0.0%
Interagency Contracts Between LEAs		8285	0.00	0.00	0.0%
Title I, Part A, Basic	3010	8290	0.00	0.00	0.0%
All Other Federal Revenue	All Other	8290	0.00	0.00	0.0%
TOTAL, FEDERAL REVENUE			0.00	0.00	0.0%
OTHER STATE REVENUE					
Child Nutrition Programs		8520	0.00	0.00	0.0%
Child Development Apportionments		8530	0.00	0.00	0.0%
Pass-Through Revenues from State Sources		8587	0.00	0.00	0.0%
Expanded Learning Opportunities Program (ELO-P)	2600	8590	0.00	0.00	0.0%
State Preschool	6105	8590	139,133.66	128,963.18	-7.3%
Arts and Music in Schools (Prop 28)	6770	8590	0.00	0.00	0.0%
All Other State Revenue	All Other	8590	22,543.87	4,838.00	-78.5%
TOTAL, OTHER STATE REVENUE			161,677.53	133,801.18	-17.2%
OTHER LOCAL REVENUE					
Other Local Revenue					
Sales					
Sale of Equipment/Supplies		8631	0.00	0.00	0.0%
Food Service Sales		8634	0.00	0.00	0.0%
Interest		8660	6,929.80	0.00	-100.0%
Net Increase (Decrease) in the Fair Value of Investments		8662	1,374.31	0.00	-100.0%
Fees and Contracts					
Child Development Parent Fees		8673	311,569.62	270,000.00	-13.3%
Interagency Services		8677	0.00	0.00	0.0%
All Other Fees and Contracts		8689	0.00	0.00	0.0%
Other Local Revenue					
All Other Local Revenue		8699	500.00	0.00	-100.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			320,373.73	270,000.00	-15.7%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Child Development Fund
Expenditures by Object

27 66134 0000000
Form 12
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
TOTAL, REVENUES			482,051.26	403,801.18	-16.2%
CERTIFICATED SALARIES					
Certificated Teachers' Salaries		1100	50,477.29	52,000.00	3.0%
Certificated Pupli Support Salaries		1200	0.00	0.00	0.0%
Certificated Supervisors' and Administrators' Salaries		1300	0.00	0.00	0.0%
Other Certificated Salaries		1900	0.00	0.00	0.0%
TOTAL, CERTIFICATED SALARIES			50,477.29	52,000.00	3.0%
CLASSIFIED SALARIES					
Classified Instructional Salaries		2100	42,373.69	116,851.13	175.8%
Classified Support Salaries		2200	0.00	0.00	0.0%
Classified Supervisors' and Administrators' Salaries		2300	0.00	0.00	0.0%
Clerical, Technical and Office Salaries		2400	1,132.53	0.00	-100.0%
Other Classified Salaries		2900	272,569.22	172,437.23	-36.7%
TOTAL, CLASSIFIED SALARIES			316,075.44	289,288.36	-8.5%
EMPLOYEE BENEFITS					
STRS		3101-3102	14,211.10	14,770.00	3.9%
PERS		3201-3202	78,914.00	77,558.21	-1.7%
OASDI/Medicare/Alternative		3301-3302	23,939.38	22,680.67	-5.3%
Health and Welfare Benefits		3401-3402	46,561.67	62,026.65	33.2%
Unemployment Insurance		3501-3502	187.34	170.64	-8.9%
Workers' Compensation		3601-3602	9,285.60	8,462.60	-8.9%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	0.00	0.00	0.0%
TOTAL, EMPLOYEE BENEFITS			173,099.09	185,668.77	7.3%
BOOKS AND SUPPLIES					
Approved Textbooks and Core Curricula Materials		4100	0.00	0.00	0.0%
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	19,022.03	6,000.00	-68.5%
Noncapitalized Equipment		4400	1,406.68	0.00	-100.0%
Food		4700	0.00	0.00	0.0%
TOTAL, BOOKS AND SUPPLIES			20,428.71	6,000.00	-70.6%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Travel and Conferences		5200	0.00	0.00	0.0%
Dues and Memberships		5300	0.00	0.00	0.0%
Insurance		5400-5450	0.00	0.00	0.0%
Operations and Housekeeping Services		5500	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	388.62	0.00	-100.0%
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	4,887.55	2,200.00	-55.0%
Communications		5900	0.00	0.00	0.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			5,276.17	2,200.00	-58.3%
CAPITAL OUTLAY					
Land		6100	0.00	0.00	0.0%
Land Improvements		6170	0.00	0.00	0.0%
Buildings and Improvements of Buildings		6200	0.00	0.00	0.0%
Equipment		6400	0.00	0.00	0.0%
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			0.00	0.00	0.0%
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Other Transfers Out					
All Other Transfers Out to All Others		7299	0.00	0.00	0.0%
Debt Service					

Pacific Grove Unified
Monterey County

Unaudited Actuals
Child Development Fund
Expenditures by Object

27 66134 0000000
Form 12
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
OTHER OUTGO - TRANSFERS OF INDIRECT COSTS					
Transfers of Indirect Costs - Interfund		7350	6,938.74	8,695.36	25.3%
TOTAL, OTHER OUTGO - TRANSFERS OF INDIRECT COSTS			6,938.74	8,695.36	25.3%
TOTAL, EXPENDITURES			572,295.44	543,852.49	-5.0%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
From: General Fund		8911	0.00	140,051.31	New
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	140,051.31	New
INTERFUND TRANSFERS OUT					
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					
Proceeds from Certificates of Participation		8971	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			0.00	140,051.31	New

Pacific Grove Unified
Monterey County

Unaudited Actuals
Child Development Fund
Expenditures by Function

27 66134 0000000
Form 12
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	161,677.53	133,801.18	-17.2%
4) Other Local Revenue		8600-8799	320,373.73	270,000.00	-15.7%
5) TOTAL, REVENUES			482,051.26	403,801.18	-16.2%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		127,532.90	125,105.82	-1.9%
2) Instruction - Related Services	2000-2999		958.28	0.00	-100.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		436,476.90	410,051.31	-6.1%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		6,938.74	8,695.36	25.3%
8) Plant Services	8000-8999		388.62	0.00	-100.0%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			572,295.44	543,852.49	-5.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B10)			(90,244.18)	(140,051.31)	55.2%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	140,051.31	New
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	140,051.31	New
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(90,244.18)	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	199,990.29	151,113.11	-24.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			199,990.29	151,113.11	-24.4%
d) Other Restatements		9795	41,367.00	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			241,357.29	151,113.11	-37.4%
2) Ending Balance, June 30 (E + F1e)			151,113.11	151,113.11	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	142,753.74	142,753.74	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	8,359.37	8,359.37	0.0%
Child Development Reserve	0000	9780	8,359.37		
Child Development Reserve	0000	9780		8,359.37	
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Child Development Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 12
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
5059	Early Education: ARP California State Preschool Program One-time Stipend	13,547.74	13,547.74
5066	Early Education: ARP California State Preschool Program - Rate Supplements	16,444.00	16,444.00
6130	Early Education: Center-Based Reserve Account	27,515.00	27,515.00
7810	Other Restricted State	85,247.00	85,247.00
Total, Restricted Balance		142,753.74	142,753.74

Pacific Grove Unified
Monterey County

Unaudited Actuals
Cafeteria Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 13
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	347,756.15	350,000.00	0.6%
3) Other State Revenue		8300-8599	1,209,586.26	1,250,000.00	3.3%
4) Other Local Revenue		8600-8799	40,260.52	3,000.00	-92.5%
5) TOTAL, REVENUES			1,597,602.93	1,603,000.00	0.3%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	530,115.46	544,534.89	2.7%
3) Employee Benefits		3000-3999	219,494.85	234,373.89	6.8%
4) Books and Supplies		4000-4999	630,930.08	782,000.00	23.9%
5) Services and Other Operating Expenditures		5000-5999	(1,394.41)	40,780.00	-3,024.5%
6) Capital Outlay		6000-6999	0.00	15,000.00	New
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	47,340.13	40,000.00	-15.5%
9) TOTAL, EXPENDITURES			1,426,466.11	1,656,688.78	16.1%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			171,116.82	(53,688.78)	-131.4%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			171,116.82	(53,688.78)	-131.4%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	1,177,570.11	1,348,686.93	14.5%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			1,177,570.11	1,348,686.93	14.5%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			1,177,570.11	1,348,686.93	14.5%
2) Ending Balance, June 30 (E + F1e)			1,348,686.93	1,294,998.15	-4.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	23,533.33	0.00	-100.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	1,325,153.60	1,294,998.15	-2.3%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) in County Treasury		9110	1,121,646.80		
1) Fair Value Adjustment to Cash in County Treasury		9111	5,257.33		
b) in Banks		9120	0.00		
c) in Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Cafeteria Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 13
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
e) Collections Awaiting Deposit		9140	33,198.52		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	179,772.24		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	23,533.33		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			1,363,408.22		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	14,721.29		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640			
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			14,721.29		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
(must agree with line F2) (G10 + H2) - (I6 + J2)			1,348,686.93		
FEDERAL REVENUE					
Child Nutrition Programs		8220	347,756.15	350,000.00	0.6%
Donated Food Commodities		8221	0.00	0.00	0.0%
All Other Federal Revenue		8290	0.00	0.00	0.0%
TOTAL, FEDERAL REVENUE			347,756.15	350,000.00	0.6%
OTHER STATE REVENUE					
Child Nutrition Programs		8520	1,209,586.26	1,250,000.00	3.3%
All Other State Revenue		8590	0.00	0.00	0.0%
TOTAL, OTHER STATE REVENUE			1,209,586.26	1,250,000.00	3.3%
OTHER LOCAL REVENUE					
Other Local Revenue					
Sales					
Sale of Equipment/Supplies		8631	5,000.00	0.00	-100.0%
Food Service Sales		8634	6,228.64	1,000.00	-83.9%
Leases and Rentals		8650	0.00	0.00	0.0%
Interest		8660	17,027.16	0.00	-100.0%
Net Increase (Decrease) in the Fair Value of Investments		8662	11,705.92	2,000.00	-82.9%
Fees and Contracts					
Interagency Services		8677	0.00	0.00	0.0%
Other Local Revenue					
All Other Local Revenue		8699	298.80	0.00	-100.0%
TOTAL, OTHER LOCAL REVENUE			40,260.52	3,000.00	-92.5%
TOTAL, REVENUES			1,597,602.93	1,603,000.00	0.3%
CERTIFICATED SALARIES					
Certificated Supervisors' and Administrators' Salaries		1300	0.00	0.00	0.0%
Other Certificated Salaries		1900	0.00	0.00	0.0%
TOTAL, CERTIFICATED SALARIES			0.00	0.00	0.0%
CLASSIFIED SALARIES					
Classified Support Salaries		2200	378,751.60	387,548.85	2.3%
Classified Supervisors' and Administrators' Salaries		2300	143,064.24	145,915.91	2.0%
Clerical, Technical and Office Salaries		2400	8,299.62	11,070.13	33.4%
Other Classified Salaries		2900	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Cafeteria Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 13
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
TOTAL, CLASSIFIED SALARIES			530,115.46	544,534.89	2.7%
EMPLOYEE BENEFITS					
STRS		3101-3102	0.00	0.00	0.0%
PERS		3201-3202	135,633.19	145,861.11	7.5%
OASDI/Medicare/Alternative		3301-3302	40,092.17	40,207.62	0.3%
Health and Welfare Benefits		3401-3402	28,911.15	33,307.24	15.2%
Unemployment Insurance		3501-3502	268.34	272.72	1.6%
Workers' Compensation		3601-3602	13,386.40	13,521.60	1.0%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	1,203.60	1,203.60	0.0%
TOTAL, EMPLOYEE BENEFITS			219,494.85	234,373.89	6.8%
BOOKS AND SUPPLIES					
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	46,693.78	72,000.00	54.2%
Noncapitalized Equipment		4400	1,673.48	2,000.00	19.5%
Food		4700	582,562.82	708,000.00	21.5%
TOTAL, BOOKS AND SUPPLIES			630,930.08	782,000.00	23.9%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Travel and Conferences		5200	225.47	500.00	121.8%
Dues and Memberships		5300	650.00	1,000.00	53.8%
Insurance		5400-5450	0.00	0.00	0.0%
Operations and Housekeeping Services		5500	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	0.00	38,500.00	New
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	(20,938.00)	(28,000.00)	33.7%
Professional/Consulting Services and Operating Expenditures		5800	17,888.12	28,000.00	56.5%
Communications		5900	780.00	780.00	0.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			(1,394.41)	40,780.00	-3,024.5%
CAPITAL OUTLAY					
Buildings and Improvements of Buildings		6200	0.00	0.00	0.0%
Equipment		6400	0.00	15,000.00	New
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			0.00	15,000.00	New
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Debt Service					
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
OTHER OUTGO - TRANSFERS OF INDIRECT COSTS					
Transfers of Indirect Costs - Interfund		7350	47,340.13	40,000.00	-15.5%
TOTAL, OTHER OUTGO - TRANSFERS OF INDIRECT COSTS			47,340.13	40,000.00	-15.5%
TOTAL, EXPENDITURES			1,426,488.11	1,656,688.78	16.1%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
From: General Fund		8916	0.00	0.00	0.0%
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Other Sources					

Pacific Grove Unified
Monterey County

Unaudited Actuals
Cafeteria Special Revenue Fund
Expenditures by Object

27 66134 0000000
Form 13
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Cafeteria Special Revenue Fund
Expenditures by Function

27 66134 0000000
Form 13
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	347,756.15	350,000.00	0.6%
3) Other State Revenue		8300-8599	1,209,586.26	1,250,000.00	3.3%
4) Other Local Revenue		8600-8799	40,260.52	3,000.00	-92.5%
5) TOTAL, REVENUES			1,597,602.93	1,603,000.00	0.3%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		1,379,145.98	1,616,688.78	17.2%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		47,340.13	40,000.00	-15.5%
8) Plant Services	8000-8999		0.00	0.00	0.0%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			1,426,486.11	1,656,688.78	15.1%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B10)			171,116.82	(53,688.78)	-131.4%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			171,116.82	(53,688.78)	-131.4%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	1,177,570.11	1,348,686.93	14.5%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			1,177,570.11	1,348,686.93	14.5%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			1,177,570.11	1,348,686.93	14.5%
2) Ending Balance, June 30 (E + F1e)			1,348,686.93	1,294,998.15	-4.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	23,533.33	0.00	-100.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	1,325,153.60	1,294,998.15	-2.3%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Cafeteria Special Revenue Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 13
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
5310	Child Nutrition: School Programs (e.g., School Lunch, School Breakfast, Milk, Pregnant & Lactating Students)	1,325,153.60	1,294,998.15
Total, Restricted Balance		1,325,153.60	1,294,998.15

Pacific Grove Unified
Monterey County

Unaudited Actuals
Deferred Maintenance Fund
Expenditures by Object

27 66134 0000000
Form 14
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	179,533.99	0.00	-100.0%
4) Other Local Revenue		8600-8799	30,280.54	8,000.00	-73.6%
5) TOTAL, REVENUES			209,914.53	8,000.00	-96.2%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	5,302.88	0.00	-100.0%
5) Services and Other Operating Expenditures		5000-5999	111,146.15	80,000.00	-28.0%
6) Capital Outlay		6000-6999	7,100.00	0.00	-100.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			123,549.03	80,000.00	-35.2%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			86,365.50	(72,000.00)	-183.4%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	200,000.00	200,000.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			200,000.00	200,000.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			286,365.50	128,000.00	-55.3%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	536,990.98	823,356.48	53.3%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			536,990.98	823,356.48	53.3%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			536,990.98	823,356.48	53.3%
2) Ending Balance, June 30 (E + F1e)			823,356.48	951,356.48	15.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	107,780.39	107,780.39	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	715,576.09	843,576.09	17.9%
Deferred Maintenance Projects	0000	9780	715,576.09		
Deferred Maintenance Projects	0000	9780		843,576.09	
e) Unassigned/Unappropriated Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) In County Treasury		9110	816,083.43		
1) Fair Value Adjustment to Cash in County Treasury		9111	3,825.11		
b) in Banks		9120	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Deferred Maintenance Fund
Expenditures by Object

27 66134 0000000
Form 14
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
c) in Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	0.00		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	3,447.94		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			823,356.48		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	0.00		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640			
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			0.00		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY (must agree with line F2) (G10 + H2) - (I6 + J2)			823,356.48		
LCFF SOURCES					
LCFF Transfers					
LCFF Transfers - Current Year		8091	0.00	0.00	0.0%
LCFF Transfers - Prior Years		8099	0.00	0.00	0.0%
TOTAL, LCFF SOURCES			0.00	0.00	0.0%
OTHER STATE REVENUE					
All Other State Revenue		8590	179,633.99	0.00	-100.0%
TOTAL, OTHER STATE REVENUE			179,633.99	0.00	-100.0%
OTHER LOCAL REVENUE					
Other Local Revenue					
Community Redevelopment Funds Not Subject to LCFF Deduction		8625	0.00	0.00	0.0%
Sales					
Sale of Equipment/Supplies		8631	0.00	0.00	0.0%
Interest		8660	23,020.84	8,000.00	-65.2%
Net Increase (Decrease) in the Fair Value of Investments		8662	7,259.70	0.00	-100.0%
Other Local Revenue					
All Other Local Revenue		8699	0.00	0.00	0.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			30,280.54	8,000.00	-73.6%
TOTAL, REVENUES			209,914.53	8,000.00	-96.2%
CLASSIFIED SALARIES					
Classified Support Salaries		2200	0.00	0.00	0.0%
Other Classified Salaries		2900	0.00	0.00	0.0%
TOTAL, CLASSIFIED SALARIES			0.00	0.00	0.0%
EMPLOYEE BENEFITS					
STRS		3101-3102	0.00	0.00	0.0%
PERS		3201-3202	0.00	0.00	0.0%
OASDI/Medicare/Alternative		3301-3302	0.00	0.00	0.0%
Health and Welfare Benefits		3401-3402	0.00	0.00	0.0%
Unemployment Insurance		3501-3502	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Deferred Maintenance Fund
Expenditures by Object

27 66134 0000000
Form 14
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Workers' Compensation		3601-3602	0.00	0.00	0.0%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	0.00	0.00	0.0%
TOTAL, EMPLOYEE BENEFITS			0.00	0.00	0.0%
BOOKS AND SUPPLIES					
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	5,302.88	0.00	-100.0%
Noncapitalized Equipment		4400	0.00	0.00	0.0%
TOTAL, BOOKS AND SUPPLIES			5,302.88	0.00	-100.0%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Travel and Conferences		5200	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	8,967.50	20,000.00	123.0%
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	102,178.65	60,000.00	-41.3%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			111,146.15	80,000.00	-28.0%
CAPITAL OUTLAY					
Land Improvements		6170	7,100.00	0.00	-100.0%
Buildings and Improvements of Buildings		6200	0.00	0.00	0.0%
Equipment		6400	0.00	0.00	0.0%
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			7,100.00	0.00	-100.0%
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Debt Service					
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
TOTAL, EXPENDITURES			123,549.03	80,000.00	-35.2%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
Other Authorized Interfund Transfers In		8919	200,000.00	200,000.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			200,000.00	200,000.00	0.0%
INTERFUND TRANSFERS OUT					
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			200,000.00	200,000.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Deferred Maintenance Fund
Expenditures by Function

27 66134 0000000
Form 14
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	179,633.99	0.00	-100.0%
4) Other Local Revenue		8600-8799	30,280.54	8,000.00	-73.6%
5) TOTAL, REVENUES			209,914.53	8,000.00	-96.2%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		123,549.03	80,000.00	-35.2%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			123,549.03	80,000.00	-35.2%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B10)			86,365.50	(72,000.00)	-183.4%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	200,000.00	200,000.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			200,000.00	200,000.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			286,365.50	128,000.00	-55.3%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	536,990.98	823,356.48	53.3%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			536,990.98	823,356.48	53.3%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			536,990.98	823,356.48	53.3%
2) Ending Balance, June 30 (E + F1e)			823,356.48	951,356.48	15.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	107,780.39	107,780.39	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	715,576.09	843,576.09	17.9%
Deferred Maintenance Projects	0000	9780	715,576.09		
Deferred Maintenance Projects	0000	9780		843,576.09	
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Deferred Maintenance Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 14
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
9010	Other Restricted Local	107,780.39	107,780.39
Total, Restricted Balance		107,780.39	107,780.39

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Postemployment Benefits
Expenditures by Object

27 66134 0000000
Form 20
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	307.72	0.00	-100.0%
5) TOTAL, REVENUES			307.72	0.00	-100.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			307.72	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			307.72	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	6,538.44	6,846.16	4.7%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			6,538.44	6,846.16	4.7%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			6,538.44	6,846.16	4.7%
2) Ending Balance, June 30 (E + F1e)			6,846.16	6,846.16	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	6,846.16	6,846.16	0.0%
Post Employment Benefits	0000	9780	6,846.16		
Post Employment Benefits	0000	9780		6,846.16	
e) Unassigned/Unappropriated Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) in County Treasury		9110	6,773.43		
1) Fair Value Adjustment to Cash in County Treasury		9111	31.75		
b) in Banks		9120	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Postemployment Benefits
Expenditures by Object

27 66134 0000000
Form 20
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
c) in Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	0.00		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	40.98		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			6,846.16		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	0.00		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640			
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			0.00		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
(must agree with line F2) (G10 + H2) - (I6 + J2)			6,846.16		
OTHER LOCAL REVENUE					
Other Local Revenue					
Interest		8660	234.29	0.00	-100.0%
Net Increase (Decrease) in the Fair Value of Investments		8662	73.43	0.00	-100.0%
TOTAL, OTHER LOCAL REVENUE			307.72	0.00	-100.0%
TOTAL, REVENUES			307.72	0.00	-100.0%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
From: General Fund/CSSF		8912	0.00	0.00	0.0%
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
To: General Fund/CSSF		7612	0.00	0.00	0.0%
To: State School Building Fund/County School Facilities Fund		7613	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Postemployment Benefits
Expenditures by Function

27 66134 0000000
Form 20
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	307.72	0.00	-100.0%
5) TOTAL, REVENUES			307.72	0.00	-100.0%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		0.00	0.00	0.0%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B10)			307.72	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			307.72	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	6,538.44	6,846.16	4.7%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			6,538.44	6,846.16	4.7%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			6,538.44	6,846.16	4.7%
2) Ending Balance, June 30 (E + F1e)			6,846.16	6,846.16	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	6,846.16	6,846.16	0.0%
Post Employment Benefits	0000	9780	6,846.16		
Post Employment Benefits	0000	9780		6,846.16	
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Postemployment Benefits
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 20
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
Total, Restricted Balance		0.00	0.00

Pacific Grove Unified
Monterey County

Unaudited Actuals
Building Fund
Expenditures by Object

27 66134 0000000
Form 21
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCOFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	270,123.12	0.00	-100.0%
5) TOTAL, REVENUES			270,123.12	0.00	-100.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	40,586.07	316,232.83	679.2%
3) Employee Benefits		3000-3999	15,061.90	167,474.36	1,011.9%
4) Books and Supplies		4000-4999	622,680.71	550,000.00	-11.7%
5) Services and Other Operating Expenditures		5000-5999	1,083,767.72	625,000.00	-42.3%
6) Capital Outlay		6000-6999	3,318,226.86	4,604,091.00	38.8%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			5,080,323.26	6,262,798.19	23.3%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(4,810,200.14)	(6,262,798.19)	30.2%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7500-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	8,700,000.00	10,900,000.00	25.3%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			8,700,000.00	10,900,000.00	25.3%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			3,889,799.86	4,637,201.81	19.2%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	2,418,290.65	6,308,090.51	160.8%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			2,418,290.65	6,308,090.51	160.8%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			2,418,290.65	6,308,090.51	160.8%
2) Ending Balance, June 30 (E + F1e)			6,308,090.51	10,945,292.32	73.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	6,306,951.90	10,944,153.71	73.5%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	1,138.61	1,138.61	0.0%
Building Fund Reserve	0000	9780	1,138.61		
Building Fund Reserve	0000	9780		1,138.61	
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) in County Treasury		9110	5,570,906.00		
1) Fair Value Adjustment to Cash in County Treasury		9111	26,111.68		
b) in Banks		9120	0.00		
c) in Revolving Cash Account		9130	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Building Fund
Expenditures by Object

27 66134 0000000
Form 21
F8AXHTSK6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	0.00		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	728,613.80		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			6,325,631.48		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	17,540.97		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640	0.00		
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			17,540.97		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
Ending Fund Balance, June 30 (must agree with line F2) (G10 + H2) - (I6 + J2)			6,308,090.51		
FEDERAL REVENUE					
FEMA		8281	0.00	0.00	0.0%
All Other Federal Revenue		8290	0.00	0.00	0.0%
TOTAL, FEDERAL REVENUE			0.00	0.00	0.0%
OTHER STATE REVENUE					
Tax Relief Subventions					
Restricted Levies - Other					
Homeowners' Exemptions		8575	0.00	0.00	0.0%
Other Subventions/In-Lieu Taxes		8576	0.00	0.00	0.0%
All Other State Revenue		8590	0.00	0.00	0.0%
TOTAL, OTHER STATE REVENUE			0.00	0.00	0.0%
OTHER LOCAL REVENUE					
Other Local Revenue					
County and District Taxes					
Other Restricted Levies					
Secured Roll		8615	0.00	0.00	0.0%
Unsecured Roll		8616	0.00	0.00	0.0%
Prior Years' Taxes		8617	0.00	0.00	0.0%
Supplemental Taxes		8618	0.00	0.00	0.0%
Non-Ad Valorem Taxes					
Parcel Taxes		8621	0.00	0.00	0.0%
Other		8622	0.00	0.00	0.0%
Community Redevelopment Funds Not Subject to LCFF Deduction		8625	0.00	0.00	0.0%
Penalties and Interest from Delinquent Non-LCFF Taxes		8629	0.00	0.00	0.0%
Sales					
Sale of Equipment/Supplies		8631	0.00	0.00	0.0%
Leases and Rentals		8650	0.00	0.00	0.0%
Interest		8660	197,184.13	0.00	-100.0%
Net Increase (Decrease) in the Fair Value of Investments		8662	72,938.99	0.00	-100.0%
Other Local Revenue					
All Other Local Revenue		8699	0.00	0.00	0.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			270,123.12	0.00	-100.0%
TOTAL, REVENUES			270,123.12	0.00	-100.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Building Fund
Expenditures by Object

27 66134 0000000
Form 21
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
CLASSIFIED SALARIES					
Classified Support Salaries		2200	0.00	259,957.04	New
Classified Supervisors' and Administrators' Salaries		2300	0.00	0.00	0.0%
Clerical, Technical and Office Salaries		2400	40,586.07	56,275.79	38.7%
Other Classified Salaries		2900	0.00	0.00	0.0%
TOTAL, CLASSIFIED SALARIES			40,586.07	316,232.83	679.2%
EMPLOYEE BENEFITS					
STRS		3101-3102	0.00	0.00	0.0%
PERS		3201-3202	5,287.79	75,040.14	1,319.1%
OASDI/Medicare/Alternative		3301-3302	2,857.95	23,097.65	708.2%
Health and Welfare Benefits		3401-3402	5,885.94	61,337.15	942.1%
Unemployment Insurance		3501-3502	20.33	158.13	677.8%
Workers' Compensation		3601-3602	1,009.89	7,841.29	676.4%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	0.00	0.00	0.0%
TOTAL, EMPLOYEE BENEFITS			15,061.90	167,474.36	1,011.9%
BOOKS AND SUPPLIES					
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	38,343.26	150,000.00	291.2%
Noncapitalized Equipment		4400	584,337.45	400,000.00	-31.5%
TOTAL, BOOKS AND SUPPLIES			622,680.71	550,000.00	-11.7%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Travel and Conferences		5200	0.00	0.00	0.0%
Insurance		5400-5450	0.00	0.00	0.0%
Operations and Housekeeping Services		5500	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	106,771.00	0.00	-100.0%
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	974,976.56	625,000.00	-35.9%
Communications		5900	2,020.16	0.00	-100.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			1,083,767.72	625,000.00	-42.3%
CAPITAL OUTLAY					
Land		6100	0.00	0.00	0.0%
Land Improvements		6170	36,235.00	727,000.00	1,906.3%
Buildings and Improvements of Buildings		6200	3,241,586.88	3,746,091.00	15.6%
Books and Media for New School Libraries or Major Expansion of School Libraries		6300	0.00	0.00	0.0%
Equipment		6400	40,404.98	131,000.00	224.2%
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			3,318,226.86	4,604,091.00	38.8%
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Other Transfers Out					
All Other Transfers Out to All Others		7299	0.00	0.00	0.0%
Debt Service					
Repayment of State School Building Fund Aid - Proceeds from Bonds		7435	0.00	0.00	0.0%
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
TOTAL, EXPENDITURES			5,080,323.26	6,262,798.19	23.3%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
To: State School Building Fund/County School Facilities Fund		7613	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Building Fund
Expenditures by Object

27 66134 0000000
Form 21
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
OTHER SOURCES/USES					
SOURCES					
Proceeds					
Proceeds from Sale of Bonds		8951	8,700,000.00	10,900,000.00	25.3%
Proceeds from Disposal of Capital Assets		8953	0.00	0.00	0.0%
Other Sources					
County School Bldg Aid		8961	0.00	0.00	0.0%
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					
Proceeds from Certificates of Participation		8971	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from Lease Revenue Bonds		8973	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			8,700,000.00	10,900,000.00	25.3%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			8,700,000.00	10,900,000.00	25.3%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Building Fund
Expenditures by Function

27 66134 0000000
Form 21
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	270,123.12	0.00	-100.0%
5) TOTAL, REVENUES			270,123.12	0.00	-100.0%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		4,868,158.00	6,262,798.19	28.6%
9) Other Outgo	9000-9999	Except 7600-7699	212,165.26	0.00	-100.0%
10) TOTAL, EXPENDITURES			5,080,323.26	6,262,798.19	23.3%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 -B10)			(4,810,200.14)	(6,262,798.19)	30.2%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	8,700,000.00	10,900,000.00	25.3%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			8,700,000.00	10,900,000.00	25.3%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			3,889,799.86	4,637,201.81	19.2%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	2,418,290.65	6,308,090.51	160.8%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			2,418,290.65	6,308,090.51	160.8%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			2,418,290.65	6,308,090.51	160.8%
2) Ending Balance, June 30 (E + F1e)			6,308,090.51	10,945,292.32	73.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	6,306,951.90	10,944,153.71	73.5%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	1,138.61	1,138.61	0.0%
Building Fund Reserve	0000	9780	1,138.61		
Building Fund Reserve	0000	9780		1,138.61	
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Building Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 21
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
9010	Other Restricted Local	6,306,951.90	10,944,153.71
Total, Restricted Balance		6,306,951.90	10,944,153.71

Pacific Grove Unified
Monterey County

Unaudited Actuals
Capital Facilities Fund
Expenditures by Object

27 66134 0000000
Form 25
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	178,955.68	102,000.00	-43.0%
5) TOTAL, REVENUES			178,955.68	102,000.00	-43.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			178,955.68	102,000.00	-43.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers in		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			178,955.68	102,000.00	-43.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	36,528.11	251,470.58	588.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			36,528.11	251,470.58	588.4%
d) Other Restatements		9795	35,986.79	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			72,514.90	251,470.58	246.8%
2) Ending Balance, June 30 (E + F1e)			251,470.58	353,470.58	40.6%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	251,470.58	353,470.58	40.6%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) In County Treasury		9110	247,062.66		
1) Fair Value Adjustment to Cash in County Treasury		9111	1,158.02		
b) In Banks		9120	0.00		
c) In Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	3,143.36		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Capital Facilities Fund
Expenditures by Object

27 66134 0000000
Form 25
F8AXHTSK6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
2) Investments		9150	0.00		
3) Accounts Receivable		9200	106.54		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			251,470.58		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	0.00		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640	0.00		
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			0.00		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
Ending Fund Balance, June 30 (must agree with line F2) (G10 + H2) - (I6 + J2)			251,470.58		
OTHER STATE REVENUE					
Tax Relief Subventions					
Restricted Levies - Other					
Homeowners' Exemptions		8575	0.00	0.00	0.0%
Other Subventions/In-Lieu Taxes		8576	0.00	0.00	0.0%
All Other State Revenue		8590	0.00	0.00	0.0%
TOTAL, OTHER STATE REVENUE			0.00	0.00	0.0%
OTHER LOCAL REVENUE					
Other Local Revenue					
County and District Taxes					
Other Restricted Levies					
Secured Roll		8615	0.00	0.00	0.0%
Unsecured Roll		8616	0.00	0.00	0.0%
Prior Years' Taxes		8617	0.00	0.00	0.0%
Supplemental Taxes		8618	0.00	0.00	0.0%
Non-Ad Valorem Taxes					
Parcel Taxes		8621	0.00	0.00	0.0%
Other		8622	0.00	0.00	0.0%
Community Redevelopment Funds Not Subject to LCFF Deduction		8625	0.00	0.00	0.0%
Penalties and Interest from Delinquent Non-LCFF Taxes		8629	0.00	0.00	0.0%
Sales					
Sale of Equipment/Supplies		8631	0.00	0.00	0.0%
Interest		8660	3,355.75	2,000.00	-40.4%
Net Increase (Decrease) in the Fair Value of Investments		8662	1,367.66	0.00	-100.0%
Fees and Contracts					
Mitigation/Developer Fees		8681	174,232.27	100,000.00	-42.6%
Other Local Revenue					
All Other Local Revenue		8699	0.00	0.00	0.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			178,955.68	102,000.00	-43.0%
TOTAL, REVENUES			178,955.68	102,000.00	-43.0%
CERTIFICATED SALARIES					
Other Certificated Salaries		1900	0.00	0.00	0.0%
TOTAL, CERTIFICATED SALARIES			0.00	0.00	0.0%
CLASSIFIED SALARIES					
Classified Support Salaries		2200	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Capital Facilities Fund
Expenditures by Object

27 66134 0000000
Form 25
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Classified Supervisors' and Administrators' Salaries		2300	0.00	0.00	0.0%
Clerical, Technical and Office Salaries		2400	0.00	0.00	0.0%
Other Classified Salaries		2900	0.00	0.00	0.0%
TOTAL, CLASSIFIED SALARIES			0.00	0.00	0.0%
EMPLOYEE BENEFITS					
STRS		3101-3102	0.00	0.00	0.0%
PERS		3201-3202	0.00	0.00	0.0%
OASDI/Medicare/Alternative		3301-3302	0.00	0.00	0.0%
Health and Welfare Benefits		3401-3402	0.00	0.00	0.0%
Unemployment Insurance		3501-3502	0.00	0.00	0.0%
Workers' Compensation		3601-3602	0.00	0.00	0.0%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	0.00	0.00	0.0%
TOTAL, EMPLOYEE BENEFITS			0.00	0.00	0.0%
BOOKS AND SUPPLIES					
Approved Textbooks and Core Curricula Materials		4100	0.00	0.00	0.0%
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	0.00	0.00	0.0%
Noncapitalized Equipment		4400	0.00	0.00	0.0%
TOTAL, BOOKS AND SUPPLIES			0.00	0.00	0.0%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Travel and Conferences		5200	0.00	0.00	0.0%
Insurance		5400-5450	0.00	0.00	0.0%
Operations and Housekeeping Services		5500	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	0.00	0.00	0.0%
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	0.00	0.00	0.0%
Communications		5900	0.00	0.00	0.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			0.00	0.00	0.0%
CAPITAL OUTLAY					
Land		6100	0.00	0.00	0.0%
Land Improvements		6170	0.00	0.00	0.0%
Buildings and Improvements of Buildings		6200	0.00	0.00	0.0%
Books and Media for New School Libraries or Major Expansion of School Libraries		6300	0.00	0.00	0.0%
Equipment		6400	0.00	0.00	0.0%
Equipment Replacement		6500	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			0.00	0.00	0.0%
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Other Transfers Out					
All Other Transfers Out to All Others		7299	0.00	0.00	0.0%
Debt Service					
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
TOTAL, EXPENDITURES			0.00	0.00	0.0%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
To: State School Building Fund/County School Facilities Fund		7613	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					

Pacific Grove Unified
Monterey County

Unaudited Actuals
Capital Facilities Fund
Expenditures by Object

27 66134 0000000
Form 25
F8AXHTSK6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Proceeds					
Proceeds from Disposal of Capital Assets		8953	0.00	0.00	0.0%
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					
Proceeds from Certificates of Participation		8971	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from Lease Revenue Bonds		8973	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Capital Facilities Fund
Expenditures by Function

27 66134 0000000
Form 25
F8AXHT5K6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	178,955.68	102,000.00	-43.0%
5) TOTAL, REVENUES			178,955.68	102,000.00	-43.0%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		0.00	0.00	0.0%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B10)			178,955.68	102,000.00	-43.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			178,955.68	102,000.00	-43.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	36,528.11	251,470.58	588.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			36,528.11	251,470.58	588.4%
d) Other Restatements		9795	35,986.79	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			72,514.90	251,470.58	246.8%
2) Ending Balance, June 30 (E + F1e)			251,470.58	353,470.58	40.6%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	251,470.58	353,470.58	40.6%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Capital Facilities Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 25
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
9010	Other Restricted Local	251,470.58	353,470.58
Total, Restricted Balance		251,470.58	353,470.58

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Capital Outlay Projects
Expenditures by Object

27 66134 0000000
Form 40
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	345,518.79	285,000.00	-17.5%
5) TOTAL, REVENUES			345,518.79	285,000.00	-17.5%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	44,233.59	250,000.00	465.2%
5) Services and Other Operating Expenditures		5000-5999	432,539.14	100,000.00	-76.9%
6) Capital Outlay		6000-6999	207,039.50	50,000.00	-75.9%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			683,812.23	400,000.00	-41.5%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(338,293.44)	(115,000.00)	-66.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	200,000.00	0.00	-100.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			200,000.00	0.00	-100.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(138,293.44)	(115,000.00)	-16.8%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	865,534.97	727,241.53	-16.0%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			865,534.97	727,241.53	-16.0%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			865,534.97	727,241.53	-16.0%
2) Ending Balance, June 30 (E + F1e)			727,241.53	612,241.53	-15.8%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	612,241.53	New
Special Reserve Projects	0000	9760		612,241.53	
d) Assigned					
Other Assignments		9780	727,241.53	0.00	-100.0%
Special Reserve Projects	0000	9780	727,241.53		
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) in County Treasury		9110	666,833.17		
1) Fair Value Adjustment to Cash in County Treasury		9111	3,125.55		
b) in Banks		9120	0.00		
c) in Revolving Cash Account		9130	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Capital Outlay Projects
Expenditures by Object

27 66134 0000000
Form 40
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	0.00		
2) Investments		9150	0.00		
3) Accounts Receivable		9200	58,162.81		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			728,121.53		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	880.00		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640	0.00		
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			880.00		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
Ending Fund Balance, June 30 (must agree with line F2) (G10 + H2) - (I6 + J2)			727,241.53		
FEDERAL REVENUE					
FEMA		8281	0.00	0.00	0.0%
All Other Federal Revenue		8290	0.00	0.00	0.0%
TOTAL, FEDERAL REVENUE			0.00	0.00	0.0%
OTHER STATE REVENUE					
Pass-Through Revenues from State Sources		8587	0.00	0.00	0.0%
California Clean Energy Jobs Act	6230	8590	0.00	0.00	0.0%
All Other State Revenue	All Other	8590	0.00	0.00	0.0%
TOTAL, OTHER STATE REVENUE			0.00	0.00	0.0%
OTHER LOCAL REVENUE					
Other Local Revenue					
Community Redevelopment Funds Not Subject to LCFF Deduction		8625	0.00	0.00	0.0%
Sales					
Sale of Equipment/Supplies		8631	0.00	0.00	0.0%
Leases and Rentals		8650	299,133.16	275,000.00	-8.1%
Interest		8660	25,086.06	10,000.00	-60.1%
Net Increase (Decrease) in the Fair Value of Investments		8662	8,549.57	0.00	-100.0%
Other Local Revenue					
All Other Local Revenue		8699	12,750.00	0.00	-100.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			345,518.79	285,000.00	-17.5%
TOTAL, REVENUES			345,518.79	285,000.00	-17.5%
CLASSIFIED SALARIES					
Classified Support Salaries		2200	0.00	0.00	0.0%
Classified Supervisors' and Administrators' Salaries		2300	0.00	0.00	0.0%
Clerical, Technical and Office Salaries		2400	0.00	0.00	0.0%
Other Classified Salaries		2900	0.00	0.00	0.0%
TOTAL, CLASSIFIED SALARIES			0.00	0.00	0.0%
EMPLOYEE BENEFITS					
STRS		3101-3102	0.00	0.00	0.0%
PERS		3201-3202	0.00	0.00	0.0%
OASDI/Medicare/Alternative		3301-3302	0.00	0.00	0.0%
Health and Welfare Benefits		3401-3402	0.00	0.00	0.0%
Unemployment Insurance		3501-3502	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Capital Outlay Projects
Expenditures by Object

27 66134 0000000
Form 40
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Workers' Compensation		3601-3602	0.00	0.00	0.0%
OPEB, Allocated		3701-3702	0.00	0.00	0.0%
OPEB, Active Employees		3751-3752	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	0.00	0.00	0.0%
TOTAL, EMPLOYEE BENEFITS			0.00	0.00	0.0%
BOOKS AND SUPPLIES					
Books and Other Reference Materials		4200	0.00	0.00	0.0%
Materials and Supplies		4300	3,632.97	50,000.00	1,276.3%
Noncapitalized Equipment		4400	40,600.62	200,000.00	392.6%
TOTAL, BOOKS AND SUPPLIES			44,233.59	250,000.00	465.2%
SERVICES AND OTHER OPERATING EXPENDITURES					
Subagreements for Services		5100	0.00	0.00	0.0%
Travel and Conferences		5200	0.00	0.00	0.0%
Insurance		5400-5450	0.00	0.00	0.0%
Operations and Housekeeping Services		5500	0.00	0.00	0.0%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	27,958.86	0.00	-100.0%
Transfers of Direct Costs		5710	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	404,580.28	100,000.00	-75.3%
Communications		5900	0.00	0.00	0.0%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			432,539.14	100,000.00	-76.9%
CAPITAL OUTLAY					
Land		6100	0.00	0.00	0.0%
Land Improvements		6170	20,000.00	50,000.00	150.0%
Buildings and Improvements of Buildings		6200	139,160.50	0.00	-100.0%
Books and Media for New School Libraries or Major Expansion of School Libraries		6300	0.00	0.00	0.0%
Equipment		6400	0.00	0.00	0.0%
Equipment Replacement		6500	47,879.00	0.00	-100.0%
Lease Assets		6600	0.00	0.00	0.0%
Subscription Assets		6700	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			207,039.50	50,000.00	-75.9%
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Other Transfers Out					
Transfers of Pass-Through Revenues					
To Districts or Charter Schools		7211	0.00	0.00	0.0%
To County Offices		7212	0.00	0.00	0.0%
To JPAs		7213	0.00	0.00	0.0%
All Other Transfers Out to All Others		7299	0.00	0.00	0.0%
Debt Service					
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.0%
TOTAL, EXPENDITURES			683,812.23	400,000.00	-41.5%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
From: General Fund/CSSF		8912	0.00	0.00	0.0%
Other Authorized Interfund Transfers in		8919	200,000.00	0.00	-100.0%
(a) TOTAL, INTERFUND TRANSFERS IN			200,000.00	0.00	-100.0%
INTERFUND TRANSFERS OUT					
To: General Fund/CSSF		7612	0.00	0.00	0.0%
To: State School Building Fund/County School Facilities Fund		7613	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Proceeds					
Proceeds from Disposal of Capital Assets		8953	0.00	0.00	0.0%
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
Long-Term Debt Proceeds					

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Capital Outlay Projects
Expenditures by Object

27 66134 0000000
Form 40
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
Proceeds from Certificates of Participation		8971	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.0%
Proceeds from Lease Revenue Bonds		8973	0.00	0.00	0.0%
Proceeds from SBITAs		8974	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			200,000.00	0.00	-100.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Capital Outlay Projects
Expenditures by Function

27 66134 0000000
Form 40
F8AXHTSK6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	345,518.79	285,000.00	-17.5%
5) TOTAL, REVENUES			345,518.79	285,000.00	-17.5%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		683,812.23	400,000.00	-41.5%
9) Other Outgo	9000-9999	Except 7600-7699	0.00	0.00	0.0%
10) TOTAL, EXPENDITURES			683,812.23	400,000.00	-41.5%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 -B10)			(338,293.44)	(115,000.00)	-66.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers in		8900-8929	200,000.00	0.00	-100.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			200,000.00	0.00	-100.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(138,293.44)	(115,000.00)	-16.8%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	865,534.97	727,241.53	-16.0%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			865,534.97	727,241.53	-16.0%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			865,534.97	727,241.53	-16.0%
2) Ending Balance, June 30 (E + F1e)			727,241.53	612,241.53	-15.8%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	612,241.53	New
Special Reserve Projects	0000	9760		612,241.53	
d) Assigned					
Other Assignments (by Resource/Object)		9780	727,241.53	0.00	-100.0%
Special Reserve Projects	0000	9780	727,241.53		
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Reserve Fund for Capital Outlay Projects
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 40
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
Total, Restricted Balance		0.00	0.00

Pacific Grove Unified
Monterey County

Unaudited Actuals
Bond Interest and Redemption Fund
Expenditures by Object

27 66134 000000
Form 51
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	8,536.82	0.00	-100.0%
4) Other Local Revenue		8600-8799	3,497,989.63	0.00	-100.0%
5) TOTAL, REVENUES			3,506,526.45	0.00	-100.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	5,381,219.44	0.00	-100.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			5,381,219.44	0.00	-100.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(1,874,692.99)	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	580,017.80	0.00	-100.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			580,017.80	0.00	-100.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(1,294,675.19)	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	5,038,192.08	3,807,023.74	-24.4%
b) Audit Adjustments		9793	32,278.49	0.00	-100.0%
c) As of July 1 - Audited (F1a + F1b)			5,070,470.57	3,807,023.74	-24.9%
d) Other Restatements		9795	31,228.36	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			5,101,698.93	3,807,023.74	-25.4%
2) Ending Balance, June 30 (E + F1e)			3,807,023.74	3,807,023.74	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	3,807,023.74	3,807,023.74	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%
G. ASSETS					
1) Cash					
a) in County Treasury		9110	3,807,023.74		
1) Fair Value Adjustment to Cash in County Treasury		9111	0.00		
b) in Banks		9120	0.00		
c) in Revolving Cash Account		9130	0.00		
d) with Fiscal Agent/Trustee		9135	0.00		
e) Collections Awaiting Deposit		9140	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
Bond Interest and Redemption Fund
Expenditures by Object

27 66134 0000000
Form 51
F8AXHT5K6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
2) Investments		9150	0.00		
3) Accounts Receivable		9200	0.00		
4) Due from Grantor Government		9290	0.00		
5) Due from Other Funds		9310	0.00		
6) Stores		9320	0.00		
7) Prepaid Expenditures		9330	0.00		
8) Other Current Assets		9340	0.00		
9) Lease Receivable		9380	0.00		
10) TOTAL, ASSETS			3,807,023.74		
H. DEFERRED OUTFLOWS OF RESOURCES					
1) Deferred Outflows of Resources		9490	0.00		
2) TOTAL, DEFERRED OUTFLOWS			0.00		
I. LIABILITIES					
1) Accounts Payable		9500	0.00		
2) Due to Grantor Governments		9590	0.00		
3) Due to Other Funds		9610	0.00		
4) Current Loans		9640	0.00		
5) Unearned Revenue		9650	0.00		
6) TOTAL, LIABILITIES			0.00		
J. DEFERRED INFLOWS OF RESOURCES					
1) Deferred Inflows of Resources		9690	0.00		
2) TOTAL, DEFERRED INFLOWS			0.00		
K. FUND EQUITY					
Ending Fund Balance, June 30 (must agree with line F2) (G10 + H2) - (I6 + J2)			3,807,023.74		
FEDERAL REVENUE					
All Other Federal Revenue		8290	0.00	0.00	0.0%
TOTAL, FEDERAL REVENUE			0.00	0.00	0.0%
OTHER STATE REVENUE					
Tax Relief Subventions					
Voted Indebtedness Levies					
Homeowners' Exemptions		8571	8,536.82	0.00	-100.0%
Other Subventions/In-Lieu Taxes		8572	0.00	0.00	0.0%
TOTAL, OTHER STATE REVENUE			8,536.82	0.00	-100.0%
OTHER LOCAL REVENUE					
Other Local Revenue					
County and District Taxes					
Voted Indebtedness Levies					
Secured Roll		8611	3,262,874.76	0.00	-100.0%
Unsecured Roll		8612	33,800.72	0.00	-100.0%
Prior Years' Taxes		8613	45,512.31	0.00	-100.0%
Supplemental Taxes		8614	81,516.23	0.00	-100.0%
Penalties and Interest from Delinquent Non-LCFF Taxes		8629	0.00	0.00	0.0%
Interest		8660	56,524.76	0.00	-100.0%
Net Increase (Decrease) in the Fair Value of Investments		8662	17,760.85	0.00	-100.0%
Other Local Revenue					
All Other Local Revenue		8699	0.00	0.00	0.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			3,497,989.63	0.00	-100.0%
TOTAL, REVENUES			3,506,526.45	0.00	-100.0%
OTHER OUTGO (excluding Transfers of Indirect Costs)					
Debt Service					
Bond Redemptions		7433	3,561,000.00	0.00	-100.0%
Bond Interest and Other Service Charges		7434	1,820,219.44	0.00	-100.0%
Debt Service - Interest		7438	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			5,381,219.44	0.00	-100.0%
TOTAL, EXPENDITURES			5,381,219.44	0.00	-100.0%
INTERFUND TRANSFERS					
INTERFUND TRANSFERS IN					
Other Authorized Interfund Transfers In		8919	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Bond Interest and Redemption Fund
Expenditures by Object

27 66134 0000000
Form 51
F8AXHTSK6X(2024-25)

Description	Resource Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
(a) TOTAL, INTERFUND TRANSFERS IN			0.00	0.00	0.0%
INTERFUND TRANSFERS OUT					
To: General Fund		7614	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	0.00	0.00	0.0%
(b) TOTAL, INTERFUND TRANSFERS OUT			0.00	0.00	0.0%
OTHER SOURCES/USES					
SOURCES					
Other Sources					
Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.0%
All Other Financing Sources		8979	580,017.80	0.00	-100.0%
(c) TOTAL, SOURCES			580,017.80	0.00	-100.0%
USES					
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.0%
CONTRIBUTIONS					
Contributions from Unrestricted Revenues		8980	0.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			0.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES (a - b + c - d + e)			580,017.80	0.00	-100.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Bond Interest and Redemption Fund
Expenditures by Function

27 66134 0000000
Form 51
F8AXHTSK6X(2024-25)

Description	Function Codes	Object Codes	2024-25 Unaudited Actuals	2025-26 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	8,536.82	0.00	-100.0%
4) Other Local Revenue		8600-8799	3,497,989.63	0.00	-100.0%
5) TOTAL, REVENUES			3,506,526.45	0.00	-100.0%
B. EXPENDITURES (Objects 1000-7999)					
1) Instruction	1000-1999		0.00	0.00	0.0%
2) Instruction - Related Services	2000-2999		0.00	0.00	0.0%
3) Pupil Services	3000-3999		0.00	0.00	0.0%
4) Ancillary Services	4000-4999		0.00	0.00	0.0%
5) Community Services	5000-5999		0.00	0.00	0.0%
6) Enterprise	6000-6999		0.00	0.00	0.0%
7) General Administration	7000-7999		0.00	0.00	0.0%
8) Plant Services	8000-8999		0.00	0.00	0.0%
9) Other Outgo	9000-9999	Except 7600-7699	5,381,219.44	0.00	-100.0%
10) TOTAL, EXPENDITURES			5,381,219.44	0.00	-100.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 -B10)			(1,874,692.99)	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	580,017.80	0.00	-100.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			580,017.80	0.00	-100.0%
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(1,294,675.19)	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	5,038,192.08	3,807,023.74	-24.4%
b) Audit Adjustments		9793	32,278.49	0.00	-100.0%
c) As of July 1 - Audited (F1a + F1b)			5,070,470.57	3,807,023.74	-24.9%
d) Other Restatements		9795	31,228.36	0.00	-100.0%
e) Adjusted Beginning Balance (F1c + F1d)			5,101,698.93	3,807,023.74	-25.4%
2) Ending Balance, June 30 (E + F1e)			3,807,023.74	3,807,023.74	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted		9740	0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments (by Resource/Object)		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments (by Resource/Object)		9780	3,807,023.74	3,807,023.74	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Pacific Grove Unified
Monterey County

Unaudited Actuals
Bond Interest and Redemption Fund
Exhibit: Restricted Balance Detail

27 66134 0000000
Form 51
F8AXHT5K6X(2024-25)

Resource	Description	2024-25 Unaudited Actuals	2025-26 Budget
Total, Restricted Balance		0.00	0.00

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Pacific Grove Unified
Monterey County

2024-25 Unaudited Actuals
AVERAGE DAILY ATTENDANCE

27 66134 0000000
Form A
F8AXHT5K6X(2024-25)

Description	2024-25 Unaudited Actuals			2025-26 Budget		
	P-2 ADA	Annual ADA	Funded ADA	Estimated P-2 ADA	Estimated Annual ADA	Estimated Funded ADA
A. DISTRICT						
1. Total District Regular ADA Includes Opportunity Classes, Home & Hospital, Special Day Class, Continuation Education, Special Education NPS/LCI and Extended Year, and Community Day School (includes Necessary Small School ADA)	1,616.28	1,617.76	1,616.03	1,616.28	1,616.28	1,622.24
2. Total Basic Aid Choice/Court Ordered Voluntary Pupil Transfer Regular ADA Includes Opportunity Classes, Home & Hospital, Special Day Class, Continuation Education, Special Education NPS/LCI and Extended Year, and Community Day School (ADA not included in Line A1 above)						
3. Total Basic Aid Open Enrollment Regular ADA Includes Opportunity Classes, Home & Hospital, Special Day Class, Continuation Education, Special Education NPS/LCI and Extended Year, and Community Day School (ADA not included in Line A1 above)						
4. Total, District Regular ADA (Sum of Lines A1 through A3)	1,616.28	1,617.76	1,616.03	1,616.28	1,616.28	1,622.24
5. District Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class						
c. Special Education-NPS/LCI						
d. Special Education Extended Year						
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. County School Tuition Fund (Out of State Tuition) [EC 2000 and 46380]						
g. Total, District Funded County Program ADA (Sum of Lines A5a through A5f)	0.00	0.00	0.00	0.00	0.00	0.00
6. TOTAL DISTRICT ADA (Sum of Line A4 and Line A5g)	1,616.28	1,617.76	1,616.03	1,616.28	1,616.28	1,622.24
7. Adults in Correctional Facilities						
8. Charter School ADA (Enter Charter School ADA using Tab C. Charter School ADA)						

Pacific Grove Unified
Monterey County

2024-25 Unaudited Actuals
AVERAGE DAILY ATTENDANCE

27 66134 0000000
Form A
F8AXHT5K6X(2024-25)

Description	2024-25 Unaudited Actuals			2025-26 Budget		
	P-2 ADA	Annual ADA	Funded ADA	Estimated P-2 ADA	Estimated Annual ADA	Estimated Funded ADA
B. COUNTY OFFICE OF EDUCATION						
1. County Program Alternative Education Grant ADA						
a. County Group Home and Institution Pupils						
b. Juvenile Halls, Homes, and Camps						
c. Probation Referred, On Probation or Parole, Expelled per EC 48915(a) or (c) [EC 2574(c)(4)(A)]						
d. Total, County Program Alternative Education ADA (Sum of Lines B1a through B1c)	0.00	0.00	0.00	0.00	0.00	0.00
2. District Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class						
c. Special Education-NPS/LCI						
d. Special Education Extended Year						
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. County School Tuition Fund (Out of State Tuition) [EC 2000 and 46380]						
g. Total, District Funded County Program ADA (Sum of Lines B2a through B2f)	0.00	0.00	0.00	0.00	0.00	0.00
3. TOTAL COUNTY OFFICE ADA (Sum of Lines B1d and B2g)	0.00	0.00	0.00	0.00	0.00	0.00
4. Adults in Correctional Facilities						
5. County Operations Grant ADA						
6. Charter School ADA (Enter Charter School ADA using Tab C. Charter School ADA)						

Description	2024-25 Unaudited Actuals			2025-26 Budget		
	P-2 ADA	Annual ADA	Funded ADA	Estimated P-2 ADA	Estimated Annual ADA	Estimated Funded ADA
C. CHARTER SCHOOL ADA						
Authorizing LEAs reporting charter school SACS financial data in their Fund 01, 09, or 62 use this worksheet to report ADA for those charter schools.						
Charter schools reporting SACS financial data separately from their authorizing LEAs in Fund 01 or Fund 62 use this worksheet to report their ADA.						
FUND 01: Charter School ADA corresponding to SACS financial data reported in Fund 01.						
1. Total Charter School Regular ADA						
2. Charter School County Program Alternative Education ADA						
a. County Group Home and Institution Pupils						
b. Juvenile Halls, Homes, and Camps						
c. Probation Referred, On Probation or Parole, Expelled per EC 48915(a) or (c) [EC 2574(c)(4)(A)]						
d. Total, Charter School County Program Alternative Education ADA (Sum of Lines C2a through C2c)	0.00	0.00	0.00	0.00	0.00	0.00
3. Charter School Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class						
c. Special Education-NPS/LCI						
d. Special Education Extended Year						
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. Total, Charter School Funded County Program ADA (Sum of Lines C3a through C3e)	0.00	0.00	0.00	0.00	0.00	0.00
4. TOTAL CHARTER SCHOOL ADA (Sum of Lines C1, C2d, and C3f)	0.00	0.00	0.00	0.00	0.00	0.00
FUND 09 or 62: Charter School ADA corresponding to SACS financial data reported in Fund 09 or Fund 62.						
5. Total Charter School Regular ADA						
6. Charter School County Program Alternative Education ADA						
a. County Group Home and Institution Pupils						
b. Juvenile Halls, Homes, and Camps						
c. Probation Referred, On Probation or Parole, Expelled per EC 48915(a) or (c) [EC 2574(c)(4)(A)]						
d. Total, Charter School County Program Alternative Education ADA (Sum of Lines C6a through C6c)	0.00	0.00	0.00	0.00	0.00	0.00
7. Charter School Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class						
c. Special Education-NPS/LCI						
d. Special Education Extended Year						
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. Total, Charter School Funded County Program ADA (Sum of Lines C7a through C7e)	0.00	0.00	0.00	0.00	0.00	0.00
8. TOTAL CHARTER SCHOOL ADA (Sum of Lines C5, C6d, and C7f)	0.00	0.00	0.00	0.00	0.00	0.00
9. TOTAL CHARTER SCHOOL ADA Reported in Fund 01, 09, or 62 (Sum of Lines C4 and C8)	0.00	0.00	0.00	0.00	0.00	0.00

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
Schedule of Capital Assets

27 66134 0000000
Form ASSET
F8AXHT5K6X(2024-25)

	Unaudited Balance July 1	Audit Adjustments/ Restatements	Audited Balance July 1	Increases	Decreases	Ending Balance June 30
Governmental Activities:						
Capital assets not being depreciated:						
Land	217,496.00		217,496.00			217,496.00
Work in Progress		3,265,943.00	3,265,943.00			3,265,943.00
Total capital assets not being depreciated	217,496.00	3,265,943.00	3,483,439.00	0.00	0.00	3,483,439.00
Capital assets being depreciated:						
Land Improvements	64,250.82	(64,250.82)	0.00	92,135.00		92,135.00
Buildings	82,196,106.69	3,141,311.31	85,337,418.00	3,406,372.38		88,743,790.38
Equipment	6,592,837.23	(2,038,372.23)	4,554,465.00	92,182.79		4,646,647.79
Total capital assets being depreciated	88,853,194.74	1,038,688.26	89,891,883.00	3,590,690.17	0.00	93,482,573.17
Accumulated Depreciation for:						
Land Improvements		0.00	0.00			0.00
Buildings	(33,110,329.00)	(2,630,603.00)	(35,740,932.00)			(35,740,932.00)
Equipment	(3,123,057.00)	(324,054.00)	(3,447,111.00)			(3,447,111.00)
Total accumulated depreciation	(36,233,386.00)	(2,954,657.00)	(39,188,043.00)	0.00	0.00	(39,188,043.00)
Total capital assets being depreciated, net excluding lease and subscription assets	52,619,808.74	(1,915,968.74)	50,703,840.00	3,590,690.17	0.00	54,294,530.17
Lease Assets			0.00			0.00
Accumulated amortization for lease assets			0.00			0.00
Total lease assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Subscription Assets			0.00			0.00
Accumulated amortization for subscription assets			0.00			0.00
Total subscription assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Governmental activity capital assets, net	52,837,304.74	1,349,974.26	54,187,279.00	3,590,690.17	0.00	57,777,969.17
Business-Type Activities:						
Capital assets not being depreciated:						
Land			0.00			0.00
Work in Progress			0.00			0.00
Total capital assets not being depreciated	0.00	0.00	0.00	0.00	0.00	0.00
Capital assets being depreciated:						
Land Improvements			0.00			0.00
Buildings			0.00			0.00
Equipment			0.00			0.00
Total capital assets being depreciated	0.00	0.00	0.00	0.00	0.00	0.00
Accumulated Depreciation for:						
Land Improvements			0.00			0.00
Buildings			0.00			0.00
Equipment			0.00			0.00
Total accumulated depreciation	0.00	0.00	0.00	0.00	0.00	0.00
Total capital assets being depreciated, net excluding lease and subscription assets	0.00	0.00	0.00	0.00	0.00	0.00
Lease Assets			0.00			0.00
Accumulated amortization for lease assets			0.00			0.00
Total lease assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Subscription Assets			0.00			0.00
Accumulated amortization for subscription assets			0.00			0.00
Total subscription assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Business-type activity capital assets, net	0.00	0.00	0.00	0.00	0.00	0.00

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
GENERAL FUND

27 66134 0000000
Form CEA
F8AXHT5K6X(2024-25)

Current Expense Formula/Minimum Classroom Compensation

PART I - CURRENT EXPENSE FORMULA	Total Expense for Year (1)	EDP No.	Reductions (See Note 1) (2)	EDP No.	Current Expense of Education (Col 1 - Col 2) (3)	EDP No.	Reductions (Extracted) (See Note 2) (4a)	Reductions (Overrides)* (See Note 2) (4b)	EDP No.	Current Expense- Part II (Col 3 - Col 4) (5)	EDP No.
1000 - Certificated Salaries	19,435,798.27	301	0.00	303	19,435,798.27	305	0.00		307	19,435,798.27	309
2000 - Classified Salaries	9,282,654.88	311	15,142.16	313	9,267,512.72	315	244,627.54		317	9,022,885.18	319
3000 - Employee Benefits	12,204,679.73	321	388,046.99	323	11,816,632.74	325	96,279.22		327	11,720,353.52	329
4000 - Books, Supplies Equip Replace. (6500)	1,152,850.89	331	46,808.53	333	1,106,042.36	335	111,242.68		337	994,799.68	339
5000 - Services . . . & 7300 - Indirect Costs	6,290,359.35	341	38,958.17	343	6,251,401.18	345	1,108,545.60		347	5,142,855.58	349
TOTAL					47,877,387.27	365	TOTAL			46,316,692.23	369

Note 1 - In Column 2, report expenditures for the following programs: Nonagency (Goals 7100-7199), Community Services (Goal 8100), Food Services (Function 3700), Fringe Benefits for Retired Persons (Objects 3701-3702), and Facilities Acquisition & Construction (Function 8500).

Note 2 - In Column 4, report expenditures for: Transportation (Function 3600), Lottery Expenditures (Resource 1100), Special Education Students in Nonpublic Schools (Function 1180), and other federal or state categorical aid in which funds were granted for expenditures in a program not incurring any teacher salary expenditures or requiring disbursement of the funds without regard to the requirements of EC Section 41372.

* If an amount (even zero) is entered in any row of Column 4b or in Line 13b, the form uses only the values in Column 4b and Line 13b rather than the values in Column 4a and Line 13a.

PART II: MINIMUM CLASSROOM COMPENSATION (Instruction, Functions 1000-1999)	Object	EDP No.
1. Teacher Salaries as Per EC 41011.	1100	375
2. Salaries of Instructional Aides Per EC 41011.	2100	380
3. STRS.	3101 & 3102	382
4. PERS.	3201 & 3202	383
5. OASDI - Regular, Medicare and Alternative.	3301 & 3302	384
6. Health & Welfare Benefits (EC 41372) (Include Health, Dental, Vision, Pharmaceutical, and Annuity Plans).	3401 & 3402	385
7. Unemployment Insurance.	3501 & 3502	390
8. Workers' Compensation Insurance.	3601 & 3602	392
9. OPEB, Active Employees (EC 41372).	3751 & 3752	0.00
10. Other Benefits (EC 22310).	3901 & 3902	0.00
11. SUBTOTAL Salaries and Benefits (Sum Lines 1 - 10).		25,723,517.29
12. Less: Teacher and Instructional Aide Salaries and Benefits deducted in Column 2.		0.00
13a. Less: Teacher and Instructional Aide Salaries and Benefits (other than Lottery) deducted in Column 4a (Extracted).		0.00
b. Less: Teacher and Instructional Aide Salaries and Benefits (other than Lottery) deducted in Column 4b (Overrides)*.		
14. TOTAL SALARIES AND BENEFITS.		25,723,517.29
15. Percent of Current Cost of Education Expended for Classroom Compensation (EDP 397 divided by EDP 369) Line 15 must equal or exceed 60% for elementary, 55% for unified and 50% for high school districts to avoid penalty under provisions of EC 41372.		55.54%
16. District is exempt from EC 41372 because it meets the provisions of EC 41374. (If exempt, enter 'X')		

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
GENERAL FUND
Current Expense Formula/Minimum Classroom Compensation

27 66134 0000000
Form CEA
F8AXHT5K6X(2024-25)

PART III: DEFICIENCY AMOUNT		
A deficiency amount (Line 5) is only applicable to districts not meeting the minimum classroom compensation percentage required under EC 41372 and not exempt under the provisions of EC 41374.		
1. Minimum percentage required (60% elementary, 55% unified, 50% high)	55.00%	
2. Percentage spent by this district (Part II, Line 15)	55.54%	
3. Percentage below the minimum (Part III, Line 1 minus Line 2)	0.00%	
4. District's Current Expense of Education after reductions in columns 4a or 4b (Part I, EDP 369).	46,316,692.23	
5. Deficiency Amount (Part III, Line 3 times Line 4)	0.00	
PART IV: Explanation for adjustments entered in Part I, Column 4b (required)		

Description	Unaudited Balance July 1	Audit Adjustments/ Restatements	Audited Balance July 1	Increases	Decreases	Ending Balance June 30	Amounts Due Within One Year
Governmental Activities:							
General Obligation Bonds Payable	36,890,783.00	5,082,217.00	41,973,000.00		3,261,000.00	38,712,000.00	3,261,000.00
State School Building Loans Payable		0.00	0.00			0.00	
Certificates of Participation Payable		0.00	0.00			0.00	
Leases Payable	20,160.00	(536.00)	19,624.00		19,624.00	0.00	
Lease Revenue Bonds Payable	3,498,037.00	346,152.00	3,844,189.00			3,844,189.00	
Other General Long-Term Debt			0.00			0.00	
Net Pension Liability	40,384,325.00	3,241,518.00	43,625,843.00			43,625,843.00	
Total/Net OPEB Liability	8,603,915.00	(2,563,384.00)	6,040,531.00			6,040,531.00	
Compensated Absences Payable	448,782.00	0.00	448,782.00		157,050.90	291,731.10	
Subscription Liability			0.00			0.00	
Governmental activities long-term liabilities	89,846,002.00	6,105,967.00	95,951,969.00	0.00	3,437,674.90	92,514,294.10	3,261,000.00
Business-Type Activities:							
General Obligation Bonds Payable			0.00			0.00	
State School Building Loans Payable			0.00			0.00	
Certificates of Participation Payable			0.00			0.00	
Leases Payable			0.00			0.00	
Lease Revenue Bonds Payable			0.00			0.00	
Other General Long-Term Debt			0.00			0.00	
Net Pension Liability			0.00			0.00	
Total/Net OPEB Liability			0.00			0.00	
Compensated Absences Payable			0.00			0.00	
Subscription Liability			0.00			0.00	
Business-type activities long-term liabilities	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
Every Student Succeeds Act Maintenance of Effort
Expenditures

27 66134 0000000
Form ESMOE
F8AXHT5K6X(2024-25)

Section I - Expenditures	Funds 01, 09, and 62			2024-25 Expenditures
	Goals	Functions	Objects	
A. Total state, federal, and local expenditures (all resources)	All	All	1000-7999	48,965,632.50
B. Less all federal expenditures not allowed for MOE (Resources 3000-5999, except 3385)	All	All	1000-7999	707,820.82
C. Less state and local expenditures not allowed for MOE: (All resources, except federal as identified in Line B)				
1. Community Services	All	5000-5999	1000-7999	163,154.11
2. Capital Outlay	All except 7100-7199	All except 5000-5999	6000-6999 except 6600, 6700, 6910, 6920	51,777.81
3. Debt Service	All	9100	5400-5450, 5800, 7430-7439	144,229.17
4. Other Transfers Out	All	9200	7200-7299	0.00
5. Interfund Transfers Out	All	9300	7600-7629	400,000.00
6. All Other Financing Uses	All	9100 9200	7699 7651	0.00
7. Nonagency	7100-7199	All except 5000-5999, 9000-9999	1000-7999	0.00
8. Tuition (Revenue, in lieu of expenditures, to approximate costs of services for which tuition is received)	All	All	8710	293,196.68
9. Supplemental expenditures made as a result of a Presidentially declared disaster	Manually entered. Must not include expenditures in lines B, C1-C8, D1, or D2.			0.00
10. Total state and local expenditures not allowed for MOE calculation (Sum lines C1 through C9)				1,052,357.77
D. Plus additional MOE expenditures:				
1. Expenditures to cover deficits for food services (Funds 13 and 61) (If negative, then zero)	All	All	1000-7143, 7300-7439 minus 8000-8699	0.00
2. Expenditures to cover deficits for student body activities	Manually entered. Must not include expenditures in lines A or D1.			0.00
E. Total expenditures subject to MOE (Line A minus lines B and C10, plus lines D1 and D2)				47,205,453.91
Section II - Expenditures Per ADA				2024-25 Annual ADA/Exps. Per ADA
A. Average Daily Attendance (Form A, Annual ADA column, sum of lines A6 and C9)				1,617.76
B. Expenditures per ADA (Line I.E divided by Line II.A)				29,179.52
Section III - MOE Calculation (For data collection only. Final determination will be done by CDE)			Total	Per ADA
A. Base expenditures (Preloaded expenditures from prior year official CDE MOE calculation). (Note: If the prior year MOE was not met, CDE has adjusted the prior year base to 90 percent of the preceding prior year amount rather than the actual prior year expenditure amount.)			45,362,598.59	28,222.33
1. Adjustment to base expenditure and expenditure per ADA amounts for LEAs failing prior year MOE calculation (From Section IV)			0.00	0.00
2. Total adjusted base expenditure amounts (Line A plus Line A.1)			45,362,598.59	28,222.33
B. Required effort (Line A.2 times 90%)			40,826,338.73	25,400.10
C. Current year expenditures (Line I.E and Line II.B)			47,205,453.91	29,179.52
D. MOE deficiency amount, if any (Line B minus Line C) (If negative, then zero)			0.00	0.00
E. MOE determination (If one or both of the amounts in line D are zero, the MOE requirement is met; if both amounts are positive, the MOE requirement is not met. If either column in Line A.2 or Line C equals zero, the MOE calculation is incomplete.)			MOE Met	

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
Every Student Succeeds Act Maintenance of Effort
Expenditures

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Form ESMOE
F8AXHT5K6X(2024-25)

F. MOE deficiency percentage, if MOE not met; otherwise, zero (Line D divided by Line B) (Funding under ESSA covered programs in FY 2026-27 may be reduced by the lower of the two percentages)	0.00%	0.00%
SECTION IV - Detail of Adjustments to Base Expenditures (used in Section III, Line A.1)		
Description of Adjustments	Total Expenditures	Expenditures Per ADA
Total adjustments to base expenditures	0.00	0.00

	2024-25 Calculations			2025-26 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045)	0.00		0.00	0.00		0.00
9. Penalties and Int. from Delinquent Taxes (Object 8048)	67,110.86		67,110.86	0.00		0.00
10. Other In-Lieu Taxes (Object 8082)	0.00		0.00	0.00		0.00
11. Comm. Redevelopment Funds (objects 8047 & 8625)	0.00		0.00	0.00		0.00
12. Parcel Taxes (Object 8621)	0.00		0.00	0.00		0.00
13. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only)	0.00		0.00	0.00		0.00
14. Penalties and Int. from Delinquent Non-LCFF Taxes (Object 8629) (Only those for the above taxes)	0.00		0.00	0.00		0.00
15. Transfers to Charter Schools in Lieu of Property Taxes (Object 8096)						
16. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C15)	37,442,456.64	0.00	37,442,456.64	38,518,987.00	0.00	38,518,987.00
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
17. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)	0.00		0.00	0.00		0.00
18. TOTAL LOCAL PROCEEDS OF TAXES (Lines C16 plus C17)	37,442,456.64	0.00	37,442,456.64	38,518,987.00	0.00	38,518,987.00
EXCLUDED APPROPRIATIONS						
19a. Medicare (Enter federally mandated amounts only from objs. 3301 & 3302; do not include negotiated amounts)			1,114,527.51			1,332,680.62
19b. Qualified Capital Outlay Projects						
19c. Routine Restricted Maintenance Account (Fund 01, Resource 8150, Objects 8900-8999)	1,318,705.96		1,318,705.96	1,566,924.48		1,566,924.48
OTHER EXCLUSIONS						
20. Americans with Disabilities Act						
21. Unreimbursed Court Mandated Desegregation Costs						
22. Other Unfunded Court-ordered or Federal Mandates						
23. TOTAL EXCLUSIONS (Lines C19 through C22)	1,318,705.96	0.00	2,433,233.47	1,566,924.48	0.00	2,899,605.10
STATE AID RECEIVED (Funds 01, 09, and 62)						
24. LCFF - CY (objects 8011 and 8012)	2,828,712.00		2,828,712.00	2,829,904.00		2,829,904.00
25. LCFF State Aid - Prior Years (Object 8019)	0.00		0.00	0.00		0.00
26. TOTAL STATE AID RECEIVED (Lines C24 plus C25)	2,828,712.00	0.00	2,828,712.00	2,829,904.00	0.00	2,829,904.00
DATA FOR INTEREST CALCULATION						
27. Total Revenues (Funds 01, 09 & 62; objects 8000-8799)	47,497,582.75		47,497,582.75	47,858,802.20		47,858,802.20

Part I - General Administrative Share of Plant Services Costs

California's indirect cost plan allows that the general administrative costs in the indirect cost pool may include that portion of plant services costs (maintenance and operations costs and facilities rents and leases costs) attributable to the general administrative offices. The calculation of the plant services costs attributed to general administration and included in the pool is standardized and automated using the percentage of salaries and benefits relating to general administration as proxy for the percentage of square footage occupied by general administration.

A. Salaries and Benefits - Other General Administration and Centralized Data Processing

1. Salaries and benefits paid through payroll (Funds 01, 09, and 62, objects 1000-3999 except 3701-3702)
(Functions 7200-7700, goals 0000 and 9000) 2,472,501.18
2. Contracted general administrative positions not paid through payroll
 - a. Enter the costs, if any, of general administrative positions performing services ON SITE but paid through a contract, rather than through payroll, in functions 7200-7700, goals 0000 and 9000, Object 5800. 0.00
 - b. If an amount is entered on Line A2a, provide the title, duties, and approximate FTE of each general administrative position paid through a contract. Retain supporting documentation in case of audit.

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B. Salaries and Benefits - All Other Activities

1. Salaries and benefits paid through payroll (Funds 01, 09, and 62, objects 1000-3999 except 3701-3702)
(Functions 1000-6999, 7100-7180, & 8100-8400; Functions 7200-7700, all goals except 0000 & 9000) 38,063,548.14

C. Percentage of Plant Services Costs Attributable to General Administration

(Line A1 plus Line A2a, divided by Line B1; zero if negative) (See Part III, Lines A5 and A6) 6.50%

Part II - Adjustments for Employment Separation Costs

When an employee separates from service, the local educational agency (LEA) may incur costs associated with the separation in addition to the employee's regular salary and benefits for the final pay period. These additional costs can be categorized as "normal" or "abnormal or mass" separation costs.

Normal separation costs include items such as pay for accumulated unused leave or routine severance pay authorized by governing board policy. Normal separation costs are not allowable as direct costs to federal programs, but are allowable as indirect costs. State programs may have similar restrictions. Where federal or state program guidelines required that the LEA charge an employee's normal separation costs to an unrestricted resource rather than to the restricted program in which the employee worked, the LEA may identify and enter these costs on Line A for inclusion in the indirect cost pool.

Abnormal or mass separation costs are those costs resulting from actions taken by an LEA to influence employees to terminate their employment earlier than they normally would have. Abnormal or mass separation costs include retirement incentives such as a Golden Handshake or severance packages negotiated to effect termination. Abnormal or mass separation costs may not be charged to federal programs as either direct costs or indirect costs. Where an LEA paid abnormal or mass separation costs on behalf of positions in general administrative functions included in the indirect cost pool, the LEA must identify and enter these costs on Line B for exclusion from the pool.

A. Normal Separation Costs (optional)

Enter any normal separation costs paid on behalf of employees of restricted state or federal programs that were charged to an unrestricted resource (0000-1999) in funds 01, 09, and 62 with functions 1000-6999 or 8100-8400 rather than to the restricted program. These costs will be moved in Part III from base costs to the indirect cost pool. 0.00

Retain supporting documentation.

B. Abnormal or Mass Separation Costs (required)

Enter any abnormal or mass separation costs paid on behalf of general administrative positions charged to unrestricted resources (0000-1999) in funds 01, 09, and 62 with functions 7200-7700. These costs will be moved in Part III from the indirect cost pool to base costs. If none, enter zero. 0.00

Part III - Indirect Cost Rate Calculation (Funds 01, 09, and 62, unless indicated otherwise)**A. Indirect Costs**

1. Other General Administration, less portion charged to restricted resources or specific goals
(Functions 7200-7600, objects 1000-5999, minus Line B9) 2,839,982.54
2. Centralized Data Processing, less portion charged to restricted resources or specific goals
(Function 7700, objects 1000-5999, minus Line B10) 624,031.19

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
Indirect Cost Rate Worksheet

27 66134 0000000
Form ICR
F8AXHT5K6X(2024-25)

3. External Financial Audit - Single Audit (Function 7190, resources 0000-1999, goals 0000 and 9000, objects 5000 - 5999)	71,004.00
4. Staff Relations and Negotiations (Function 7120, resources 0000-1999, goals 0000 and 9000, objects 1000 - 5999)	0.00
5. Plant Maintenance and Operations (portion relating to general administrative offices only) (Functions 8100-8400, objects 1000-5999 except 5100, times Part I, Line C)	321,189.24
6. Facilities Rents and Leases (portion relating to general administrative offices only) (Function 8700, resources 0000-1999, objects 1000-5999 except 5100, times Part I, Line C)	0.00
7. Adjustment for Employment Separation Costs	
a. Plus: Normal Separation Costs (Part II, Line A)	0.00
b. Less: Abnormal or Mass Separation Costs (Part II, Line B)	0.00
8. Total Indirect Costs (Lines A1 through A7a, minus Line A7b)	3,856,206.97
9. Carry-Forward Adjustment (Part IV, Line F)	(91,095.24)
10. Total Adjusted Indirect Costs (Line A8 plus Line A9)	3,765,111.73
B. Base Costs	
1. Instruction (Functions 1000-1999, objects 1000-5999 except 5100)	27,827,183.92
2. Instruction-Related Services (Functions 2000-2999, objects 1000-5999 except 5100)	4,506,733.30
3. Pupil Services (Functions 3000-3999, objects 1000-5999 except 4700 and 5100)	5,395,331.06
4. Ancillary Services (Functions 4000-4999, objects 1000-5999 except 5100)	669,399.53
5. Community Services (Functions 5000-5999, objects 1000-5999 except 5100)	163,154.11
6. Enterprise (Function 6000, objects 1000-5999 except 4700 and 5100)	0.00
7. Board and Superintendent (Functions 7100-7180, objects 1000-5999, minus Part III, Line A4)	1,023,054.52
8. External Financial Audit - Single Audit and Other (Functions 7190-7191, objects 5000 - 5999, minus Part III, Line A3)	0.00
9. Other General Administration (portion charged to restricted resources or specific goals only) (Functions 7200-7600, resources 2000-9999, objects 1000-5999; Functions 7200-7600, resources 0000-1999, all goals except 0000 and 9000, objects 1000-5999)	37,129.53
10. Centralized Data Processing (portion charged to restricted resources or specific goals only) (Function 7700, resources 2000-9999, objects 1000-5999; Function 7700, resources 0000-1999, all goals except 0000 and 9000, objects 1000-5999)	15,500.00
11. Plant Maintenance and Operations (all except portion relating to general administrative offices) (Functions 8100-8400, objects 1000-5999 except 5100, minus Part III, Line A5)	4,620,183.62
12. Facilities Rents and Leases (all except portion relating to general administrative offices) (Function 8700, objects 1000-5999 except 5100, minus Part III, Line A6)	0.00
13. Adjustment for Employment Separation Costs	
a. Less: Normal Separation Costs (Part II, Line A)	0.00
b. Plus: Abnormal or Mass Separation Costs (Part II, Line B)	0.00
14. Student Activity (Fund 08, functions 4000-5999, objects 1000-5999 except 5100)	427,761.65
15. Adult Education (Fund 11, functions 1000-6999, 8100-8400, and 8700, objects 1000-5999 except 5100)	3,137,489.96
16. Child Development (Fund 12, functions 1000-6999, 8100-8400 & 8700, objects 1000-5999 except 4700 & 5100)	565,356.70
17. Cafeteria (Funds 13 & 61, functions 1000-6999, 8100-8400 & 8700, objects 1000-5999 except 4700 & 5100)	796,583.16
18. Foundation (Funds 19 & 57, functions 1000-6999, 8100-8400 & 8700, objects 1000-5999 except 4700 & 5100)	0.00
19. Total Base Costs (Lines B1 through B12 and Lines B13b through B18, minus Line B13a)	49,184,861.06
C. Straight Indirect Cost Percentage Before Carry-Forward Adjustment	
(For information only - not for use when claiming/recovering indirect costs)	
(Line A8 divided by Line B19)	7.84%
D. Preliminary Proposed Indirect Cost Rate	
(For final approved fixed-with-carry-forward rate for use in 2026-27 see www.cde.ca.gov/fg/ac/ic)	
(Line A10 divided by Line B19)	7.66%
Part IV - Carry-forward Adjustment	
The carry-forward adjustment is an after-the-fact adjustment for the difference between indirect costs recoverable using the indirect cost rate approved for use in a given year, and the actual indirect costs incurred in that year. The carry-forward adjustment eliminates	

the need for LEAs to file amended federal reports when their actual indirect costs vary from the estimated indirect costs on which the approved rate was based.

Where the ratio of indirect costs incurred in the current year is less than the estimated ratio of indirect costs on which the approved rate for use in the current year was based, the carry-forward adjustment is limited by using either the approved rate times current year base costs, or the highest rate actually used to recover costs from any program times current year base costs, if the highest rate used was less than the approved rate. Rates used to recover costs from programs are displayed in Exhibit A.

A. Indirect costs incurred in the current year (Part III, Line A8)	3,856,206.97
B. Carry-forward adjustment from prior year(s)	
1. Carry-forward adjustment from the second prior year	(649,122.09)
2. Carry-forward adjustment amount deferred from prior year(s), if any	(322,496.02)
C. Carry-forward adjustment for under- or over-recovery in the current year	
1. Under-recovery: Part III, Line A8, plus carry-forward adjustment from prior years, minus (approved indirect cost rate (6.05%) times Part III, Line B19); zero if negative	0.00
2. Over-recovery: Part III, Line A8, plus carry-forward adjustment from prior years, minus the lesser of (approved indirect cost rate (6.05%) times Part III, Line B19) or (the highest rate used to recover costs from any program (6.05%) times Part III, Line B19); zero if positive	(91,095.24)
D. Preliminary carry-forward adjustment (Line C1 or C2)	(91,095.24)
E. Optional allocation of negative carry-forward adjustment over more than one year	
Where a negative carry-forward adjustment causes the proposed approved rate to fall below zero or would reduce the rate at which the LEA could recover indirect costs to such an extent that it would cause the LEA significant fiscal harm, the LEA may request that the carry-forward adjustment be allocated over more than one year. Where allocation of a negative carry-forward adjustment over more than one year does not resolve a negative rate, the CDE will work with the LEA on a case-by-case basis to establish an approved rate.	
Option 1. Preliminary proposed approved rate (Part III, Line D) if entire negative carry-forward adjustment is applied to the current year calculation:	7.66%
Option 2. Preliminary proposed approved rate (Part III, Line D) if one-half of negative carry-forward adjustment (\$-45547.62) is applied to the current year calculation and the remainder (\$-45547.62) is deferred to one or more future years:	7.75%
Option 3. Preliminary proposed approved rate (Part III, Line D) if one-third of negative carry-forward adjustment (\$-30365.08) is applied to the current year calculation and the remainder (\$-60730.16) is deferred to one or more future years:	7.78%
LEA request for Option 1, Option 2, or Option 3	1
F. Carry-forward adjustment used in Part III, Line A9 (Line D minus amount deferred if Option 2 or Option 3 is selected)	(91,095.24)

Unaudited Actuals
2024-25 Unaudited Actuals
Exhibit A: Indirect Cost Rates Charged to Programs

330/1104

27 66134 0000000
Form ICR
F8AXHT5K6X(2024-25)

Approved
indirect
cost rate: 6.05%

Highest
rate used
in any
program: 6.05%

Fund	Resource	Eligible Expenditures (Objects 1000-5999 except 4700 & 5100)	Indirect Costs Charged (Objects 7310 and 7350)	Rate Used
01	2600	134,501.09	8,137.32	6.05%
01	3010	158,479.02	9,587.98	6.05%
01	3310	411,073.11	23,014.17	5.60%
01	3315	5,447.14	329.55	6.05%
01	3327	18,881.84	1,142.35	6.05%
01	3550	14,725.77	701.23	4.76%
01	4035	34,678.93	2,098.07	6.05%
01	4127	12,835.45	776.55	6.05%
01	6053	19,798.56	1,197.81	6.05%
01	6266	9,314.80	563.55	6.05%
01	6387	40,521.92	2,451.58	6.05%
01	6512	52,429.71	3,172.00	6.05%
01	6546	129,658.06	7,844.31	6.05%
01	6547	145,603.14	8,808.99	6.05%
01	6762	253,502.93	15,336.93	6.05%
01	6770	160,938.33	1,609.38	1.00%
01	7311	10,374.54	627.66	6.05%
01	7339	6,860.59	415.07	6.05%
01	7435	309,275.03	18,711.14	6.05%
01	7810	622.50	37.66	6.05%
01	8150	1,467,632.85	88,791.79	6.05%
11	6391	2,027,320.59	101,366.03	5.00%
12	5059	958.28	57.98	6.05%
12	6105	105,250.98	6,367.68	6.05%
12	6127	8,480.64	513.08	6.05%
13	5310	796,583.16	47,340.13	5.94%

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
LOTTERY REPORT
Revenues, Expenditures and
Ending Balances - All Funds

27 66134 0000000
Form L
F8AXHT5K6X(2024-25)

Description	Object Codes	Lottery: Unrestricted (Resource 1100)	Transferred to Other Resources for Expenditure	Lottery: Instructional Materials (Resource 6300)*	Totals
A. AMOUNT AVAILABLE FOR THIS FISCAL YEAR					
1. Adjusted Beginning Fund Balance	9791-9795	76,826.39		152,784.03	229,610.42
2. State Lottery Revenue	8560	340,375.25		161,511.09	501,886.34
3. Other Local Revenue	8600-8799	338.01		2,955.45	3,293.46
4. Transfers from Funds of Lapsed/Reorganized Districts	8965	0.00		0.00	0.00
5. Proceeds from SBITAs	8974	0.00		0.00	0.00
6. Contributions from Unrestricted Resources (Total must be zero)	8980	0.00			0.00
7. Total Available (Sum Lines A1 through A6)		417,539.65	0.00	317,250.57	734,790.22
B. EXPENDITURES AND OTHER FINANCING USES					
1. Certificated Salaries	1000-1999	0.00		0.00	0.00
2. Classified Salaries	2000-2999	0.00		0.00	0.00
3. Employee Benefits	3000-3999	0.00		0.00	0.00
4. Books and Supplies	4000-4999	0.00		72,324.58	72,324.58
5. a. Services and Other Operating Expenditures (Resource 1100)	5000-5999	417,539.65			417,539.65
b. Services and Other Operating Expenditures (Resource 6300)	5000-5999, except 5100, 5710, 5800			0.00	0.00
c. Duplicating Costs for Instructional Materials (Resource 6300)	5100, 5710, 5800			60,182.61	60,182.61
6. Capital Outlay	6000-6999	0.00		0.00	0.00
7. Tuition	7100-7199	0.00			0.00
8. Interagency Transfers Out					
a. To Other Districts, County Offices, and Charter Schools	7211, 7212, 7221, 7222, 7281, 7282	0.00			0.00
b. To JPAs and All Others	7213, 7223, 7283, 7299	0.00			0.00
9. Transfers of Indirect Costs	7300-7399	0.00			0.00
10. Debt Service	7400-7499	0.00			0.00
11. All Other Financing Uses	7630-7699	0.00			0.00
12. Total Expenditures and Other Financing Uses (Sum Lines B1 through B11)		417,539.65	0.00	132,507.19	550,046.84
C. ENDING BALANCE (Must equal Line A7 minus Line B12)	979Z	0.00	0.00	184,743.38	184,743.38
D. COMMENTS:					
Online subscriptions for core curriculum was coded to objects 5800 & 5801					

Data from this report will be used to prepare a report to the Legislature as required by Control Section 24.60 of the Budget Act.

*Pursuant to Government Code Section 8880.4(a)(2)(B) and the definition in Education Code Section 60010(h), Resource 6300 funds are to be used for the purchase of instructional materials only. Any amounts in the shaded cells of this column should be reviewed for appropriateness.

	Teacher Full-Time Equivalents					Classroom Units			Pupils Transported
	Instructional Supervision and Administration (Functions 2100 - 2200)	Library, Media, Technology and Other Instructional Resources (Functions 2420-2495)	School Administration (Function 2700)	Pupil Support Services (Functions 3100-3199 & 3900)	Plant Maintenance and Operations (Functions 8100-8400)	Facilities Rents and Leases (Function 8700)	Pupil Transportation (Function 3600)		
A. Amount of Undistributed Expenditures, Funds 01, 09, and 62, Goals 0000 and 9000 (will be allocated based on factors input)	29,859.05	0.00	1,990.63	42,049.46	4,935,057.31	0.00	404,128.55		
B. Enter Allocation Factor(s) by Goal: (Note: Allocation factors are only needed for a column if there are undistributed expenditures in line A.)									
Instructional Goals Description									
0001 Pre-Kindergarten									
1110 Regular Education, K-12	.50	0.00	.10	.50	119.00	0.00	25.00		
3100 Alternative Schools									
3200 Continuation Schools									
3300 Independent Study Centers									
3400 Opportunity Schools									
3550 Community Day Schools									
3700 Specialized Secondary Programs									
3800 Career Technical Education									
4110 Regular Education, Adult									
4610 Adult Independent Study Centers									
4620 Adult Correctional Education									
4630 Adult Career Technical Education									
4760 Bilingual									
4850 Migrant Education									
5000-5999 Special Education (allocated to 5001)									
6000 ROC/P									
Other Goals Description									
7110 Nonagency - Educational									
7150 Nonagency - Other									
8100 Community Services									
8500 Child Care and Development Services									
Other Funds Description									
-- Adult Education (Fund 11)									
-- Child Development (Fund 12)									
-- Cafeteria (Funds 13 & 61)									
C. Total Allocation Factors	.50	0.00	.10	.50	119.00	0.00	25.00		

Goal	Program/Activity	Direct Costs			Central Admin Costs (col. 3 x Sch. CAC line E) Column 4	Other Costs (Schedule OC) Column 5	Total Costs by Program (col. 3 + 4 + 5) Column 6
		Direct Charged (Schedule DCC) Column 1	Allocated (Schedule AC) Column 2	Subtotal (col. 1 + 2) Column 3			
Instructional Goals	Pre-Kindergarten	0.00	0.00	0.00	0.00		0.00
	Regular Education, K-12	27,358,312.41	5,413,085.00	32,771,397.41	3,096,617.51		35,868,014.92
	Alternative Schools	0.00	0.00	0.00	0.00		0.00
	Continuation Schools	493,406.92	0.00	493,406.92	46,622.75		540,029.67
	Independent Study Centers	0.00	0.00	0.00	0.00		0.00
	Opportunity Schools	0.00	0.00	0.00	0.00		0.00
	Community Day Schools	0.00	0.00	0.00	0.00		0.00
	Specialized Secondary Programs	0.00	0.00	0.00	0.00		0.00
	Career Technical Education	755,399.15	0.00	755,399.15	72,323.69		827,722.84
	Regular Education, Adult	1,636.76	0.00	1,636.76	154.86		1,791.62
	Adult Independent Study Centers	0.00	0.00	0.00	0.00		0.00
	Adult Correctional Education	0.00	0.00	0.00	0.00		0.00
	Adult Career Technical Education	0.00	0.00	0.00	0.00		0.00
Other Goals	Bilingual	0.00	0.00	0.00	0.00		0.00
	Migrant Education	0.00	0.00	0.00	0.00		0.00
	Special Education	9,509,016.92	0.00	9,509,016.92	898,520.99		10,407,537.91
	Regional Occupational Ctr/Prg (ROC/IP)	0.00	0.00	0.00	0.00		0.00
	Nonagency - Educational	0.00	0.00	0.00	0.00		0.00
	Nonagency - Other	0.00	0.00	0.00	0.00		0.00
	Community Services	0.00	0.00	0.00	0.00		0.00
	Child Care and Development Services	153,154.11	0.00	153,154.11	15,416.67		178,570.78
	Food Services					82,916.34	82,916.34
	Enterprise					0.00	0.00
	Facilities Acquisition & Construction					31,907.27	31,907.27
	Other Outgo					691,740.74	691,740.74
	Adult Education, Child Development, Cafeteria, Foundation ([Column 3 + CAC, line C5] times CAC, line E)					481,045.51	481,045.51
	Indirect Cost Transfers to Other Funds (Net of Funds 01, 09 62, Function 7210, Object 7350)					(155,644.90)	(155,644.90)
Total General Fund and Charter Schools Funds Expenditures		38,290,926.27	5,413,085.00	43,704,011.27	4,455,056.88	806,564.35	48,965,632.50

Unaudited Actuals
2024-25
General Fund and Charter Schools Funds
Program Cost Report
Schedule of Direct Charged Costs (DCC)

Pacific Grove Unified
Monterey County

Goal	Type of Program	Instruction (Functions 1000- 1999)	Instructional Supervision and Administration (Functions 2100- 2200)	Library, Media, Technology and Other Instructional Resources (Functions 2420- 2495)	School Administration (Function 2700)	Pupil Support Services (Functions 3110- 3160 and 3900)	Pupil Transportation (Function 3600)	Ancillary Services (Functions 4000- 4999)	Community Services (Functions 5000- 5999)	General Administration (Functions 7000- 7999, except 7210)*	Plant Maintenance and Operations (Functions 8100- 8400)	Facilities Rents and Leases (Function 8700)	Total
Instructional Goals	0001 Pre-Kindergarten	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	1110 Regular Education, K-12	20,457,035.42	488,599.09	453,415.76	2,947,012.07	2,338,850.54	0.00	669,399.53			4,000.00	0.00	27,358,312.41
	3100 Alternative Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	3200 Continualual Schools	384,089.77	0.00	0.00	108,202.93	0.00	0.00	0.00			1,114.22	0.00	483,405.92
	3300 Independent Study Centers	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	3400 Opportunity Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	3550 Community Day Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	3700 Specialized Secondary Programs	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	3800 Career Technical Education	703,424.05	5,619.47	0.00	55,154.30	0.00	0.00	0.00			1,201.33	0.00	765,399.15
	4110 Regular Education, Adult	886.76	0.00	0.00	750.00	0.00	0.00	0.00			0.00	0.00	1,636.76
	4610 Adult Independent Study Centers	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	4620 Adult Correctional Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	4630 Adult Career Technical Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	4760 Bilingual	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	4850 Migrant Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
	5000-5999 Special Education	6,546,569.43	0.00	930.29	415,199.71	2,544,317.48	0.00	0.00			0.00	0.00	9,509,016.92
	6003 ROCIP	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
Other Goals	7110 Nonagency - Educational	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	7150 Nonagency - Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	8100 Community Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	8500 Child Care and Development Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	163,154.11	0.00	0.00	0.00	163,154.11
	Total Direct Charged Costs	28,094,005.43	494,218.56	454,346.05	3,526,319.01	4,863,168.03	0.00	669,399.53	163,154.11	0.00	6,315.56	0.00	38,290,926.27

* Functions 7100-7199 for goals 8100 and 8500

Goal	Type of Program	Allocated Support Costs (Based on factors input on Form PCRAF)			Total
		Full-Time Equivalents	Classroom Units	Pupils Transported	
Instructional Goals					
	0001	0.00	0.00	0.00	0.00
	1110	73,899.14	4,935,057.31	404,128.55	5,413,085.00
	3100	0.00	0.00	0.00	0.00
	3200	0.00	0.00	0.00	0.00
	3300	0.00	0.00	0.00	0.00
	3400	0.00	0.00	0.00	0.00
	3500	0.00	0.00	0.00	0.00
	3700	0.00	0.00	0.00	0.00
	3800	0.00	0.00	0.00	0.00
	4110	0.00	0.00	0.00	0.00
	4610	0.00	0.00	0.00	0.00
	4620	0.00	0.00	0.00	0.00
Other Goals					
	4630	0.00	0.00	0.00	0.00
	4760	0.00	0.00	0.00	0.00
	4850	0.00	0.00	0.00	0.00
	5000-5999	0.00	0.00	0.00	0.00
	6000	0.00	0.00	0.00	0.00
	7110	0.00	0.00	0.00	0.00
	7150	0.00	0.00	0.00	0.00
	8100	0.00	0.00	0.00	0.00
	8500	0.00	0.00	0.00	0.00
	Other Funds				
--		0.00	0.00	0.00	0.00
--		0.00	0.00	0.00	0.00
Total Allocated Support Costs		73,899.14	4,935,057.31	404,128.55	5,413,085.00

A. Central Administration Costs in General Fund and Charter Schools Funds		
1	Board and Superintendent (Funds 01, 09, and 62; Functions 7100-7160, Goals 0000-6999 and 9000, Objects 1000-7999)	1,023,054.52
2	External Financial Audits (Funds 01, 09, and 62; Functions 7190-7191, Goals 0000-6999 and 9000, Objects 1000 - 7999)	71,004.00
3	Other General Administration (Funds 01, 09, and 62; Functions 7200-7600 except 7210, Goal 0000, Objects 1000-7999)	2,877,112.07
4	Centralized Data Processing (Funds 01, 09, and 62; Function 7700, Goal 0000, Objects 1000-7999)	630,631.19
5	Total Central Administration Costs in General Fund and Charter Schools Funds	4,610,701.78
B. Direct Charged and Allocated Costs in General Fund and Charter Schools Funds		
1	Total Direct Charged Costs (from Form PCR, Column 1, Total)	38,290,926.27
2	Total Allocated Costs (from Form PCR, Column 2, Total)	5,413,085.00
3	Total Direct Charged and Allocated Costs in General Fund and Charter Schools Funds	43,704,011.27
C. Direct Charged Costs in Other Funds		
1	Adult Education (Fund 11, Objects 1000-5999, except 5100)	3,146,385.53
2	Child Development (Fund 12, Objects 1000-5999, except 5100)	985,356.70
3	Cafeteria (Funds 13 & 61, Objects 1000-5999, except 5100)	1,379,145.88
4	Foundation (Funds 19 & 57, Objects 1000-5999, except 5100)	0.00
5	Total Direct Charged Costs in Other Funds	5,090,888.21
D.	Total Direct Charged and Allocated Costs (B3 + C5)	48,794,899.48
E.	Ratio of Central Administration Costs to Direct Charged and Allocated Costs (A5/D)	9.45%

Type of Activity	Food Services (Function 3700)	Enterprise (Function 6000)	Facilities Acquisition & Construction (Function 8500)	Other Outgo (Functions 9000- 9999)	Total
Food Services (Objects 1000-5999, 6400-6920)	82,916.34				82,916.34
Enterprise (Objects 1000-5999, 6400-6920)		0.00			0.00
Facilities Acquisition & Construction (Objects 1000-6700)			31,907.27		31,907.27
Other Outgo (Objects 1000 - 7999)				691,740.74	691,740.74
Total Other Costs	82,916.34	0.00	31,907.27	691,740.74	806,564.35

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
SUMMARY OF INTERFUND ACTIVITIES
FOR ALL FUNDS

27 66134 0000000
Form SIAA
F8AXHT5K6X(2024-25)

Description	Direct Costs - Interfund		Indirect Costs - Interfund		Interfund Transfers In 8900-8929	Interfund Transfers Out 7600-7629	Due From Other Funds 9310	Due To Other Funds 9610
	Transfers In 5750	Transfers Out 5750	Transfers In 7350	Transfers Out 7350				
01 GENERAL FUND								
Expenditure Detail	20,938.00	0.00	0.00	(155,644.90)				
Other Sources/Uses Detail					0.00	400,000.00		
Fund Reconciliation							0.00	0.00
08 STUDENT ACTIVITY SPECIAL REVENUE FUND								
Expenditure Detail	0.00	0.00	0.00	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
09 CHARTER SCHOOLS SPECIAL REVENUE FUND								
Expenditure Detail	0.00	0.00	0.00	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
10 SPECIAL EDUCATION PASS-THROUGH FUND								
Expenditure Detail								
Other Sources/Uses Detail							0.00	0.00
Fund Reconciliation								
11 ADULT EDUCATION FUND								
Expenditure Detail	0.00	0.00	101,366.03	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
12 CHILD DEVELOPMENT FUND								
Expenditure Detail	0.00	0.00	6,938.74	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
13 CAFETERIA SPECIAL REVENUE FUND								
Expenditure Detail	0.00	(20,938.00)	47,340.13	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
14 DEFERRED MAINTENANCE FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					200,000.00	0.00		
Fund Reconciliation							0.00	0.00
15 PUPIL TRANSPORTATION EQUIPMENT FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
17 SPECIAL RESERVE FUND FOR OTHER THAN CAPITAL OUTLAY								
Expenditure Detail								
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
18 SCHOOL BUS EMISSIONS REDUCTION FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
SUMMARY OF INTERFUND ACTIVITIES
FOR ALL FUNDS

27 66134 0000000
Form SIAA
F8AXHT5K6X(2024-25)

Description	Direct Costs - Interfund		Indirect Costs - Interfund		Interfund Transfers In 8900-8929	Interfund Transfers Out 7600-7629	Due From Other Funds 9310	Due To Other Funds 9610
	Transfers In 5750	Transfers Out 5750	Transfers In 7350	Transfers Out 7350				
Fund Reconciliation							0.00	0.00
19 FOUNDATION SPECIAL REVENUE FUND								
Expenditure Detail	0.00	0.00	0.00	0.00				
Other Sources/Uses Detail						0.00		
Fund Reconciliation							0.00	0.00
20 SPECIAL RESERVE FUND FOR POSTEMPLOYMENT BENEFITS								
Expenditure Detail								
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
21 BUILDING FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
25 CAPITAL FACILITIES FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
30 STATE SCHOOL BUILDING LEASE/PURCHASE FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
35 COUNTY SCHOOL FACILITIES FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
40 SPECIAL RESERVE FUND FOR CAPITAL OUTLAY PROJECTS								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					200,000.00	0.00		
Fund Reconciliation							0.00	0.00
49 CAP PROJ FUND FOR BLENDED COMPONENT UNITS								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
51 BOND INTEREST AND REDEMPTION FUND								
Expenditure Detail								
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
52 DEBT SVC FUND FOR BLENDED COMPONENT UNITS								
Expenditure Detail								
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
53 TAX OVERRIDE FUND								
Expenditure Detail								

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
SUMMARY OF INTERFUND ACTIVITIES
FOR ALL FUNDS

27 66134 0000000
Form SIAA
F8AXHT5K6X(2024-25)

Description	Direct Costs - Interfund		Indirect Costs - Interfund		Interfund Transfers In 8900-8929	Interfund Transfers Out 7600-7629	Due From Other Funds 9310	Due To Other Funds 9610
	Transfers In 5750	Transfers Out 5750	Transfers In 7350	Transfers Out 7350				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
56 DEBT SERVICE FUND								
Expenditure Detail								
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
57 FOUNDATION PERMANENT FUND								
Expenditure Detail	0.00	0.00	0.00	0.00				
Other Sources/Uses Detail						0.00		
Fund Reconciliation							0.00	0.00
61 CAFETERIA ENTERPRISE FUND								
Expenditure Detail	0.00	0.00	0.00	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
62 CHARTER SCHOOLS ENTERPRISE FUND								
Expenditure Detail	0.00	0.00	0.00	0.00				
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
63 OTHER ENTERPRISE FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
66 WAREHOUSE REVOLVING FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
67 SELF-INSURANCE FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00	0.00		
Fund Reconciliation							0.00	0.00
71 RETIREE BENEFIT FUND								
Expenditure Detail								
Other Sources/Uses Detail					0.00			
Fund Reconciliation							0.00	0.00
73 FOUNDATION PRIVATE-PURPOSE TRUST FUND								
Expenditure Detail	0.00	0.00						
Other Sources/Uses Detail					0.00			
Fund Reconciliation							0.00	0.00
76 WARRANT/PASS-THROUGH FUND								
Expenditure Detail								
Other Sources/Uses Detail								
Fund Reconciliation							0.00	0.00
95 STUDENT BODY FUND								
Expenditure Detail								

Pacific Grove Unified
Monterey County

Unaudited Actuals
2024-25 Unaudited Actuals
SUMMARY OF INTERFUND ACTIVITIES
FOR ALL FUNDS

27 66134 0000000
Form SIAA
F8AXHT5K6X(2024-25)

Description	Direct Costs - Interfund		Indirect Costs - Interfund		Interfund Transfers In 8900-8929	Interfund Transfers Out 7600-7629	Due From Other Funds 9310	Due To Other Funds 9610
	Transfers In 5750	Transfers Out 5750	Transfers In 7350	Transfers Out 7350				
Other Sources/Uses Detail								
Fund Reconciliation							0.00	0.00
TOTALS	20,938.00	(20,938.00)	155,644.90	(155,644.90)	400,000.00	400,000.00	0.00	0.00

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
UNDUPLICATED PUPIL COUNT									
TOTAL EXPENDITURES (Funds 01, 09, & 62; resources 0000-9999)									
1000-1999	Certificated Salaries	581,618.85	0.00	0.00	0.00	187,491.54	2,364,982.52		3,134,092.91
2000-2999	Classified Salaries	78,704.01	0.00	0.00	0.00	31,304.59	2,065,864.97		2,175,873.57
3000-3999	Employee Benefits	231,887.75	0.00	0.00	0.00	59,983.70	1,801,737.59		2,103,609.04
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	4,375.34	12,750.59		17,125.93
5000-5999	Services and Other Operating Expenditures	3,997.94	0.00	0.00	0.00	7,661.46	2,055,509.17		2,067,168.57
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	11,146.90	0.00		11,146.90
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	896,208.55	0.00	0.00	0.00	311,963.53	8,300,844.84	0.00	9,509,016.92
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	9,138.54	35,172.83		44,311.37
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
PCRA	Program Cost Report Allocations	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs and PCR Allocations	0.00	0.00	0.00	0.00	9,138.54	35,172.83		44,311.37
	TOTAL COSTS	896,208.55	0.00	0.00	0.00	321,102.07	8,336,017.67	0.00	9,553,328.29
FEDERAL EXPENDITURES (Funds 01, 09, and 62; resources 3000-5999, except 3385)									
1000-1999	Certificated Salaries	0.00	0.00	0.00	0.00	0.00	0.00		0.00
2000-2999	Classified Salaries	0.00	0.00	0.00	0.00	28,964.55	256,218.18		285,182.73
3000-3999	Employee Benefits	0.00	0.00	0.00	0.00	10,700.57	115,189.81		125,890.38
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	4,375.34	0.00		4,375.34
5000-5999	Services and Other Operating Expenditures	0.00	0.00	0.00	0.00	1,096.46	18,881.84		19,978.30
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	0.00	0.00	0.00	0.00	45,136.92	390,289.83	0.00	435,426.75
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	329.55	24,156.52		24,486.07
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	329.55	24,156.52	0.00	24,486.07
	TOTAL BEFORE OBJECT 8980	0.00	0.00	0.00	0.00	45,466.47	414,446.35	0.00	459,912.82
8980	Less: Contributions from Unrestricted Revenues to Federal Resources (Resources 3310-3400, except 3385, all goals, resources 3000-3178 & 3410-5810, goals 5000-5999)								
	TOTAL COSTS	581,618.85	0.00	0.00	0.00	187,491.54	2,364,982.52		3,134,092.91
STATE AND LOCAL EXPENDITURES (Funds 01, 09, & 62; resources 0000-2999, 3385, & 6000-9999)									
1000-1999	Certificated Salaries	581,618.85	0.00	0.00	0.00	187,491.54	2,364,982.52		3,134,092.91
									30,673.56
									429,239.26

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
2000-2999	Classified Salaries	78,704.01	0.00	0.00	0.00	2,340.04	1,809,646.79		1,890,690.84
3000-3999	Employee Benefits	231,687.75	0.00	0.00	0.00	59,283.13	1,686,547.78		1,977,718.66
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	0.00	12,750.59		12,750.59
5000-5999	Services and Other Operating Expenditures	3,997.94	0.00	0.00	0.00	6,565.00	2,036,627.33		2,047,190.27
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	11,146.90	0.00		11,146.90
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	896,208.55	0.00	0.00	0.00	266,826.61	7,910,555.01	0.00	9,073,590.17
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	8,808.99	11,016.31		19,825.30
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
PCRA	Program Cost Report Allocations	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs and PCR Allocations	0.00	0.00	0.00	0.00	8,808.99	11,016.31	0.00	19,825.30
	TOTAL BEFORE OBJECT 8980	896,208.55	0.00	0.00	0.00	275,635.60	7,921,571.32	0.00	9,093,415.47
8980	Contributions from Unrestricted Revenues to Federal Resources (from Federal Expenditures section)								30,673.56
	TOTAL COSTS								9,124,089.03
LOCAL EXPENDITURES (Funds 01, 09, & 62; resources 0000-1999 & 8000-9999)									
1000-1999	Certificated Salaries	10,635.00	0.00	0.00	0.00	0.00	30,797.37		41,432.37
2000-2999	Classified Salaries	0.00	0.00	0.00	0.00	0.00	98,856.94		98,856.94
3000-3999	Employee Benefits	2,535.70	0.00	0.00	0.00	0.00	41,069.72		43,605.42
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	0.00	0.00		0.00
5000-5999	Services and Other Operating Expenditures	3,091.44	0.00	0.00	0.00	0.00	176,914.72		180,006.16
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	16,262.14	0.00	0.00	0.00	0.00	347,638.75	0.00	363,900.89
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL BEFORE OBJECT 8980	16,262.14	0.00	0.00	0.00	0.00	347,638.75	0.00	363,900.89
8980	Contributions from Unrestricted Revenues to Federal Resources (from Federal Expenditures section)								30,673.56
8980	Contributions from Unrestricted Revenues to State Resources (Resources 3385, 6500, 6510, & 7240, all goals: resources 2000-2999 & 6010-7810, except 6500, 6510, & 7240, goals 5000-5999)								6,295,654.21
	TOTAL COSTS								6,690,228.66

* Attach an additional sheet with explanations of any amounts in the Adjustments column.

2023-24 Expenditures		A. State and Local	B. Local Only
1. Enter Total Costs amounts from the 2023-24 Report SEMA, 2023-24 Expenditures by LEA (LE-CY) worksheet, Total Column, for the State and Local Expenditures section and the Local Expenditures section		8,263,269.06	5,507,112.42
2. Enter audit adjustments of 2023-24 special education expenditures from SACS2025ALL data, not included in Line 1 (explain below) (Funds 01, 09, and 62; resources 0000-2999 & 6000-9999; Object 9793)			
3. Enter restatements of 2024-25 special education beginning fund balances from SACS2025ALL data, not included in Line 1 (explain below) (Funds 01, 09, and 62; resources 0000 - 2999 & 6000 - 9999; Object 9795)			
4. Enter any other adjustments, not included in Line 1 (explain below)			
5. 2023-24 Expenditures, Adjusted for 2024-25 MOE Calculation (Sum lines 1 through 4)		8,263,269.06	5,507,112.42
C. Unduplicated Pupil Count			
1. Enter the unduplicated pupil count reported in 2023-24 Report SEMA, 2023-24 Expenditures by LEA (LE-CY) worksheet		254.00	
2. Enter any adjustments not included in Line C1 (explain below)			
3. 2023-24 Unduplicated Pupil Count, Adjusted for 2024-25 MOE Calculation (Line C1 plus Line C2)		254.00	

SELPA: Monterey County (AS)

This form is used to check maintenance of effort (MOE) for an LEA, whether the LEA is a member of a SELPA or is a single-LEA SELPA. If a member of a SELPA, submit this form together with the 2024-25 Expenditures by LEA (LE-CY) and the 2023-24 Expenditures by LEA (LE-PY) to the SELPA AU. If a single-LEA SELPA, submit the forms to the CDE.

Per the federal Subsequent Years Rule, in order to determine the required level of effort, the LEA must look back to the last fiscal year in which the LEA maintained effort using the same method by which it is currently establishing the compliance standard. To meet the requirement of the Subsequent Years Rule, the LMC-A worksheet has been revised to make changes to sections 3.A.1, 3.A.2, 3.B.1, and 3.B.2. The revised sections allow the LEA to compare the 2024-25 expenditures to the most recent fiscal year the LEA met MOE using that method, which is the comparison year. To ensure the LEA is comparing 2024-25 expenditures to the appropriate comparison year, the LEA is required to complete the Subsequent Years Tracking (SYT) worksheet with their LMC-A worksheet. The SYT worksheet tracks the result for each of the four methods back to FY 2011-12, which is the baseline year for LEA MOE calculations established by the Office of Special Education Programs. The SYT worksheet is available

There are four methods that the LEA can use to demonstrate the compliance standard. They are (1) combined state and local expenditures on a per capita basis; (2) combined state and local expenditures on a per capita basis; (3) local expenditures only; and (4) local expenditures only on a per capita basis.

The LEA is only required to pass one of the tests to meet the MOE requirement. However, the LEA is required to show results for all four methods. These results are necessary both for historical purposes and for the possibility that the LEA may want, or need, to switch methods in future years.

SECTION 1
Exempt Reduction Under 34 CFR Section 300.204

If your LEA determines that a reduction in expenditures occurred as a result of one or more of the following conditions, you may calculate a reduction to the required MOE standard. Reductions may apply to combined state and local MOE standard, local only MOE standard, or both. If the LEA meets one of the conditions below, the LEA must complete and include the IDEA MOE Exemption Worksheet available at: <http://www.cde.ca.gov/iso/ae/as/documents/leamoeexemptionworkst.xls>

1. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child:
 - a. Has left the jurisdiction of the agency;
 - b. Has reached the age at which the obligation of the agency to provide free appropriate public education (FAPE) to the child has terminated; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long term purchases, such as the acquisition of equipment or the construction of school facilities.
5. The assumption of cost by the high cost fund operated by the SEA under 34 CFR Sec. 300.704(c).

Provide the condition number, if any, to be used in the calculation below:

	State and Local	Local Only
Provide the condition number, if any , to be used in the calculation below:		
Total exempt reductions	0.00	0.00

SECTION 2

IMPORTANT NOTE: Only LEAs that have a "meets requirement" compliance determination and that are not found significantly disproportionate for the current year are eligible to use this option to reduce their MOE requirement.

Unaudited Actuals
Special Education Maintenance of Effort
2024-25 Actual vs. Actual Comparison Year
LEA Maintenance of Effort Calculation (LMC-A)

27 66134 0000000
Report SEMA
F8AXHTSK6X(2024-25)

SELPA:

Monterey County (AS)

Up to 50% of the increase in IDEA Part B Section 611 funding in current year compared with prior year may be used to reduce the required level of state and local expenditures. This option is available only if the LEA used or will use the freed up funds for activities authorized under the Elementary and Secondary Education Act (ESEA) of 1965. Also, the amount of Part B funds used for early intervening services (34 CFR 300.226(a)) will count toward the maximum amount by which the LEA may reduce its MOE requirement under this exception [P.L. 108-446].

Current year funding (IDEA Section 611 Local Assistance Grant Award - Resource 3310)

Less: Prior year's funding (IDEA Section 611 Local Assistance Grant Awards - Resource 3310)

Increase in funding (if difference is positive)

Maximum available for MOE reduction (50% of increase in funding)

Current year funding (IDEA Section 619 - Resource 3315)

Maximum available for early intervening services (EIS) (15% of current year funding - Resources 3310 and 3315)

If (b) is greater than (a).

Enter portion to set aside for EIS (cannot exceed line (b), Maximum available for EIS)

Available for MOE reduction. (line (a) minus line (c), zero if negative)

Enter portion used to reduce MOE requirement (cannot exceed line (d), Available for MOE reduction).

If (b) is less than (a).

Enter portion used to reduce MOE requirement (first column cannot exceed line (a), Maximum available for MOE reduction; second and third columns cannot exceed (e), Portion used to reduce MOE requirement).

Available to set aside for EIS (line (b) minus line (e), zero if negative)

Note: If your LEA exercises the authority under 34 CFR 300.205(a) to reduce the MOE requirement, the LEA must list the activities (which are authorized under the ESEA) paid with the freed up funds:

SECTION 3

Column C

Column B

Column A

SELPA:

Monterey County (AS)

A. COMBINED STATE AND LOCAL EXPENDITURES METHOD

Test 1 Under "Comparison Year," enter the most recent year in which MOE compliance was met using the actual vs. actual method based on state and local expenditures.

a. Total special education expenditures
b. Less: Expenditures paid from federal sources
c. Expenditures paid from state and local sources
Add/Less: Adjustments required for MOE calculation
Comparison year's expenditures, adjusted for MOE calculation
Less: Exempt reduction(s) for SECTION 1
Less: 50% reduction from SECTION 2
Net expenditures paid from state and local sources

If the difference in Column C for the Section 3. Test 1 is positive or zero, the MOE compliance requirement is met based on the combination of state and local expenditures.

Actual Expenditures (LE-CY Worksheet) FY 2024-25	Actual Expenditures Comparison Year 2023-24	Difference (A - B)
9,553,328.29		
429,239.26		
9,124,089.03	8,263,169.06	
	0.00	
	8,263,169.06	
	0.00	
	0.00	
9,124,089.03	8,263,169.06	860,919.97

Test 2

Under "Comparison Year," enter the most recent year in which MOE compliance was met using the actual vs. actual method based on the per capita state and local expenditures.

a. Total special education expenditures
b. Less: Expenditures paid from federal sources
c. Expenditures paid from state and local sources
Add/Less: Adjustments required for MOE calculation
Comparison year's expenditures, adjusted for MOE calculation
Less: Exempt reduction(s) from SECTION 1
Less: 50% reduction from SECTION 2
Net expenditures paid from state and local sources
d. Special education unduplicated pupil count
e. Per capita state and local expenditures (Test2c/Test2d)

If the difference in Column C for the Section 3. Test 2 is positive or zero, the MOE compliance requirement is met based on the per capita state and local expenditures.

Actual FY 2024-25	Comparison Year 2023-24	Difference
9,553,328.29		
429,239.26		
9,124,089.03	8,263,169.06	
	0.00	
	8,263,169.06	
	0.00	
	0.00	
9,124,089.03	8,263,169.06	
273.00	254.00	
33,421.57	32,532.16	889.41

B. LOCAL EXPENDITURES ONLY METHOD

Unaudited Actuals
Special Education Maintenance of Effort
2024-25 Actual vs. Actual Comparison Year
LEA Maintenance of Effort Calculation (LMC-A)

27 66134 0000000
Report SEMA
F8AXHT5K6X(2024-25)

SELPA:

Monterey County (AS)

Test 3

Under "Comparison Year," enter the most recent year in which MOE compliance was met using the actual vs. actual method based on local expenditures only.

a. Expenditures paid from local sources

Add/Less: Adjustments required for MOE calculation

Comparison year's expenditures, adjusted for MOE calculation

Less: Exempt reduction(s) from SECTION 1

Less: 50% reduction from SECTION 2

Net expenditures paid from local sources

If the difference in Column C for the Section 3, Test 3 is positive or zero, the MOE compliance requirement is met based on the local expenditures only.

	FY 2024-25	2023-24	Difference
	6,690,228.66	5,507,112.42	
		0.00	
		5,507,112.42	
		0.00	
		0.00	
	6,690,228.66	5,507,112.42	1,183,116.24

Test 4

Under "Comparison Year," enter the most recent year in which MOE compliance was met using the actual vs. actual method based on the per capita local expenditures only.

a. Expenditures paid from local sources

Add/Less: Adjustments required for MOE calculation

Comparison year's expenditures, adjusted for MOE

Less: Exempt reduction(s) from SECTION 1

Less: 50% reduction from SECTION 2

Net expenditures paid from local sources

b. Special education unduplicated pupil count

c. Per capita local expenditures (Test4a/Test4b)

If the difference in Column C for the Section 3, Test 4 is positive or zero, the MOE compliance requirement is met based on the per capita local expenditures only.

	Actual FY 2024-25	Comparison Year 2023-24	Difference
	6,690,228.66	5,507,112.42	
		0.00	
		5,507,112.42	
		0.00	
		0.00	
	6,690,228.66	5,507,112.42	
	273.00	254.00	
	24,506.33	21,661.54	2,824.79

Carly Adams

Contact Name

Fiscal Officer

Title

831-646-6516

Telephone Number

cadams@pjsd.org

Email Address

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
UNDUPLICATED PUPIL COUNT									
TOTAL BUDGET (Funds 01, 09, & 62; resources 0000-9999)									
1000-1999	Certificated Salaries	596,731.61	0.00	0.00	0.00	137,521.80	2,671,705.26		3,405,958.67
2000-2999	Classified Salaries	335,365.04	0.00	0.00	0.00	30,050.53	2,265,586.33		2,631,001.90
3000-3999	Employee Benefits	344,379.83	0.00	0.00	0.00	69,795.05	2,082,887.98		2,497,062.86
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	1,517.33	25,000.00		26,517.33
5000-5999	Services and Other Operating Expenditures	257,102.00	0.00	0.00	0.00	0.00	574,000.00		831,102.00
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	1,533,578.48	0.00	0.00	0.00	238,884.71	7,619,179.57	0.00	9,391,642.76
7310	Transfers of Indirect Costs	16,257.25	0.00	0.00	0.00	6,691.94	0.00		22,949.19
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	16,257.25	0.00	0.00	0.00	6,691.94	0.00	0.00	22,949.19
	TOTAL COSTS	1,549,835.73	0.00	0.00	0.00	245,576.65	7,619,179.57	0.00	9,414,591.95
STATE AND LOCAL BUDGET (Funds 01, 09, & 62; resources 0000-2999, 3385, & 6000-9999)									
1000-1999	Certificated Salaries	596,731.61	0.00	0.00	0.00	137,521.80	2,671,705.26		3,405,958.67
2000-2999	Classified Salaries	335,365.04	0.00	0.00	0.00	0.00	2,019,404.02		2,354,769.06
3000-3999	Employee Benefits	344,379.83	0.00	0.00	0.00	58,679.46	1,968,715.70		2,371,774.99
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	0.00	25,000.00		25,000.00
5000-5999	Services and Other Operating Expenditures	257,102.00	0.00	0.00	0.00	0.00	574,000.00		831,102.00
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	1,533,578.48	0.00	0.00	0.00	196,201.26	7,258,824.98	0.00	8,988,604.72
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	6,582.24	0.00		6,582.24
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	6,582.24	0.00	0.00	6,582.24
	TOTAL BEFORE OBJECT 8980	1,533,578.48	0.00	0.00	0.00	202,783.50	7,258,824.98	0.00	8,995,186.96
8980	Contributions from Unrestricted Revenues to Federal Resources (Resources 3310-3400, except 3385, all goals; resources 3000-3178 & 3410-5810, goals 5000-5999)								0.00
	TOTAL COSTS								8,995,186.96

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
LOCAL BUDGET (Funds 01, 09, & 62; resources 0000-1999 & 8000-9999)									
1000-1999	Certificated Salaries	10,635.00	0.00	0.00	0.00	0.00	45,000.00		55,635.00
2000-2999	Classified Salaries	0.00	0.00	0.00	0.00	0.00	10,500.00		10,500.00
3000-3999	Employee Benefits	3,113.90	0.00	0.00	0.00	0.00	17,059.73		20,173.63
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	0.00	0.00		0.00
5000-5999	Services and Other Operating Expenditures	0.00	0.00	0.00	0.00	0.00	237,000.00		237,000.00
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	13,748.90	0.00	0.00	0.00	0.00	309,559.73	0.00	323,308.63
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	TOTAL BEFORE OBJECT 8980	13,748.90	0.00	0.00	0.00	0.00	309,559.73	0.00	323,308.63
8980	Contributions from Unrestricted Revenues to Federal Resources (from State and Local Budget section)								0.00
8980	Contributions from Unrestricted Revenues to State Resources (Resources 3385, 6500-6540, & 7240, all goals; resources 2000-2999 & 6010-7810, except 6500-6540, & 7240, goals 5000-5999)								6,887,372.58
	TOTAL COSTS								7,210,681.21

* Attach an additional sheet with explanations of any amounts in the Adjustments column.

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
UNDUPLICATED PUPIL COUNT									273.00
TOTAL EXPENDITURES (Funds 01, 09, & 62; resources 0000-9999)									
1000-1999	Certificated Salaries	581,618.85	0.00	0.00	0.00	187,491.54	2,364,982.52		3,134,092.91
2000-2999	Classified Salaries	78,704.01	0.00	0.00	0.00	31,304.59	2,065,864.97		2,175,873.57
3000-3999	Employee Benefits	231,887.75	0.00	0.00	0.00	69,983.70	1,801,737.59		2,103,609.04
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	4,375.34	12,750.59		17,125.93
5000-5999	Services and Other Operating Expenditures	3,997.94	0.00	0.00	0.00	7,661.46	2,055,509.17		2,067,168.57
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	11,146.90	0.00		11,146.90
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	896,208.55	0.00	0.00	0.00	311,963.53	8,300,844.84	0.00	9,509,016.92
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	9,138.54	35,172.83		44,311.37
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
PCRA	Program Cost Report Allocations (non-add)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	9,138.54	35,172.83	0.00	44,311.37
	TOTAL COSTS	896,208.55	0.00	0.00	0.00	321,102.07	8,336,017.67	0.00	9,553,328.29
FEDERAL EXPENDITURES (Funds 01, 09, and 62; resources 3000-5999, except 3385)									
1000-1999	Certificated Salaries	0.00	0.00	0.00	0.00	0.00	0.00		0.00
2000-2999	Classified Salaries	0.00	0.00	0.00	0.00	28,964.55	256,218.18		285,182.73
3000-3999	Employee Benefits	0.00	0.00	0.00	0.00	10,700.57	115,189.81		125,890.38
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	4,375.34	0.00		4,375.34
5000-5999	Services and Other Operating Expenditures	0.00	0.00	0.00	0.00	1,096.46	18,881.84		19,978.30
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Direct Costs	0.00	0.00	0.00	0.00	45,136.92	390,289.83	0.00	435,426.75
7310	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	329.55	24,156.52		24,486.07
7350	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	329.55	24,156.52	0.00	24,486.07
	TOTAL BEFORE OBJECT 8980	0.00	0.00	0.00	0.00	45,466.47	414,446.35	0.00	459,912.82
8980	Less: Contributions from Unrestricted Revenues to Federal Resources (Resources 3310-3400, except 3385, all goals; resources 3000-3178 & 3410-5810, goals 5000-5999)								30,673.56
	TOTAL COSTS								429,239.26

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
STATE AND LOCAL EXPENDITURES (Funds 01, 09, & 62; resources 0000-2999, 3385, & 6000-9999)									
1000-1999	Certificated Salaries	581,618.85	0.00	0.00	0.00	187,491.54	2,364,982.52		3,134,092.91
2000-2999	Classified Salaries	78,704.01	0.00	0.00	0.00	2,340.04	1,809,646.79		1,890,690.84
3000-3999	Employee Benefits	231,887.75	0.00	0.00	0.00	59,283.13	1,686,547.78		1,977,718.66
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	0.00	12,750.59		12,750.59
5000-5999	Services and Other Operating Expenditures	3,997.94	0.00	0.00	0.00	6,565.00	2,036,627.33		2,047,190.27
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	11,146.90	0.00		11,146.90
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7310	Total Direct Costs	896,208.55	0.00	0.00	0.00	266,826.61	7,910,555.01	0.00	9,073,590.17
7350	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	8,808.99	11,016.31		19,825.30
PCRA	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Program Cost Report Allocations (non-add)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	8,808.99	11,016.31	0.00	19,825.30
8980	TOTAL BEFORE OBJECT 8980	896,208.55	0.00	0.00	0.00	275,635.60	7,921,571.32	0.00	9,093,415.47
	Contributions from Unrestricted Revenues to Federal Resources (from Federal Expenditures section)								30,673.56
	TOTAL COSTS								9,124,089.03
LOCAL EXPENDITURES (Funds 01, 09, & 62; resources 0000-1999 & 8000-9999)									
1000-1999	Certificated Salaries	10,635.00	0.00	0.00	0.00	0.00	30,797.37		41,432.37
2000-2999	Classified Salaries	0.00	0.00	0.00	0.00	0.00	98,856.94		98,856.94
3000-3999	Employee Benefits	2,535.70	0.00	0.00	0.00	0.00	41,069.72		43,605.42
4000-4999	Books and Supplies	0.00	0.00	0.00	0.00	0.00	0.00		0.00
5000-5999	Services and Other Operating Expenditures	3,091.44	0.00	0.00	0.00	0.00	176,914.72		180,006.16
6000-6999	Capital Outlay (except objects 6600, 6700, 6910 & 6920)	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7130	State Special Schools	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7430-7439	Debt Service	0.00	0.00	0.00	0.00	0.00	0.00		0.00
7310	Total Direct Costs	16,262.14	0.00	0.00	0.00	0.00	347,638.75	0.00	363,900.89
7350	Transfers of Indirect Costs	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Transfers of Indirect Costs - Interfund	0.00	0.00	0.00	0.00	0.00	0.00		0.00
	Total Indirect Costs	0.00	0.00	0.00	0.00	0.00	0.00		0.00
8980	TOTAL BEFORE OBJECT 8980	16,262.14	0.00	0.00	0.00	0.00	347,638.75	0.00	363,900.89
	Contributions from Unrestricted Revenues to Federal Resources (from Federal Expenditures section)								30,673.56

Object Code	Description	Special Education, Unspecified (Goal 5001)	Regionalized Services (Goal 5050)	Regionalized Program Specialist (Goal 5060)	Special Education, Infants (Goal 5710)	Special Education, Preschool Students (Goal 5730)	Spec. Education, Ages 5-22 (Goal 5760)	Adjustments*	Total
8980	Contributions from Unrestricted Revenues to State Resources (Resources 3385, 6500, 6510, & 7240, all goals; resources 2000-2999 & 6010-7810, except 6500, 6510, & 7240, goals 5000-5999)								6,295,654.21
	TOTAL COSTS								6,690,228.66

* Attach an additional sheet with explanations of any amounts in the Adjustments column.

Printed: 8/25/2025 11:52 AM

Unaudited Actuals
Special Education Maintenance of Effort
2025-26 Budget vs. Actual Comparison Year
LEA Maintenance of Effort Calculation (LMC-B)

27 66134 0000000
Report SEMB
F8AXHT5K6X(2024-25)

SELPA:

Monterey County (AS)

Up to 50% of the increase in IDEA Part B Section 611 funding in current year compared with prior year may be used to reduce the required level of state and local expenditures. This option is available only if the LEA used or will use the freed up funds for activities authorized under the Elementary and Secondary Education Act (ESEA) of 1965. Also, the amount of Part B funds used for early intervening services (34 CFR 300.226(a)) will count toward the maximum amount by which the LEA may reduce its MOE requirement under this exception [P.L. 108-446].

Current year funding (IDEA Section 611 Local Assistance Grant Award - Resource 3310)

Less: Prior year's funding (IDEA Section 611 Local Assistance Grant Award - Resource 3310)

Increase in funding (if difference is positive)

Maximum available for MOE reduction (50% of increase in funding)

Current year funding (IDEA Section 619 - Resource 3315)

Maximum available for early intervening services (EIS) (15% of current year funding - Resources 3310 and 3315)

If (b) is greater than (a).

Enter portion to set aside for EIS (cannot exceed line (b), Maximum available for EIS)

Available for MOE reduction, (line (a) minus line (c), zero if negative)

Enter portion used to reduce MOE requirement (cannot exceed line (d), Available for MOE reduction).

If (b) is less than (a).

Enter portion used to reduce MOE requirement (first column cannot exceed line (a), Maximum available for MOE reduction, second and third columns cannot exceed (e), Portion used to reduce MOE requirement).

Available to set aside for EIS (line (b) minus line (e), zero if negative)

Note: If your LEA exercises the authority under 34 CFR 300.205(a) to reduce the MOE requirement, the LEA must list the activities (which are authorized under the ESEA) paid with the freed up funds:

SELPA:

Monterey County (AS)

e. Per capita state and local expenditures (Test2c/Test2d)

32,949.40

33,421.57

(472.17)

If the difference in Column C for the Section 3. Test 2 is positive or zero, the MOE eligibility requirement is met based on the per capita state and local expenditures.

B. LOCAL EXPENDITURES ONLY METHOD

Test 3

Under "Comparison Year," enter the most recent year in which MOE compliance was met using the actual vs. actual method based on local expenditures only.

a. Expenditures paid from local sources

Add/Less: Adjustments required for MOE calculation

Comparison year's expenditures, adjusted for MOE calculation

Less: Exempt reduction(s) from SECTION 1

Less: 50% reduction from SECTION 2

Net expenditures paid from local sources

If the difference in Column C for the Section 3. Test 3 is positive or zero, the MOE eligibility requirement is met based on the local expenditures only.

Budget
FY 2025-26

7,210,681.21

7,210,681.21

Comparison
Year
2023-24

6,690,228.66

0.00

6,690,228.66

0.00

0.00

6,690,228.66

520,452.55

Difference

Test 4

Under "Comparison Year," enter the most recent year in which MOE compliance was met using the actual vs. actual method based on per capita local expenditures

a. Expenditures paid from local sources

Add/Less: Adjustments required for MOE calculation

Comparison year's expenditures, adjusted for MOE calculation

Less: Exempt reduction(s) from SECTION 1

Less: 50% reduction from SECTION 2

Net expenditures paid from local sources

b. Special education unduplicated pupil count

c. Per capita local expenditures (Test4a/Test4b)

If the difference in Column C for the Section 3. Test 4 is positive or zero, the MOE eligibility requirement is met based on the per capita local expenditures only.

Budget
FY 2025-26

7,210,681.21

7,210,681.21

Comparison
Year
2024-25

6,690,228.66

0.00

6,690,228.66

0.00

0.00

6,690,228.66

273.00

24,506.33

1,906.42

Difference

Cary Adams

Contact Name

Fiscal Officer

831-646-6516

Telephone Number

cadams@pgusd.org

Pacific Grove Unified
Monterey County

Unaudited Actuals
Special Education Maintenance of Effort
2025-26 Budget vs. Actual Comparison Year
LEA Maintenance of Effort Calculation (LMC-B)

27 66134 0000000
Report SEMB
F8AXHT5K6X(2024-25)

SELPA: Monterey County (AS)

Title

Email Address

SACS Web System - SACS V13

8/25/2025 11:54:11 AM

27-66134-0000000

Unaudited Actuals
Unaudited Actuals 2024-25

Technical Review Checks

Phase - All

Display - All Technical Checks

Pacific Grove Unified**Monterey County**

Following is a chart of the various types of technical review checks and related requirements:

F - Fatal (Data must be corrected; an explanation is not allowed)

W/WC - Warning/Warning with Calculation (If data are not correct, correct the data; if data are correct an explanation is required)

O - Informational (If data are not correct, correct the data; if data are correct an explanation is optional, but encouraged)

IMPORT CHECKS

BALANCE-FDxRS - (Fatal) - Adjusted Beginning Fund Balance plus Revenues minus Expenditures minus Assets minus Deferred Outflows of Resources plus Liabilities plus Deferred Inflows of Resources, must total zero by fund and resource. **Passed**

CHECKFUNCTION - (Fatal) - All FUNCTION codes must be valid. **Passed**

CHECKFUND - (Fatal) - All FUND codes must be valid. **Passed**

CHECKGOAL - (Fatal) - All GOAL codes must be valid. **Passed**

CHECKOBJECT - (Fatal) - All OBJECT codes must be valid. **Passed**

CHECKRESOURCE - (Warning) - All RESOURCE codes must be valid. **Passed**

CHK-FDXRS7690xOB8590 - (Fatal) - Funds 19, 57, 63, 66, 67, and 73 with Object 8590, All Other State Revenue, must be used in combination with Resource 7690, STRS-On Behalf Pension Contributions. **Passed**

CHK-FUNCTIONxOBJECT - (Fatal) - All FUNCTION and OBJECT account code combinations must be valid. **Passed**

CHK-FUNDxFUNCTION-A - (Warning) - All FUND (funds 01 through 12, 19, 57, 62, and 73) and FUNCTION account code combinations should be valid. **Passed**

CHK-FUNDxFUNCTION-B - (Fatal) - All FUND (all funds except for 01 through 12, 19, 57, 62, and 73) and FUNCTION account code combinations must be valid. **Passed**

CHK-FUNDxGOAL - (Warning) - All FUND and GOAL account code combinations should be valid. **Passed**

CHK-FUNDxOBJECT - (Fatal) - All FUND and OBJECT account code combinations must be valid. **Passed**

CHK-FUNDxRESOURCE - (Warning) - All FUND and RESOURCE account code combinations should be valid. **Passed**

CHK-GOALxFUNCTION-A - (Fatal) - Goal and Function account code combinations (all goals with expenditure objects 1000-7999 in functions 1000-1999 and 4000-5999) must be valid. NOTE: Functions not included in the GOALxFUNCTION table (0000, 2000-3999, 6000-6999, 7100-7199, 7210, 8000-8999) are not checked and will pass the TRC. **Passed**

SACS Web System - SACS V13

27-66134-0000000 - Pacific Grove Unified - Unaudited Actuals - Unaudited Actuals 2024-25

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CHK-GOALxFUNCTION-B - (Fatal) - General administration costs (functions 7200-7999, except 7210) must be direct-charged to an Undistributed, Nonagency, or County Services to Districts goal (Goal 0000, 7100-7199, or 8600-8699). **Passed**

CHK-RES6500XOBJ8091 - (Fatal) - There is no activity in Resource 6500 (Special Education) with Object 8091 (LCFF Transfers-Current Year) or 8099 (LCFF/Revenue Limit Transfers-Prior Years). **Passed**

CHK-RESOURCExOBJECTA - (Warning) - All RESOURCE and OBJECT (objects 8000 through 9999, except for 9791, 9793, and 9795) account code combinations should be valid. **Passed**

CHK-RESOURCExOBJECTB - (Informational) - All RESOURCE and OBJECT(objects 9791, 9793, and 9795) account code combinations should be valid. **Passed**

CHK-RS-LOCAL-DEFINED - (Fatal) - All locally defined resource codes must roll up to a CDE defined resource code. **Passed**

PY-EFB=CY-BFB - (Fatal) - Prior year ending fund balance (preloaded from last year's unaudited actuals submission) must equal current year beginning fund balance (Object 9791). **Passed**

PY-EFB=CY-BFB-RES - (Fatal) - Prior year ending balance (preloaded from last year's unaudited actuals submission) must equal current year beginning balance (Object 9791), by fund and resource. **Passed**

SPECIAL-ED-GOAL - (Fatal) - Special Education revenue and expenditure transactions (resources 3300-3405, and 6500-6540, objects 1000-8999) must be coded to a Special Education 5000 goal or to Goal 7110, Nonagency-Educational. This technical review check excludes Early Intervening Services resources 3307, 3309, 3312, 3318, and 3332. **Passed**

GENERAL LEDGER CHECKS

AR-AP-POSITIVE - (Fatal) - Accounts Receivable (Object 9200), Due from Other Funds (Object 9310), Accounts Payable (Object 9500), and Due to Other Funds (Object 9610) should have a positive balance by resource, by fund. **Passed**

CEFB-POSITIVE - (Fatal) - Components of Ending Fund Balance/Net Position (objects 9700-9789, 9796, and 9797) must be positive individually by resource, by fund. **Passed**

CEFB=FD-EQUITY - (Fatal) - Components of Ending Fund Balance/Net Position (objects 9710-9790, 9796, and 9797) must agree with Fund Equity (Assets [objects 9100-9489] plus Deferred Outflows of Resources [objects 9490-9499] minus Liabilities [objects 9500-9689] minus Deferred Inflows of Resources [objects 9690-9699]). **Passed**

CONSOLIDATED-ADM-BAL - (Fatal) - Net expenditures and assets minus liabilities must equal zero for Resource 3155, ESEA (ESSA): Consolidated Administrative Funds. **Passed**

CONTRIB-RESTR-REV - (Fatal) - Contributions from Restricted Revenues (Object 8990) must net to zero by fund. **Passed**

CONTRIB-UNREST-REV - (Fatal) - Contributions from Unrestricted Revenues (Object 8980) must net to zero by fund. **Passed**

DUE-FROM=DUE-TO - (Fatal) - Due from Other Funds (Object 9310) must equal Due to Other Funds (Object 9610). **Passed**

EFB-POSITIVE - (Warning) - All ending fund balances (Object 979Z) should be positive by resource, by fund. **Passed**

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EPA-CONTRIB - (Fatal) - There should be no contributions (objects 8980-8999) to the Education Protection Account (Resource 1400).	<u>Passed</u>
EXCESS-ASSIGN-REU - (Fatal) - Amounts reported in Other Assignments (Object 9780) and/or Reserve for Economic Uncertainties (REU) (Object 9789) should not create a negative amount in Unassigned/Unappropriated (Object 9790) by fund and resource (for all funds except funds 61 through 95).	<u>Passed</u>
EXP-POSITIVE - (Warning) - Expenditure amounts (objects 1000-7999) should be positive by function, resource, and fund.	<u>Passed</u>
INTERFD-DIR-COST - (Fatal) - Transfers of Direct Costs - Interfund (Object 5750) must net to zero for all funds.	<u>Passed</u>
INTERFD-IN-OUT - (Fatal) - Interfund Transfers In (objects 8910-8929) must equal Interfund Transfers Out (objects 7610-7629).	<u>Passed</u>
INTERFD-INDIRECT - (Fatal) - Transfers of Indirect Costs - Interfund (Object 7350) must net to zero for all funds.	<u>Passed</u>
INTERFD-INDIRECT-FN - (Fatal) - Transfers of Indirect Costs - Interfund (Object 7350) must net to zero by function.	<u>Passed</u>
INTRAFF-DIR-COST - (Fatal) - Transfers of Direct Costs (Object 5710) must net to zero by fund.	<u>Passed</u>
INTRAFF-INDIRECT - (Fatal) - Transfers of Indirect Costs (Object 7310) must net to zero by fund.	<u>Passed</u>
INTRAFF-INDIRECT-FN - (Fatal) - Transfers of Indirect Costs (Object 7310) must net to zero by function.	<u>Passed</u>
LCFF-TRANSFER - (Fatal) - LCFF Transfers (objects 8091 and 8099) must net to zero, individually.	<u>Passed</u>
LOTTERY-CONTRIB - (Fatal) - There should be no contributions (objects 8980-8999) to the lottery (resources 1100 and 6300) or from the Lottery: Instructional Materials (Resource 6300).	<u>Passed</u>
NET-INV-CAP-ASSETS - (Warning) - If capital asset amounts are imported/keyed, objects 9400-9489, (Capital Assets) in funds 61-95, then an amount should be recorded for Object 9796 (Net Investment in Capital Assets) within the same fund.	<u>Passed</u>
OBJ-POSITIVE - (Warning) - All applicable objects should have a positive balance by resource, by fund.	<u>Passed</u>
PASS-THRU-REV=EXP - (Warning) - Pass-through revenues from all sources (objects 8287, 8587, and 8697) should equal transfers of pass-through revenues to other agencies (objects 7211 through 7213, plus 7299 for Resource 3327), by fund and resource.	<u>Passed</u>
REV-POSITIVE - (Warning) - Revenue amounts exclusive of contributions (objects 8000-8979) should be positive by resource, by fund.	<u>Passed</u>
RS-NET-POSITION-ZERO - (Fatal) - Restricted Net Position (Object 9797), in unrestricted resources, must be zero, by resource, in funds 61 through 95.	<u>Passed</u>
SE-PASS-THRU-REVENUE - (Warning) - Transfers of special education pass-through revenues are not reported in the general fund for the Administrative Unit of a Special Education Local Plan Area.	<u>Passed</u>
UNASSIGNED-NEGATIVE - (Fatal) - Unassigned/Unappropriated balance (Object 9790) must be zero or negative, by resource, in all funds except the general fund and funds 61 through 95.	<u>Passed</u>

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UNR-NET-POSITION-NEG - (Fatal) - Unrestricted Net Position (Object 9790), in restricted resources, must be zero or negative, by resource, in funds 61 through 95. **Passed**

SUPPLEMENTAL CHECKS

ASSET-ACCUM-DEPR-NEG - (Fatal) - In Form ASSET, accumulated depreciation and amortization for governmental and business-type activities must be zero or negative. **Passed**

ASSET-IMPORT - (Fatal) - If capital asset amounts are imported/keyed (Function 8500, Facilities Acquisition and Construction, or objects 6XXX, Capital Outlay, or objects 9400-9489, Capital Assets, in funds 61-67), then capital asset supplemental data (Form ASSET) must be provided. **Passed**

ASSET-PY-BAL - (Fatal) - If capital asset ending balances were included in the prior year unaudited actuals, the Schedule of Capital Assets (Form ASSET) must be provided. **Passed**

CURRENT-CALC-EXP - (Informational) - The Percent of Current Cost of Education Expended for Classroom Compensation (Line 15 in Form CEA) must equal or exceed 60% for elementary, 55% for unified, and 50% for high school districts under EC Section 41372, unless the district is exempt pursuant to EC Section 41374. **Passed**

DEBT-ACTIVITY - (Informational) - If long-term debt exists, there should be activity entered in the Schedule of Long-Term Liabilities (Form DEBT) for each type of debt. **Passed**

DEBT-IMPORT - (Fatal) - If long-term debt amounts are imported/keyed, the long-term debt supplemental data (Form DEBT) must be provided. **Passed**

DEBT-POSITIVE - (Fatal) - In Form DEBT, long-term liability ending balances must be positive. **Passed**

DEBT-PY-BAL - (Fatal) - If long-term liability ending balances were included in the prior year unaudited actuals data, the Schedule of Long-Term Liabilities (Form DEBT) must be provided. **Passed**

ESMOE-ADA - (Fatal) - If Form ESMOE is completed, ADA must be reported in Section II, Line A. **Passed**

ESMOE-IMPORT - (Fatal) - If Every Student Succeeds Act amounts are imported, then the Every Student Succeeds Act Maintenance of Effort form, Form ESMOE, must be provided. **Passed**

IC-ADMIN-NOT-ZERO - (Fatal) - Other General Administration costs (Part III, Line A1) in Form ICR should not be zero. **Passed**

IC-ADMIN-PLANT-SVCS - (Warning) - Percentage of plant services costs attributable to general administration should not be zero or exceed 25%. **Passed**

IC-BD-SUPT-NOT-ZERO - (Warning) - Board and Superintendent costs (Part III, Line B7) in Form ICR should not be zero. **Passed**

IC-BD-SUPT-VS-ADMIN - (Warning) - In Form ICR, the ratio of Board and Superintendent costs (Part III, Line B7) to Other General Administration costs (Part III, Line A1) should not be less than 5%. **Passed**

IC-EXCEEDS-LEA-RATE - (Warning) - The indirect cost rate used in one or more programs (Form ICR, Exhibit A - Rate Used) should not exceed the LEA's approved indirect cost rate. **Passed**

IC-PCT - (Warning) - The straight indirect cost percentage before the carry-forward adjustment (Form ICR, Part III, Line C) is between 2% and 9%. **Passed**

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IC-POSITIVE - (Warning) - The indirect cost rate after the carry-forward adjustment (Form ICR, Part III, Line D) should be positive. **Passed**

LOT-CONTRIB-IMPORT-A - (Fatal) - If State Lottery revenue (Resource 1100) is contributed to other resources (Object 8980), supplemental data for those contributions must be entered in Form L. **Passed**

LOT-CONTRIB-IMPORT-B - (Warning) - If State Lottery revenue (Resource 1100) is contributed to other resources (Object 8980), supplemental expenditure data for those contributions should be entered in Form L. **Passed**

LOT-IMPORT - (Fatal) - If lottery amounts are imported in resources 1100 and/or 6300, then the Lottery Report, Form L, must be completed and saved. **Passed**

PCR-ALLOC-NO-DIRECT - (Warning) - In forms PCR/PCRAF, costs should normally only be allocated to goals that have direct costs. **Passed**

PCR-GF-EXPENDITURES - (Fatal) - Total Costs by Program in Form PCR, Column 6 should agree with total expenditures (objects 1000-7999) in funds 01, 09, and 62. **Passed**

PCRAF-UNDISTRIBUTED - (Fatal) - Allocation factors must be entered in Form PCRAF for support functions with costs in undistributed goals (goals 0000 and 9000). **Passed**

EXPORT VALIDATION CHECKS

ADA-PROVIDE - (Fatal) - Average Daily Attendance data (Form A) must be provided. **Passed**

CEA-PROVIDE - (Fatal) - Current Expense Formula/Minimum Classroom Compensation data (Form CEA) must be provided. **Passed**

CHK-DEPENDENCY - (Fatal) - If data has changed that affect other forms, the affected forms must be opened and saved. **Passed**

CHK-UNBALANCED-A - (Warning) - Unbalanced and/or incomplete data in any of the forms should be corrected before an official export is completed. **Passed**

CHK-UNBALANCED-B - (Fatal) - Unbalanced and/or incomplete data in any of the forms must be corrected before an official export is completed. **Passed**

FORM01-PROVIDE - (Fatal) - Form 01 (Form 01I) must be opened and saved. **Passed**

GANN-PROVIDE - (Fatal) - Appropriations Limit Calculations supplemental data (Form GANN) must be provided. **Passed**

ICR-PROVIDE - (Fatal) - Indirect Cost Rate Worksheet (Form ICR) must be provided. **Passed**

UNAUDIT-CERT-PROVIDE - (Fatal) - Unaudited Actual Certification (Form CA) must be provided. **Passed**

VERSION-CHECK - (Warning) - All versions are current. **Passed**

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Resolution No. 1163 – Gann Limit Calculations (2024-25 Actuals & 2025-26 Adopted Budget)

Recommendation

The District Administration recommends that the Board review and approve Resolution Number 1163 for the Gann Limit Calculations for the 2024-25 Actuals and the 2025-26 Adopted Budget.

Background

In 1979, the voters in California adopted Proposition 4, which added an amendment to the State Constitution regarding maximum appropriation limitations for public agencies. Each year, school districts in California are required to compute a final Gann Limit for the preceding fiscal year and to adopt an estimated appropriations limit for the current year. Although districts are required to compute their Gann Limits, legislation regarding Proposition 4 exempted school districts from the requirements of the limit, by allowing any increase in a school district's Gann Limit to be offset by a reduction in the State of California's Gann Limit.

Information

This resolution and attached SACS GANN Form summarizes the District's newly computed Gann Limit for 2024-25, and the estimated appropriation for 2025-26. The appropriations do not exceed the limitations imposed by Proposition 4, ensuring that the growth in government spending does not exceed the growth in population and inflation.

Fiscal Impact

No fiscal impact.

2025/26 ▾

(01) General Fund ▾

	2024-25 Calculations			2025-26 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
A. PRIOR YEAR DATA	2023-24 Actual			2024-25 Actual		
Actual Appropriations Limit and Gann ADA are from district's prior year Gann data reported to the CDE						
1. FINAL PRIOR YEAR APPROPRIATIONS LIMIT (Preload/Line D11, PY column)	34,875,216.53		34,875,216.53			36,329,229.18
2. PRIOR YEAR GANN ADA (Preload/Line B3, PY column)	1,607.77		1,607.77			1,616.28
ADJUSTMENTS TO PRIOR YEAR LIMIT	Adjustments to 2023-24			Adjustments to 2024-25		
3. District Lapses, Reorganizations and Other Transfers						
4. Temporary Voter Approved Increases						
5. Less: Lapses of Voter Approved Increases						
6. TOTAL ADJUSTMENTS TO PRIOR YEAR LIMIT (Lines A3 plus A4 minus A5)			0.00			0.00
7. ADJUSTMENTS TO PRIOR YEAR ADA (Only for district lapses, reorganizations and other transfers, and only if adjustments to the appropriations limit are entered in Line A3 above)						
B. CURRENT YEAR GANN ADA	2024-25 P2 Report			2025-26 P2 Estimate		
Unaudited actuals data should tie to Principal Apportionment Data Collection attendance reports and include ADA for charter schools reporting with the district						
1. Total K-12 ADA (Form A, Line A6)	1,616.28		1,616.28	1,616.28		1,616.28
2. Total Charter Schools ADA (Form A, Line C9)	0.00		0.00	0.00		0.00
3. TOTAL CURRENT YEAR P2 ADA (Line B1 plus B2)			1,616.28			1,616.28
C. CURRENT YEAR LOCAL PROCEEDS OF TAXES/STATE AID RECEIVED	2024-25 Actual			2025-26 Budget		
TAXES AND SUBVENTIONS (Funds 01, 09, and 62)						
1. Homeowners' Exemption (Object 8021)	115,580.44		115,580.44	121,687.00		121,687.00
2. Timber Yield Tax (Object 8022)	0.00		0.00	0.00		0.00
3. Other Subventions/In-Lieu Taxes (Object 8029)	0.00		0.00	0.00		0.00
4. Secured Roll Taxes (Object 8041)	35,175,185.10		35,175,185.10	36,507,335.00		36,507,335.00
5. Unsecured Roll Taxes (Object 8042)	1,804,295.31		1,804,295.31	1,889,965.00		1,889,965.00
6. Prior Years' Taxes (Object 8043)	280,284.93		280,284.93	0.00		0.00
7. Supplemental Taxes (Object 8044)	0.00		0.00	0.00		0.00

	2024-25 Calculations			2025-26 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045)	0.00		0.00	0.00		0.00
9. Penalties and Int. from Delinquent Taxes (Object 8048)	67,110.86		67,110.86	0.00		0.00
10. Other In-Lieu Taxes (Object 8082)	0.00		0.00	0.00		0.00
11. Comm. Redevelopment Funds (objects 8047 & 8625)	0.00		0.00	0.00		0.00
12. Parcel Taxes (Object 8621)	0.00		0.00	0.00		0.00
13. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only)	0.00		0.00	0.00		0.00
14. Penalties and Int. from Delinquent Non-LCFF Taxes (Object 8629) (Only those for the above taxes)	0.00		0.00	0.00		0.00
15. Transfers to Charter Schools in Lieu of Property Taxes (Object 8096)						
16. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C15)	37,442,456.64	0.00	37,442,456.64	38,518,987.00	0.00	38,518,987.00
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
17. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)	0.00		0.00	0.00		0.00
18. TOTAL LOCAL PROCEEDS OF TAXES (Lines C16 plus C17)	37,442,456.64	0.00	37,442,456.64	38,518,987.00	0.00	38,518,987.00
EXCLUDED APPROPRIATIONS						
19a. Medicare (Enter federally mandated amounts only from objs. 3301 & 3302; do not include negotiated amounts)			1,114,527.51			1,332,680.62
19b. Qualified Capital Outlay Projects						
19c. Routine Restricted Maintenance Account (Fund 01, Resource 8150, Objects 8900-8999)	1,318,705.96		1,318,705.96	1,566,924.48		1,566,924.48
OTHER EXCLUSIONS						
20. Americans with Disabilities Act						
21. Unreimbursed Court Mandated Desegregation Costs						
22. Other Unfunded Court-ordered or Federal Mandates						
23. TOTAL EXCLUSIONS (Lines C19 through C22)	1,318,705.96	0.00	2,433,233.47	1,566,924.48	0.00	2,899,605.10
STATE AID RECEIVED (Funds 01, 09, and 62)						
24. LCFF - CY (objects 8011 and 8012)	2,828,712.00		2,828,712.00	2,829,904.00		2,829,904.00
25. LCFF State Aid - Prior Years (Object 8019)	0.00		0.00	0.00		0.00
26. TOTAL STATE AID RECEIVED (Lines C24 plus C25)	2,828,712.00	0.00	2,828,712.00	2,829,904.00	0.00	2,829,904.00
DATA FOR INTEREST CALCULATION						
27. Total Revenues (Funds 01, 09 & 62; objects 8000-8799)	47,497,582.75		47,497,582.75	47,858,802.20		47,858,802.20

	2024-25 Calculations			2025-26 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
28. Total Interest and Return on Investments (Funds 01, 09, and 62; objects 8660 and 8662)	520,097.32		520,097.32	589,530.00		589,530.00
D. APPROPRIATIONS LIMIT CALCULATIONS	2024-25 Actual			2025-26 Budget		
PRELIMINARY APPROPRIATIONS LIMIT						
1. Revised Prior Year Program Limit (Lines A1 plus A6)			34,875,216.53			36,329,229.18
2. Inflation Adjustment			1.0362			1.0644
3. Program Population Adjustment (Lines B3 divided by [A2 plus A7]) (Round to four decimal places)			1.0053			1.0000
4. PRELIMINARY APPROPRIATIONS LIMIT (Lines D1 times D2 times D3)			36,329,229.18			38,668,831.54
APPROPRIATIONS SUBJECT TO THE LIMIT						
5. Local Revenues Excluding Interest (Line C18)			37,442,456.64			38,518,987.00
6. Preliminary State Aid Calculation						
a. Minimum State Aid in Local Limit (Greater of \$120 times Line B3 or \$2,400; but not greater than Line C26 or less than zero)			193,953.60			193,953.60
b. Maximum State Aid in Local Limit (Lesser of Line C26 or Lines D4 minus D5 plus C23; but not less than zero)			1,320,006.01			2,829,904.00
c. Preliminary State Aid in Local Limit (Greater of Lines D6a or D6b)			1,320,006.01			2,829,904.00
7. Local Revenues in Proceeds of Taxes						
a. Interest Counting in Local Limit (Line C28 divided by [Lines C27 minus C28] times [Lines D5 plus D6c])			429,147.13			515,692.55
b. Total Local Proceeds of Taxes (Lines D5 plus D7a)			37,871,603.77			39,034,679.55
8. State Aid in Proceeds of Taxes (Greater of Line D6a, or Lines D4 minus D7b plus C23; but not greater than Line C26 or less than zero)			890,858.88			2,533,757.09
9. Total Appropriations Subject to the Limit						
a. Local Revenues (Line D7b)			37,871,603.77			
b. State Subventions (Line D8)			890,858.88			
c. Less: Excluded Appropriations (Line C23)			2,433,233.47			
d. TOTAL APPROPRIATIONS SUBJECT TO THE LIMIT (Lines D9a plus D9b minus D9c)			36,329,229.18			
10. Adjustments to the Limit Per Government Code Section 7902.1 (Line D9d minus D4)			0.00			
SUMMARY						
11. Adjusted Appropriations Limit						

[illegible]

**Pacific Grove Unified School District
Board of Education
Resolution Number No. 1163
RESOLUTION #1163 FOR ADOPTING THE “GANN” LIMIT**

WHEREAS, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called “Gann Limits,” for public agencies, including school districts; and,

WHEREAS, the District must establish a revised Gann limit for the 2024-25 fiscal year and a projected Gann Limit for the 2025-26 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law; and,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the attached calculations and documentation of the Gann limits for the 2024-25 and 2025-26 fiscal years are made in accord with applicable constitutional and statutory law;

AND BE IT FURTHER RESOLVED that this Board does hereby declare that the appropriations in the Budget for the 2024-25 and 2025-26 fiscal years do not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED that the Superintendent provides copies of this resolution along with the appropriate attachments to interested citizens of this district.

PASSED AND ADOPTED by the Governing Board of the Pacific Grove Unified School District on this this 4th day of September 2025, by the following vote:

AYES: NOES: ABSENT:

Dr. Elliott Hazen, President

Jennifer McNary, Clerk

Beth Shammas, Board Member

Laura Ottmar, Board Member

Mike Wachs, Board Member

Dr. Linda Adamson, Superintendent

Board Cover Sheet

Action/Discussion

- ☐ Credibility & Communication
- ☐ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Buck Roggeman
Chief Human Resources Officer

Item

Classification & Compensation Study Facilitator

Recommendation

The District Administration recommends that the Board approve the short-term position for a Classification and Compensation Study Facilitator.

Background

The California School Employees Association Chapter 229 and the Pacific Grove Unified School District agreed to conduct a Classification and Compensation Study beginning in 2025-2026. This is the first time the District has engaged in this process.

Information

Valarie Davis has led classification and compensation studies at the Monterey County Office of Education and several school districts in our county. This process is complex, requiring an experienced facilitator to guide our committee in surveying employees and supervisors, conducting job duty interviews, writing updated job descriptions, researching compensation in comparable districts, and drafting a recommendation to the negotiating team. This short term assignment is critical to ensuring a fair and efficient process.

The District will update the previously established Retired Annuitant Salary Schedule to include a Classification and Compensation Study Facilitator, and will compensate Ms. Davis the hourly rate of \$64.38 for 100 hours (not to exceed) which will be tracked on a timesheet.

Fiscal Impact

Fund 01, Local 0050 - **\$8,868.53 (including statutory benefits)**

2025/26 ▾

(01) General Fund ▾

Board Cover Sheet

Action/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Linda Adamson
Superintendent

Item

Proposed Board Meeting(s) Calendar

Recommendation

The District Administration recommends that the Board review and possibly modify the schedule of meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

Background

The Board has approved Bylaw 9320, which states that regular Board Meetings be held on the first Thursday and special Board Meetings on the third Thursday of each month, from August through June. At the annual organizational meeting held in December, Trustees approve the meeting calendar as presented. The calendar is reviewed at each Board meeting.

Information

Changes to the Board Meeting dates must be approved by a majority vote of the Trustees.

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact

Program/Grant

N/A

Board Meeting Calendar

(2025-26 School Year)

August-December 2025

Closed Session & Open Session times vary

Thursday, August 7	Regular Board Meeting <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Quarterly Facilities Project Updates <input checked="" type="checkbox"/> Student Enrollment Update <input checked="" type="checkbox"/> Property Tax Report <input checked="" type="checkbox"/> Consolidated Application for Federal Funding <input checked="" type="checkbox"/> <i>TK-12 VAPA, Spanish & Programmatic Overview</i> <input checked="" type="checkbox"/> <i>2024-25 Solicitation of Funds</i> <input checked="" type="checkbox"/> <i>Resolution recognizing September 15-October 15 as National Hispanic Heritage Month</i>
Thursday, August 21	Special Board Meeting <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <i>Board Governance & Board Goals Discussion</i>
Thursday, September 4	Regular Board Meeting <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Public Hearing & Resolution: Sufficiency of Instructional Materials for Fiscal Year 2024-25 <input checked="" type="checkbox"/> <i>CSBA Policy Update – First Reading (Part 1) & August 2025 Special Packet</i> <input checked="" type="checkbox"/> <i>Facilities Master Plan Update (Committee Development)</i> <input checked="" type="checkbox"/> <i>Safety Plan Update</i> <input checked="" type="checkbox"/> <i>Budget Committee Update</i> <input checked="" type="checkbox"/> <i>Declaration of Need for Fully Qualified Educators</i> <input checked="" type="checkbox"/> <i>Resolution for the GANN Limit for 2024-25</i> <input checked="" type="checkbox"/> <i>Unaudited Actuals</i>
Thursday, September 18	Special Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> <i>Board Governance & Board Goals Discussion</i> <input type="checkbox"/> <i>CSBA Policy Update – First Reading (Part 2)</i>
Thursday, October 2	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Resolution Proclaiming Week of the School Administrator <input type="checkbox"/> FY 2024-25 Budget Revision #1 <input type="checkbox"/> PGTA Sunshine List <input type="checkbox"/> CSEA Sunshine List <input type="checkbox"/> <i>2025 State Testing Results</i> <input type="checkbox"/> <i>CSBA Policy Update – Approval</i> <input type="checkbox"/> <i>Resolution recognizing November as National Native American Heritage Month</i> <input type="checkbox"/> <i>Early Retirement Notification Incentive</i> <input type="checkbox"/> <i>Annual Review of Legal Services Costs</i>

Italicized: Edited/Moved Content

*: Does Not Repeat

Updated: Aug 27, 2025

	<input type="checkbox"/> Curriculum Mapping & Planning <input type="checkbox"/> <i>Measure A – Series E</i> <input type="checkbox"/> <i>Measure D – Series D</i> <input type="checkbox"/> <i>Summer Program Presentation</i> <input type="checkbox"/> <i>Williams Uniform Complaint Report (Quarterly)</i> <input type="checkbox"/> <i>Board Meeting Calendar (July/August-December 2026)</i>
Thursday, October 23	Special Board Meeting <input type="checkbox"/> TBD
Thursday, November 6	Regular Board Meeting <input type="checkbox"/> CSBA Policy Update – <i>First Reading</i> <input type="checkbox"/> Educational Protection Account Update <input type="checkbox"/> Review of 2023-24 Data
Thursday, November 20	Special Board Meeting <input type="checkbox"/> TBD
Thursday, December 11	Regular Board Meeting <input type="checkbox"/> Quarterly Facilities Project Updates <input type="checkbox"/> First Interim Report <input type="checkbox"/> CSBA Board Comments <input type="checkbox"/> Election of 2024-25 Board President and Clerk <input type="checkbox"/> CSBA Policy Update – <i>Approval</i> <input type="checkbox"/> Elected Office Interest Forms Due (Board President/Clerk) <input type="checkbox"/> Swearing In of New Board Members – <i>As Needed</i> <input type="checkbox"/> HS Course Catalog - Informational Item
Thursday, December 18	Special Board Meeting <input type="checkbox"/> Board Governance and Self-evaluation <input type="checkbox"/> District Goals Update

Board Meeting Calendar

(2025-26 School Year *Continued*)

January-July 2026

Closed Session & Open Session times vary

Thursday, January 15	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Superintendent Goals – Midyear check-in <input type="checkbox"/> Preliminary Enrollment Projection for 2026-27 <input type="checkbox"/> Property Tax Update <input type="checkbox"/> Resolution recognizing February as Black History Month <input type="checkbox"/> School Accountability Report Cards <input type="checkbox"/> 2025-26 Audit Report <input type="checkbox"/> <i>Board Member Appreciation Week</i> <input type="checkbox"/> <i>Williams Uniform Complaint Report (Quarterly)</i> <input type="checkbox"/> <i>Review of Legal Services Costs – Update</i>
Thursday, January 22	Special Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Board Budget Study Session <input type="checkbox"/> Board Governance and Self-evaluation <input type="checkbox"/> District Goals Update
Thursday, February 5	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Budget Development Calendar <input type="checkbox"/> Resolution recognizing March as Women’s History Month
Thursday, February 26	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> LCAP 2025-26 Midyear Report <input type="checkbox"/> CSBA Policy Update – First Reading <input type="checkbox"/> Bond Fund 21 Audit
Thursday, March 5	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Possible Personnel Action Presented as Information (RIF) <input type="checkbox"/> Non-reelects Resolution <input type="checkbox"/> CSBA Policy Update – Approval
Thursday, March 19	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Second Interim <input type="checkbox"/> Report on Governor’s Budget Proposal <input type="checkbox"/> <i>Board Meeting Calendar (January-June 2027)</i>
Thursday, March 26	Special Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Board Governance Training
Thursday, April 9	Regular Board Meeting <ul style="list-style-type: none"> <input type="checkbox"/> Resolution recognizing May as Asian American Pacific Islander Heritage Month <input type="checkbox"/> School Resource Officer Update <input type="checkbox"/> Student Board Recognition

Italicized: Edited/Moved Content

*: Does Not Repeat

Updated: Aug 27, 2025

	<input type="checkbox"/> TRAN Resolution <input type="checkbox"/> Resolution recognizing May as Mental Health Awareness Month <input type="checkbox"/> CIF Representatives <input type="checkbox"/> <i>National School Principals' Day Resolution</i> <input type="checkbox"/> <i>Williams Uniform Complaint Report (Quarterly)</i>
Thursday, April 23	Special Board Meeting <input type="checkbox"/> LCAP Study Session
Thursday, May 7	Regular Board Meeting <input type="checkbox"/> Board Goals for 2026-27 <input type="checkbox"/> California Day of the Teacher <input type="checkbox"/> Week of the CSEA Employee <input type="checkbox"/> Retiree Recognition <input type="checkbox"/> Begin Superintendent Evaluation <input type="checkbox"/> CSBA Policy Update – First Reading <input type="checkbox"/> School Resource Officer Update
Thursday, May 21	Regular Board Meeting <input type="checkbox"/> Review Governor's Revised Budget <input type="checkbox"/> 2026-27 Budget Public Hearing <input type="checkbox"/> LCAP Public Hearing/LCAP Board Presentation <input type="checkbox"/> Educational Protection Account Approval <input type="checkbox"/> Resolution recognizing June as LGBTQ+ Month <input type="checkbox"/> Continue Superintendent Evaluation <input type="checkbox"/> CSBA Policy Update – Approval <input type="checkbox"/> School Plans for Student Achievement (SPSA)
Thursday, June 4	Regular Board Meeting <input type="checkbox"/> 2026-27 Budget Public Adoption <input type="checkbox"/> Approval of Contracts and Purchase Orders for 2026-27 <input type="checkbox"/> Resolution Recognizing Juneteenth <input type="checkbox"/> School Resource Officer Contract <input type="checkbox"/> Instructional Material & Curriculum Adoption Plan <input type="checkbox"/> CA Dashboard Local Indicators <input type="checkbox"/> Superintendent Evaluation & Contract <input type="checkbox"/> LCAP Approval <input type="checkbox"/> 2026-27 Prequalified Vendors List <input type="checkbox"/> 2025-26 Solicitation of Funds <input type="checkbox"/> <i>Williams Uniform Complaint Report (Quarterly)</i>
Thursday, June 18	Special Board Meeting <input type="checkbox"/> TBD
JULY 2026	NO BOARD MEETINGS

Italicized: Edited/Moved Content

*: Does Not Repeat

Updated: Aug 27, 2025

Board Cover Sheet

Information/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Establishment of 2025-26 District Subcommittees – Facilities & Budget

Recommendation

The District Administration recommends that the Board review the information regarding the newly established 2025-26 District Budget Subcommittee and District Facilities Subcommittee.

Background

Budget Subcommittee

The Board requested that Staff develop an Advisory Budget Subcommittee that serves to support the Superintendent and Board of Education, providing input and insights into the district's fiscal planning and budgeting processes.

The subcommittee will play a key role in shaping thoughtful, informed, and sustainable financial recommendations that support student success and responsible stewardship of public resources.

Facilities Subcommittee

The Board requested that Staff develop an Advisory Facilities Subcommittee that serves to support the Superintendent and Board of Education, providing input and insights into the programming and planning of the Districts Facilities Master Plan (FMP) Priority 3 Projects.

The committee supports transparency, equity, and alignment with PGUSD's educational goals through the evaluation of educational adequacy and equity of project development for all school sites in conjunction with the Districts Facilities Master Plan (FMP).

Information

The Budget Subcommittee will be established per the attached [Budget Subcommittee Role and Purpose](#).

Highlights:

- Subcommittee will meet quarterly
- Report all meeting minutes to the open Board and provide recommendations
- Develop key understanding of the district budget structure such as:
 - SACS Account Code Structures
 - Reviewing budget assumptions and multiyear projections
 - Evaluating District alignment with LCAP
 - Assess site-based and programmatic requests
 - Monitoring revenue changes and restrictions

The Facilities Subcommittee will be established per the attached [Facilities Subcommittee Role and Purpose](#).

- Subcommittee will meet quarterly
- Report all meeting minutes to the open Board and provide recommendations
- Develop key understanding of the Districts General Obligation Bond Program and:
 - Focus particular attention on one signature project per site
 - Review projects for Instructional relevance (supporting 21st-century learning)
 - Put student access and equity at the forefront of design planning
 - Prioritize school site safety and ADA compliance
 - Maintain equitable support for specialized programs
- Generate recommendations related to Priority 3 Projects as defined in the Facilities Master Plan (FMP)

Fiscal Impact

(None) No Fiscal Impact

PGUSD

Budget Subcommittee

Purpose & Role of the Subcommittee

The Advisory Budget Subcommittee serves as an **advisory body** to the Superintendent and Board of Education, providing input and insights into the district's fiscal planning and budgeting processes. The committee supports **transparency, equity, and alignment with PGUSD's strategic goals** through the evaluation of budget priorities, multiyear projections, and funding allocations.

While the committee does not have decision-making authority, it plays a key role in shaping thoughtful, informed, and sustainable financial recommendations that support student success and responsible stewardship of public resources.

Committee Structure

- **Superintendent (Chair)**
- **Assistant Superintendent (Business Services)**
- **Chief Human Resources Officer**
- **Fiscal Officer / Budget Analyst**
- **PGTA Designee (Certificated Staff)**
- **CSEA Designee (Classified Staff)**
- **Two Board of Education Trustees**

District staff will provide facilitation, data, training, and technical support to enable informed discussion and recommendations.

Meeting Schedule & Reporting Timeline (2025–26)

- **Quarterly Meetings:**
 - September 2025
 - December 2025
 - February 2026
 - April 2026
- **Board Reporting:**
 - Staff will deliver updates to the Board following each meeting, summarizing key themes, feedback, and advisory input.
 - Subcommittee recommendations will be delivered to district administration prior to the **Board Budget Study Session in January 2026**.
 - All recommendations will come in the form of a Committee recommendation to the full Board.

PGUSD

Budget Subcommittee

Goals and Responsibilities

Primary Goals

- Advise on budget planning with a focus on transparency, equity, and academic alignment
- Support stakeholder understanding of the school district budgeting process
- Ensure resource allocation aligns with PGUSD's educational goals, staffing needs, and LCAP priorities
- Promote equity across school sites and program areas
- Monitor the strategic use of ongoing, one-time, and restricted revenues

Key Responsibilities

Committee members will be trained and supported to participate meaningfully in the following areas:

- **Understanding District Budget Structure**
 - Overview of **fiscal year calendar**, budget cycle, and timelines
 - Key components: Unrestricted General Fund, Restricted Funds, Federal/State allocations
 - Role of budget in sustaining programs and staffing
- **Navigating SACS Account Code Structures**
 - Understanding how programs are reflected in funding codes
 - How expenditures are tracked and categorized
- **Reviewing Budget Assumptions and Multiyear Projections**
 - Enrollment and ADA assumptions
 - Cost-of-living adjustments (COLAs), step-and-column costs, STRS/PERS liabilities
 - Understanding fiscal outlook beyond the current year
- **Evaluating Alignment with Strategic Goals**
 - How the budget supports the **Local Control and Accountability Plan (LCAP)**
 - Ensuring resources are directed to student need, program growth, and intervention services
- **Assessing Site-Based and Programmatic Requests**
 - Reviewing site submissions or program expansion proposals
 - Promoting **equity of opportunity and funding** across schools
- **Monitoring Revenue Changes and Restrictions**
 - Understanding the implications of **one-time funding** and **restricted revenues**
 - Advising on **program expansion or contraction** in response to revenue gains or losses

PGUSD

Budget Subcommittee

Advisory Impact

The committee's insights and feedback will be used to:

- Inform the development of the **Proposed Budget** presented in May/June
- Shape **recommendations for Board consideration** during study sessions
- Advise on financial decision-making throughout the school year, particularly in response to unexpected state budget changes or shifts in enrollment

PGUSD

Facilities Subcommittee

Purpose & Role of the Subcommittee

The Facilities Subcommittee serves as an **advisory body** to the Superintendent and the Board of Education to ensure transparency, accountability, and community engagement in the implementation of the district's General Obligation Bond program.

The subcommittee's focus is on guiding the prioritization and implementation of **Priority 3 Projects** as identified in the PGUSD Facilities Master Plan (FMP), with an emphasis on **educational adequacy, modernization, and long-term campus enhancements**.

This committee is not a decision-making body, but rather a **collaborative advisory group** that:

- Reviews proposed project scopes and timelines
- Ensures alignment with educational and equity goals
- Monitors progress and communicates with the community
- Makes informed recommendations to the Board

Committee Structure

The subcommittee represents a broad cross-section of stakeholders to ensure a balance of operational, instructional, and community perspectives:

- **Superintendent** (Chair)
- **Assistant Superintendent** (Business Services)
- **Director of Facilities and Transportation**
- **High School Principal or Designee**
- **Middle School Principal or Designee**
- **Elementary Principal or Designee**
- **PGTA (Teachers Association) Designee**
- **CSEA (Classified Staff) Designee**
- **High School Parent Representative**
- **Middle School Parent Representative**
- **Elementary School Parent Representative**
- **Two Board of Education Trustees**

Additional district staff or consultants (e.g., architects, project managers, legal counsel) may attend meetings as needed to provide technical support and updates.

Meeting Schedule & Reporting Timeline (2025–26)

- **Quarterly Meetings:**
 - October 2025
 - December 2025

PGUSD

Facilities Subcommittee

- February 2026
- April 2026
- **Board Reporting:**
 - Staff will deliver reports to the Board of Education following each quarterly committee meeting, summarizing discussions, progress updates, and any advisory recommendations.

Goals and Responsibilities

Primary Goals

- Promote stakeholder engagement and transparency in bond program implementation
- Support equitable investment in facilities across school sites
- Align bond-funded projects with educational programming and instructional needs
- Review and advise on the phasing and prioritization of FMP **Priority 3 Projects**

Advisory Scope Includes:

- Evaluating project scopes in relation to educational programs
- Reviewing sustainability and ADA/accessibility considerations
- Discussing deferred maintenance integration with bond work
- Encouraging projects that increase flexibility and multi-functional space use
- Advocating for facilities that reflect district belonging, safety and prosperity for our student population

Key Focus Areas

The subcommittee will support long-term projects that focus on **aesthetic, operational, and instructional improvements**, including but not limited to:

- Administrative office and support staff spaces
- Upgrades to athletic fields, gymnasiums, performing arts spaces
- Site-wide landscaping and outdoor learning enhancements
- General modernization projects

Site-Specific Educational Adequacy Projects

The subcommittee will focus particular attention on **one signature project per site**, as identified by the PGUSD Facilities Master Plan and the Board-approved Facilities Bond Master Projects List. These projects will be **weighted by subcommittee consensus** based on educational impact, community value, and readiness.

PGUSD Facilities Subcommittee

Examples of Level 3 (Priority 3) Projects Include:

- **Forest Grove Elementary**
 - Modernization of Multipurpose Room (e.g., audio visual enhancements acoustics, lighting, climate control)
- **Robert Down Elementary**
 - Modernization of the "Ottertorium" (e.g., audio visual enhancements acoustics, lighting, climate control)
- **Pacific Grove Middle School**
 - Track modernization and program adequacy upgrades (e.g., inclusive PE and athletic pathways expansion, fitness features)
- **Pacific Grove High School**
 - Career Technical Education (CTE) modernization – Culinary Arts and Robotics Labs
 - JV Baseball Field modernization to expand access and utility
- **Pacific Grove Adult School**
 - Renovation of the main instructional facility
 - Planning and visioning for future development of the Nursing Annex site

Equity and Educational Alignment

All project discussions will be viewed through the lens of:

- **Instructional relevance** (supporting 21st-century learning)
- **Student access and equity**
- **Safety and ADA compliance**
- **Support for specialized programs** (SPED, CTE, visual and performing arts)

PGUSD

Facilities and Budget Advisory Subcommittee(s)



PGUSD Facilities Subcommittee



The Facilities Subcommittee serves as an advisory body to the Superintendent and the Board of Education

The focus is on guiding the prioritization and implementation of **Priority 3 Projects** as identified in the PGUSD Facilities Master Plan (FMP)

Committee Structure & Schedule

Diverse Representation

The subcommittee includes members who represent a broad cross-section of stakeholders:

- District leadership (Superintendent, Assistant Superintendent, Director of Facilities)
- School representatives (Principals or designees from all levels)
- Staff associations (PGTA and CSEA designees)
- Parent representatives (from each school level)
- Two Board of Education Trustees

Meeting Schedule (2025-26)

Quarterly meetings will be held in:

- October 2025
- December 2025
- February 2026
- April 2026

Staff will deliver reports to the Board of Education following each quarterly committee meeting.



Goals and Responsibilities



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Promote

Transparency

Ensure open and transparent engagement and transparency in bond program implementation through regular communication and open processes.

Support Equity

Advocate for equitable investment in facilities across school sites and ensure projects support student access and equity.



Align with Education

Ensure bond-funded projects align with educational programming and instructional needs for 21st-century learning.

Prioritize Projects

Review and advise on the phasing and prioritization of FMP Priority 3 Projects based on educational impact and community value.

Site-Specific Priority 3 Projects

The subcommittee will focus its **attention on one signature project per site**, as identified by the PGUSD Facilities Master Plan and the Board-approved Facilities Bond Master Projects List.



Elementary Schools

- Forest Grove:** Modernization of Multipurpose Room (audio visual enhancements, acoustics, lighting, climate control)
- Robert Down:** Modernization of the "Ottertorium" (audio visual enhancements, acoustics, lighting, climate control)



Middle School

- Pacific Grove Middle School:** Track modernization and program adequacy upgrades (inclusive PE and athletic pathways expansion, fitness features)



High School

- Pacific Grove High School:** Career Technical Education (CTE) modernization
- Culinary Arts and Robotics Labs
 - JV Baseball Field modernization to expand access and utility



Adult School

- Pacific Grove Adult School:** Renovation of the main instructional facility
- Planning and visioning for future development of the Nursing Annex site



Advisory Budget Subcommittee

Purpose, Structure, and Responsibilities

The Advisory Budget Subcommittee serves as an advisory body to the Superintendent and Board of Education, providing input and insights into the district's fiscal planning and budgeting processes. The committee supports transparency, equity, and alignment with PGUSD's strategic goals through the evaluation of budget priorities, multi year projections, and funding allocations.

Committee Structure & Schedule

1

Committee Membership

- Superintendent (Chair)
- Assistant Superintendent (Business Services)
- Chief Human Resources Officer
- Fiscal Officer
- PGTA Designee (Certificated Staff)
- CSEA Designee (Classified Staff)
- Two Board of Education Trustees

2

Meeting Schedule (2025-26)

- September 2025
- December 2025
- February 2026
- April 2026

Staff will deliver updates to the Board following each meeting



Goals and Responsibilities

Primary Goals

- Advise on budget planning
- Support stakeholder understanding of the school district budgeting process
- Ensure resource allocation aligns with PGUSD's educational goals
- Promote equity across school sites
- Monitor the use of ongoing and one-time revenues



Key Responsibilities

1 Understanding District Budget Structure

Overview of fiscal year calendar, budget cycle, and key components including Unrestricted General Fund, Restricted Funds, and Federal/State allocations

2 Navigating SACS Account Code Structures

Understanding how programs are reflected in funding codes and how expenditures are tracked and categorized

3 Reviewing Budget Assumptions

Analyzing enrollment, ADA assumptions, COLAs, step-and-column costs, STRS/PERS liabilities, and understanding fiscal outlook beyond the current year

4 Evaluating Strategic Alignment

Ensuring the budget supports the LCAP and resources are directed to student need, program growth, and intervention services

Board Cover Sheet

Information/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☐ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Josh Jorn

Assistant Superintendent

Item

Education Protection Account (EPA) Actuals for FY 2024-25

Recommendation

The District Administration recommends that the Board review the Education Protection Account Actuals for FY 2024-25.

Background

The Schools and Local Public Safety Protection Act of 2012, approved by the voters on November 6, 2012, temporarily increases the state's sales tax rate for all taxpayers and the personal income tax rates for upper-income taxpayers. The revenues generated from Proposition 30 are deposited into a state account called the Education Protection Account (EPA).

Since approval of Proposition 30, Education Protection Account (EPA), increasing sales tax and income tax for upper-income tax-payers, each school district is required to report the use of these funds.

The actuals for EPA for fiscal year 2024-25 were \$323,881.11

Despite implementation of the Local Control Funding Formula (LCFF) in fiscal year 2013–14, EPA entitlements continue to be calculated based on adjusted revenue limits. The funding amounts continue as components of the LCFF as part of an LEA's (local educational agency) floor calculation. The California Department Education (CDE) calculates EPA entitlements based on the statewide total of revenue limits and charter school block grant funding. Each LEA's EPA entitlement is then reduced so that funding from local revenue and the EPA combined do not exceed the LEA's adjusted LCFF. The CDE will allocate EPA revenues on a quarterly basis (September, December, March, and June) through the 2030–31 fiscal year.*

*Proposition 55 (2016), the ballot measure to continue the increased personal income taxes for an additional 12 years—not the increased sales taxes—contained in Proposition 30 (2012), continues the use of the EPA as the fund into which the increased revenues are deposited for the purpose of distributing to California school agencies.

Proposition 55 continues the requirement that the funds received from the EPA cannot be used for salaries or benefits of administrators or any other administrative costs. Proposition 55 took

effect on January 1, 2019, and remains in effect through December 31, 2030.

Information

PGUSD must adhere to the following requirements with respect to funds received from the EPA:

- Adopt an expenditure plan (***adopted on May 15, 2025 by the Board***)
- PGUSD must post a report on the website of the amount of EPA funds received and how the funds were spent (***posted under Business Office Documents following Board action***)
- Make the necessary information available for the external auditor to confirm compliance during the annual financial audit

Fiscal 01 attached as backup to show 2024-25 actuals and expenditures

Fiscal Impact

(None) No Fiscal Impact

Balances through June						Fiscal Year 2024/25	
Object	Description	Adopted Budget	Revised Budget	Debit	Credit	Account Balance	
Fund 01 - General Fund, Resource 1400 - EPA							
9791	Beginning Balance	5,336.88	625.11	42,616.34	43,241.45	625.11	
Total for Starting Balance accounts		5,336.88	625.11	42,616.34	43,241.45	625.11	
Object	Description	Adopted Budget	Revised Budget	Revenue		Account Balance	
8012	EPA Entitlement	321,554.00	322,804.00	323,256.00		452.00-	
Total for Revenue accounts		321,554.00	322,804.00	323,256.00		452.00-	
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance	
1100	Teachers` Salaries	217,734.62	248,372.39		251,326.93	2,954.54-	
3101	State Teachers` Retirement Sys	41,587.32	47,439.15		47,940.98	501.83-	
3301	Social Security/Medicare/Alter	2,662.56	6,514.67		3,435.61	3,079.06	
3401	Health & Welfare Benefits, cer	17,279.96	14,820.00		14,820.00	.00	
3501	State Unemployment Insurance,	108.86	124.14		125.62	1.48-	
3601	Worker`s Compensation Insuranc	5,398.94	6,158.76		6,231.97	73.21-	
Total for Expense accounts		284,772.26	323,429.11	.00	323,881.11	452.00-	
Object	Description	Adopted Budget	Revised Budget	Debit	Credit	Account Balance	
9790	Undesignated/Unappropriated	42,118.62				.00	
Total for Ending Balance accounts		42,118.62	.00	.00	.00	.00	
Total for Org 046, Fund 01 and Resource 1400							
Budgeted Actual	Starting Balance	+ Revenues		- Encumbrances		- Expenditures	
	625.11	322,804.00				323,429.11	
	625.11	323,256.00		0.00		323,881.11	
						= Calculated Ending Balance	
						0.00	
						0.00	

394/1104

ERP for California

Page 1 of 1

Selection

Filtered by User Permissions, (Org = 46, Online/Offline = N, Fiscal Year = 2025, Period = 12, Unposted JEs? = N, Assets and Liabilities? = N, Restricted Accts? = Y, Resource = 1400, SACS Fund? = N, Fund Page Break? = N, Obj Lvl = 4, Obj Digits = 0, Page Break? = N)

Board Cover Sheet

Information/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Linda Adamson
Superintendent

Item

CSBA Board Policy Updates – June 2025 & August 2025 – First Reading (Part 1)

Recommendation

The District Administration recommends that the Board review Part 1 of the Board Policy, Administrative Regulation, and Board Bylaw updates recently reviewed by the Board Policy Committee on August 12, 2025 plus August 25, 2025.

Background

The Board Policy Committee, composed of Trustees Laura Ottmar and Beth Shammass, meets with administrators to review and discuss proposed policy changes. The Committee examines policy updates provided by the California School Boards Association (CSBA) and any policies initiated by the Board or recommended by administrators. The upcoming CSBA policy updates will be reviewed for informational purposes and then brought back to the Board for final approval at a later meeting.

CSBA maintains a sample policy manual that is updated annually to reflect changes in state law. These updates are bundled into four "policy update packets" released quarterly (March, June, September, and December). "Special packets" may be released as urgent policies are also updated. Subscribers to GAMUT Policy Plus receive notifications about these updates and can access them online.

CSBA encourages school districts to review each policy update packet to identify necessary policy changes. Districts can consult a "guide sheet" that outlines the changes made by CSBA. Once identified, districts can draft new policies for Board review and approval. By regularly reviewing and updating policies, districts can ensure their policy manual remains accurate and up-to-date. CSBA recommends that districts establish a consistent process for reviewing, processing, and approving policy updates to avoid falling behind.

Information

At the August 12, 2025 and August 25, 2025 Board Policy Committee meetings, the committee reviewed the CSBA policy updates from June 2025 and August 2025, as well as Board

requested and Administrative recommended updates. PGUSD policies can be accessed via the [website](#).

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact

Program/Grant

N/A

CSBA UPDATE CHECKLIST – June 2025 & August 2025 (PART 1)

District Name: Pacific Grove Unified School District (PGUSD)

Contact Name: Lucero Villegas

Phone: (831) 646-6553

Email: villegas@pgusd.org

INFORMATION/DISCUSSION – PART 1: Sep 4, 2025

INFORMATION/DISCUSSION – PART 2: Sep 18, 2025

CONSENT – PART 1 & 2: Oct 2, 2025

POLICY	TITLE	ASSIGNED STAFF	OPTIONS/ BLANKS/ RECOMMENDATION(S) (STAFF)	MANDATED	ENTERED / UPDATED (EA)
BP 0410	Nondiscrimination in District Programs and Activities	Buck Rogge...	Fill In Blanks <u>Compliance Officer</u> <u>Chief Human Resources Officer</u> Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BP 0420.4	Charter School Authorization	Josh Jorn	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 0420.4	Charter School Oversight	Josh Jorn	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 0420.41	Charter School Oversight	Josh Jorn	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
E(1) 0420.41	Charter School Oversight	Josh Jorn	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 0440	District Technology Plan	Louis Algaze Matthew Bin...	<i>Postponed until the revised draft plan is developed</i>	<input type="checkbox"/>	<input type="checkbox"/>
AR 0440	District Technology Plan	Louis Algaze Matthew Bin...	<input checked="" type="checkbox"/> Delete AR <input type="checkbox"/> Do NOT Delete AR Adopt as amended & Delete AR	<input type="checkbox"/>	<input type="checkbox"/>
BP 0441	Artificial Intelligence	Louis Algaze	NEW POLICY	<input type="checkbox"/>	<input type="checkbox"/>

CSBA UPDATE CHECKLIST – June 2025 & August 2025 (PART 1)

			<u>PGUSD PROPOSED POLICY</u> <i>***“should” should be changed to “may” in BP 0441, PLUS add the associated AR 0441***</i>		
BP 0450	Comprehensive Safety Plan	Josh Jorn Barbara Mart...	<input checked="" type="checkbox"/> OPTION 1 <input type="checkbox"/> OPTION 2 Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 0450	Comprehensive Safety Plan	Josh Jorn Barbara Mart...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP1113	District and School Websites	Louis Algaze Matthew Bin...	<input type="checkbox"/> OPTION 1 <input checked="" type="checkbox"/> OPTION 2 Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 1113	District and School Websites	Louis Algaze Matthew Bin...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
E(1) 1113	District and School Websites	Louis Algaze Matthew Bin...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 1312.3	Uniform Complaint Procedures	Linda Adams... Lucero Villegas	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR 1312.3	Uniform Complaint Procedures	Linda Adams... Lucero Villegas	Fill In Blanks <u>Compliance Officer</u> <u>Chief Human Resources Officer</u> Address <u>District Office</u> <input type="checkbox"/> OPTION 1 <input checked="" type="checkbox"/> OPTION 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E(1) 1312.3	Uniform Complaint Procedures	Linda Adams... Lucero Villegas	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>

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E(2) 1312.3	Uniform Complaint Procedures	Linda Adams... Lucero Villegas	Fill In Blanks Chief Officer of Human Resources - Title IX Coordinator State Preschool and TK Director (Abbie Arbrun) Address FGE Barbara Martinez (Co-op Preschool) Address Adult School	<input type="checkbox"/>	<input type="checkbox"/>
AR 3512	Equipment	Jon Anderson	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
E(1) 3512	Equipment	Jon Anderson	Fill In Blanks Director of Maintenance, Facilities, and Transportation	<input type="checkbox"/>	<input type="checkbox"/>
AR 3542	School Bus Drivers	Jon Anderson	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BP 4030	Nondiscrimination in Employment	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR 4030	Nondiscrimination in Employment	Buck Rogge...	Fill In Blanks Chief Human Resources Officer 435 Hillcrest Avenue 831-646-6507 broggeman@pgusd.org Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BP 4033	Lactation Accommodation	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BP 4112.9	Employee Notifications	Buck Rogge...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
E(1) 4112.9	Employee Notifications	Buck Rogge...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 4212.9	Employee Notifications	Buck Rogge...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>

CSBA UPDATE CHECKLIST – June 2025 & August 2025 (PART 1)

E(1) 4212.9	Employee Notifications	Buck Rogge...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 4312.9	Employee Notifications	Buck Rogge...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
E(1) 4312.9	Employee Notifications	Buck Rogge...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 4119.11	Sexual Harassment	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR 4119.11	Sexual Harassment	Buck Rogge...	Fill In Blanks <u>Chief Human Resources Officer</u> <u>435 Hillcrest Avenue</u> <u>831-646-6507</u> <u>broggeman@pgusd.org</u> Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BP 4219.11	Sexual Harassment	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR 4219.1.1	Sexual Harassment	Buck Rogge...	Fill In Blanks <u>Chief Human Resources Officer</u> <u>435 Hillcrest Avenue</u> <u>831-646-6507</u> <u>broggeman@pgusd.org</u> Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BP 4319.11	Sexual Harassment	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR 4319.11	Sexual Harassment	Buck Rogge...	Fill In Blanks <u>Chief Human Resources Officer</u> <u>435 Hillcrest Avenue</u> <u>831-646-6507</u> <u>broggeman@pgusd.org</u> Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR 4119.12	Title IX Sexual Harassment Complaint Procedures	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E(1) 4119.12	Title IX Sexual Harassment Complaint	Buck Rogge...	Fill In Blanks <u>Chief Human Resources Officer</u>	<input type="checkbox"/>	<input type="checkbox"/>

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	Procedures		<u>435 Hillcrest Avenue</u> <u>831-646-6507</u> <u>broggeman@pgusd.org</u> Adopt as amended		
AR 4219.12	Title IX Sexual Harassment Complaint Procedures	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E(1) 4219.12	Title IX Sexual Harassment Complaint Procedures	Buck Rogge...	Fill In Blanks <u>Chief Human Resources Officer</u> <u>435 Hillcrest Avenue</u> <u>831-646-6507</u> <u>broggeman@pgusd.org</u> Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 4319.12	Title IX Sexual Harassment Complaint Procedures	Buck Rogge...	Adopt as amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E(1) 4319.12	Title IX Sexual Harassment Complaint Procedures	Buck Rogge...	Fill In Blanks <u>Chief Human Resources Officer</u> <u>435 Hillcrest Avenue</u> <u>831-646-6507</u> <u>broggeman@pgusd.org</u> Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 6141.2	Recognition of Religious Beliefs and Customs	Larry Haggq...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 6141.2	Recognition of Religious Beliefs and Customs	Larry Haggq...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
BP 6142.1	Sexual Health and HIV/AIDS Prevention Instruction	Larry Haggq...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 6142.1	Sexual Health and HIV/AIDS Prevention Instruction	Larry Haggq...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>

CSBA UPDATE CHECKLIST – June 2025 & August 2025 (PART 1)

BP 6142.8	Comprehensive Health Education	Larry Haggq...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>
AR 6142.8	Comprehensive Health Education	Larry Haggq...	Adopt as amended	<input type="checkbox"/>	<input type="checkbox"/>

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Policy 0410: Nondiscrimination In District Programs And Activities**Status:** ADOPTED**Original Adopted Date:** 02/01/2014 | **Last Revised Date:** 07/06/01/2024/2025 | **Last Reviewed****Date:** 07/06/01/2024/2025

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

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

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation ; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and

parental, marital, and family status. For more information specific to the protection of students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sexual Harassment.

Government Code 12940 provides additional protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived age; religious creed; reproductive health decision-making; sex, which includes some of the characteristics listed in the prior paragraph, as well as breastfeeding; and veteran or military status. For more information specific to the protection against discrimination as related to volunteers, see BP 1240 - Volunteer Assistance, and, as related to employees, unpaid interns, and job applicants, see BP 4030 - Nondiscrimination in Employment and BP 4119.11/4219.11/4319.11 - Sexual Harassment.

Additionally, Education Code 200 and 210.2, and Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

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

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

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

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

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

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

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

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

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities.

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

district. (Education Code 234.1)

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

District programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

CSBA NOTE: Education Code 234.7 mandates that districts adopt policy consistent with the California Attorney General's model policy contained in the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues." That model policy includes statements regarding the equitable provision of services and a prohibition against the use of school resources or data for creating a registry based on specific characteristics. In addition, Government Code 8310.3 prohibits districts from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. For more information regarding this mandate and appropriate responses to citizenship and immigration concerns, see BP/AR 5145.13 - Response to Immigration Enforcement.

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

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

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

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

CSBA NOTE: Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP/AR/E(1) 6161.1 – Selection and Evaluation of Instructional materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

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

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be

rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

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

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

CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education. Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074, prohibits public schools, other than those operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames without the written consent of a local federally recognized Indian tribe. Education Code 33315, as amended by AB 3074, requires that the uniform complaint procedures (UCP) be used to investigate and resolve complaints alleging a violation of Education Code 221.3. See BP/AR 1312.3 – Uniform Complaint Procedures.

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

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

Additionally, Title IX, 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, provides that a district (1) may not exclude a student from participation in, deny a student the benefits of, or otherwise subject a student to discrimination on the basis of sex in any education program or activity, (2) that in the limited circumstances in which different treatment or separation on the basis of sex is permitted, a district may not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a student to more than de minimis harm, and (3) that preventing a student from participating in an education program or activity consistent with the student's gender identity would subject the student to more than de minimis harm on the basis of sex. In commentary accompanying the Final Rule, USDOE clarifies that Title IX protects students

from sex discrimination, including sex-based harassment, when they access sex-separate facilities. This protection applies with equal force to all students, including transgender and nonbinary students, requiring districts to provide access to sex-separate facilities, including bathrooms, in a manner that does not cause more than de minimis harm. USDOE intends to issue a separate final rule to address Title IX's application to sex-separate athletic teams which is governed by 34 CFR 106.41, rather than 34 CFR 106.31 as described above. See BP/AR 5145.7 - Sex-Discrimination and Sex-Based Harassment.

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

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

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

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

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in BP/AR 1312.3 – Uniform Complaint Procedures, for students, and AR 4030 – Nondiscrimination in Employment, for employees, it is unclear whether districts would additionally be required to follow the procedures specified in BP/AR 1312.3 – Uniform Complaint Procedures or AR 4030 – Nondiscrimination in Employment, as applicable. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing such a complaint process for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 – Title IX Sex~~

~~Discrimination and Sex-Based Harassment Complaint Procedures, for students, and AR 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.~~

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, or 244, as added by SB 153 (Ch. 38, Statutes of 2024), related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

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

All complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 – Nondiscrimination in Employment, for employees.

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

Pursuant to 34 CFR 104.8 and 106.8, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 489980 in accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

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

CSBA NOTE: Pursuant to Education Code 234.7, a district is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The Attorney General's, "Promoting a Safe and Secure Learning Environment: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," updated in December 2024, provides additional detail on this topic, which includes one appendix titled, "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means. See BP/AR 5145.13 – Response to Immigration Enforcement and BP/E(1) 5145.6 - Parent/Guardian Notifications.

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

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

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

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

Access for Individuals with Disabilities

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

35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the DOJ.

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

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

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

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

~~CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them.~~

~~The requirement to provide services and aids extends to qualified individuals with speech, hearing, or vision disabilities who participate in Medi-Cal, and, in accordance with the Department of Health Care Services Policy and Procedure Letters No. 21-017R and No. 23-004, districts are required to have a plan to meet these alternative format requirements; see AR 5141.6—School Health Services.~~

~~In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the~~

ADA and implementing regulations (28 CFR 35.160 and 36.303). The district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available. Additionally, Government Code 54953 requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 – Meetings and Notices and BB 9322 – Agenda/Meeting Materials.

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district websites be accessible to individuals with disabilities. In April 2024, the DOJ published updated regulations which include specific technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters, DOJ's April 2024, "Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments," and BP 1113 – District and School Websites.

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that an individual with a disability is not excluded from participation or denied a benefit, service, or program on the basis of that disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting, or would be an undue burden, then the district need not provide them.

Additionally, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The district is required to ensure that such meetings are accessible to persons with disabilities and that disability-related accommodations, such as auxiliary aids and services, are made available upon the request of any individual with a disability. In addition, Government Code 54953 requires Boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district websites be accessible to individuals with disabilities. In April 2024, the DOJ updated its regulations to include specific technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters, and BP 1113 - District and School Websites.

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

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

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

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

(title or position)

(address)

(telephone number)

(email)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~[board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 262.4	Prohibition of discrimination
Ed. Code 33315	Uniform complaint procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English

Ed. Code 51007	Legislative intent; state policy
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11000	Definitions
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54953.2	Brown Act compliance with Americans with Disabilities Act
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 2301-2414	Strengthening Career and Technical Education for the 21 st Century Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
<u>29 USC 621</u>	<u>Age discrimination in employment</u>
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
42 USC 12101-12213	Americans with Disabilities Act

42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Workplace-Discrimination-Poster-ENG.pdf)
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 21-017R, December 2021 (https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf)
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 23-004, February 2023 (https://www.dhcs.ca.gov/formsandpubs/Documents/MMCD/APLsandPolicyLetters/APL2023/APL23-004.pdf)
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018 Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-

	StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	<u>Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023</u>
CSBA Publication	<u>Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</u>
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Education Publication	<u>DOE</u> Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. DOE & U.S. DOJ, Office for Civil Rights Divisions Publication	<u>Resource on Confronting Racial Discrimination in Student Discipline, May 2023</u> <u>Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025</u>

	https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025 https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf
U.S. DOE, Office for Civil Rights Publication	Supporting Transgender Youth in School, June 2021 Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011 https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-ebook-faq-201105.pdf
U.S. DOE, Office for Civil Rights Publication	Nondiscrimination in Employment Practices in Education, August 1991 (https://www.ed.gov/laws-and-policy/civil-rights-laws/nondiscrimination-in-employment-practices-in-education)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023 Dear Colleague Letter: Electronic Book Readers, June

	<u>29, 2010</u> (https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20100629.pdf)
U.S. DOE, Office for Civil Rights Publication	<u>Dear Colleague Letter: Electronic Book Readers, June 29, 2010</u>
U.S. DOE, Office for Civil Rights Publication	<u>Dear Colleague Letter: Harassment and Bullying, October 2010</u>
U.S. DOJ, Civil Rights Division Publication	Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024 (https://www.ada.gov/notices/2024/03/08/web-rule/)
U.S. DOJ, Civil Rights Division Publication	Guidance on Web Accessibility and the ADA, March 2022 (https://www.ada.gov/resources/web-guidance/)
U.S. DOJ, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020 (https://www.ada.gov/resources/accessibility-govt-websites/)
U.S. DOJ, Civil Rights Division Publication	2010 ADA Standards for Accessible Design, September 2010 (https://www.ada.gov/law-and-regs/design-standards/2010-stds/)
<u>World Wide Web Consortium Publication</u>	<u>Web Content Accessibility Guidelines, September 2023</u> (https://www.w3.org/TR/WCAG21/)
Website	CSBA District and County Office of Education Legal Services
Website	California Office of the Attorney General
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	Pacific ADA Center
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	California Civil Rights Department
Website	<u>U.S.</u> Equal Employment Opportunity Commission
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Health Care Services

Cross References

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Policy 0420.4: Charter School Authorization**Status:** ADOPTED

Original Adopted Date: 05/01/2019 | **Last Revised Date:** ~~03/06/01/2023~~ 2025 | **Last Reviewed**
Date: ~~03/06/01/2023~~ 2025

CSBA NOTE: The following optional policy may be revised to reflect district practice. Education Code 47600-47616.7 ~~authorize~~ authorizes the establishment of public charter schools, which are generally exempt from the Education Code unless otherwise specified in law. To establish a charter school within the district, petitioners ~~must~~ are required to submit to the Governing Board for approval a petition which includes all components required by law as described in the accompanying administrative regulation. The following policy reflects the criteria and procedures required by Education Code 47605.

Under certain circumstances, charter petitions may also be approved by other governmental entities. For example, Education Code 47605.5-47605.6 require petitioners to submit a petition directly to the County Board of Education when (1) the charter school will serve students for whom the county office of education would otherwise be responsible for providing direct education and related services or (2) the countywide program will provide educational services to a student population that cannot be served as well by a charter school operating in only one district in the county.

Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the State Board of Education (SBE) to convert all its schools to charter schools, provided that 50 percent of the district's teachers sign the petition, the petition contains all specified components, and arrangements are made for alternative attendance of students residing within the district who choose not to attend a charter school.

For further information regarding the submission and review of charter school petitions, see CSBA's, "Charter Schools: A Guide for Governance Teams." CSBA's District and County Office of Education Legal Services attorneys can also assist with petition reviews for districts that subscribe to that service.

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the district, the Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

CSBA NOTE: Education Code 47605 allows for Board approval of a start-up charter school or the conversion of an existing public school into a charter school, provided that the charter school adopts and maintains a policy giving admission preference to students who reside within the

former attendance area of that public school. The signature requirement differs for each type of charter school; see the accompanying administrative regulation.

One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605)

Any petition for a charter school shall include all components, signatures, and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition. (Education Code 47605)

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, the Superintendent or designee may also meet with the petitioners to establish workable plans for contracted services, which the district may provide to the proposed charter school.

The Board shall not require any district student to attend the charter school, nor shall it require any district employee to work at the charter school. (Education Code 47605)

Timelines for Board Action

CSBA NOTE: Pursuant to Education Code 47605, the Board is required to hold a public hearing within 60 days of receiving a charter petition to determine the level of support for the petition, and to hold a public hearing within 90 days to take final action on the petition. Education Code 47605 also requires the district to publish, at least 15 days prior to the public hearing at which the Board will grant or deny the petition, staff recommendations regarding the petition and, if applicable, the certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district.

To provide adequate opportunity for public input and thoughtful consideration of the charter petition, it is recommended that the Board conduct two public hearings -- one hearing to determine the level of support for the petition and, following the publication of staff recommendations, a second hearing to grant or deny the petition. However, the law does not explicitly require two hearings, and it may be possible to hold one public hearing to both determine the level of support for the petition and grant or deny the petition, provided that staff recommendations are published 15 days prior to the hearing, the hearing is held within 60 days of receipt of the petition, and the petitioners have equal time and opportunity to present evidence and testimony. It is recommended that CSBA's District and County Office of Education Legal Services or district legal counsel ~~should~~ be consulted as needed to ensure that all requirements are met.

Within 60 days of receiving a charter petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by district teachers, other district employees, and parents/guardians. A petition is deemed received on the day

the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Pursuant to Education Code 47605 ~~requires that~~, in the event that a petition is denied and the matter is appealed, the Board ~~must~~ is required to provide a documentary record to the petitioner, including a transcript of the public hearing at which the Board denied the hearing. See ~~section on~~ "Appeals" below. Thus, it may be useful to have a transcription of the hearing(s) in the event that the petitioners later appeal the decision of the Board.

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

Approval of Petition

CSBA NOTE: Education Code 47605 requires the Board to give preference to charter petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner as academically low achieving based on the standards established by the California Department of Education (CDE) pursuant to Education Code 54032, as that section read before July 19, 2006. Prior to its repeal on that date, Education Code 54032 required CDE to develop standards to identify students as academically low achieving for purposes of allocating Economic Impact Aid funds to school sites. However, the Economic Impact Aid program is no longer funded or administered by CDE.

Pursuant to Education Code 47605, the Board ~~must~~ is required to also consider the interests of the community in which the school is proposing to locate.

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE). (Education Code 47605)

CSBA NOTE: Pursuant to Education Code 47604.1, charter schools are subject to the Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000 - 7930.215), conflict of interest laws (Government Code 1090-1099), and the Political Reform Act (Government Code 81000-91014).

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Although not required by law, CSBA's, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding (MOUs) to address matters that are related to the charter petition but are not included in the petition, and to establish expectations for which the charter school can be held accountable. CSBA's manual provides examples of issues that might be addressed in an MOU, including business operations, facilities, administrative and support services, special education, student assessment, and athletics. See CDE's ~~web site~~ [website](#) for sample MOUs.

The Board may approve one or more memoranda of understanding ([MOU](#)) to clarify the financial and operational agreements between the district and the charter school. Any such ~~memorandum of understanding~~ [MOU](#) shall be annually reviewed by the Board and charter school governing body and amended as necessary.

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the petition to the County Superintendent of Schools, CDE, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board shall summarily deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. Convert a private school to a charter school (Education Code 47602)

CSBA NOTE: Pursuant to Education Code 47605, the Board may approve a charter school serving students in a grade level not offered by the district only when the charter school will also serve all the grade levels offered by the district. Thus, an elementary district's board cannot approve a charter for a high school, but may approve a charter for a K-12 school since the charter school will serve all grade levels served by the elementary school district.

3. Serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district (Education Code 47605)

CSBA NOTE: Pursuant to Education Code 47612.7, until January 1, ~~2025~~2026, the Board is prohibited from approving a petition for the establishment of a new charter school offering nonclassroom-based instruction. A charter school approved before October 1, 2019, which had started providing educational services as of that date may continue to offer nonclassroom-based instruction under the circumstances specified in Education Code 47612.7.

4. Offer nonclassroom-based instruction (Education Code 47612.7)

CSBA NOTE: Pursuant to Education Code 47605, a charter petition ~~can~~may be denied only if certain factual findings are made. 5 CCR 11967.5.1 contains criteria for SBE's review of charter petitions, which may be useful to the district in determining how it might evaluate whether a petition meets the conditions specified below.

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605; 5 CCR 11967.5.1)

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for, the students to be enrolled in the charter school;
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The petition does not contain the number of signatures required;
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220;
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c);
6. The petition does not contain a declaration as to whether the charter school shall be deemed the exclusive public employer of the school's employees for purposes of collective

bargaining pursuant to Government Code 3540-3549.3-

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate-

Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:

- a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
- b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

CSBA NOTE: Pursuant to Education Code 47605, a district under state receivership is not in a position to absorb the fiscal impact of a proposed charter school.

8. The district is not positioned to absorb the fiscal impact of the proposed charter school-

The district meets this criterion if it has a negative interim certification, has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification, or is under state receivership.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

Appeals

CSBA NOTE: Pursuant to Education Code 47605, if the Board denies a charter petition, the petitioner may, within 30 days of the denial, submit the petition to the County Board. If the County Board denies a petition on appeal, the petitioner may, within 30 days of the denial by the County Board, appeal to SBE.

If the Board denies a petition, the petitioner may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to SBE. (Education Code 47605)

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. (Education Code 47605)

CSBA NOTE: CSBA's Pursuant to Education Legal Alliance and the Napa Valley Unified School District each have litigation pending against Code 47605, SBE and the exercise of its authority to may only reverse the denial of a charter school petition deciding upon a determination that a board abused its there was an abuse of discretion in denying by each of the board of the district and the county board. Abuse of discretion is the most deferential standard of review, under which SBE must give deference to the decisions of the board of the school district and the county board to deny the petition.

In Napa Valley Unified School District v. State Board of Education, the district and the county Board denied a charter school petition on the basis that it was unlikely to serve the interests of the entire community and that it would have a negative fiscal impact on existing district services. The proponents of the charter school appealed to SBE, however, the California Appellate Court held that SBE could not overturn the denial. The proponents of the charter school had petitioned the California Supreme Court for review. Due to the legal uncertainty in this area, it is recommended that the Board should consult CSBA's District and County Office of Education Legal Services or district legal counsel when a petition the Board has denied is on appeal to SBE.

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE, which may include supporting documentation, detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education Code 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and shall grant or deny the petition within 30 days. (Education Code 47605)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

The Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire

community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans

Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 48900	Suspension or expulsion; use of controlled substances
Ed. Code 49011	Student fees; definition
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
W&I Code 224.1	Indian child; definition
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7221-7221j	Charter schools
29 USC 794	Rehabilitation Act of 1973; Section 504

42 USC 12101-12213**Management Resources**

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

California Charter Authorizing
Professionals Pub.

Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

CSBA Publication

CSBA Publication

U.S. Department of Education
PublicationAmericans with Disabilities Act**Description**

101 Ops.Cal.Atty.Gen. 92 (2018)

78 Ops.Cal.Atty.Gen. 297 (1995)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

Memorandum of Understanding (MOU) Resource, September
2022[\(https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/\)](https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/)Napa ~~Valley~~ Unified School District v. California State Board
of Education, Case No. ~~34-2022-80004051~~ C099068~~CSBA'S Education Legal Alliance v. California State Board of
Education, Case No. 34-2018-80002834~~~~Ridgecrest Charter School v. Sierra Sands Unified School
District (2005) 130 Cal.App.4th 986~~Uncharted Waters: Recommendations for Prioritizing
Student Achievement and Effective Governance in
California's Charter Schools, September 2018 [\(https://www.csba.org/unchartedwaters\)](https://www.csba.org/unchartedwaters)Charter Schools: A Guide for Governance Teams, rev.
~~February 2016~~ 2021[\(https://publications.csba.org/california-school-news/july-2021/csba-charter-school-guidebook-update-available-in-amazon-kindle-store/\)](https://publications.csba.org/california-school-news/july-2021/csba-charter-school-guidebook-update-available-in-amazon-kindle-store/)~~Charter Schools and Board Member Responsibilities,
Education Insights Legal Update Webcast, March 2016~~Charter Schools in Focus, Issue 1: Managing the Petition
Review Process, Governance Brief, November 2016 [\(https://www.csba.org/GovernanceAndPolicyResources/FairFunding/~/_media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBCharterSchoolsIssue1-Petitions.ashx\)](https://www.csba.org/GovernanceAndPolicyResources/FairFunding/~/_media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBCharterSchoolsIssue1-Petitions.ashx)Charter Schools Program: Title V, Part B of the ESEA,
Nonregulatory Guidance, January 2014

<https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf>

U.S. Department of Education
Publication

Dear Colleague Letter: Guidance Regarding the Oversight of
Charter Schools Program and Regulatory Requirements,
August 2016

Website

CSBA District and County Office of Education Legal Services

Website

National Association of Charter School Authorizers

Website

California Charter Schools Association

Website

California Department of Education, Charter Schools

Website

CSBA

Website

U.S. Department of Education

Cross References

Code	Description
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0510	School Accountability Report Card
2230	Representative And Deliberative Groups
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6158	Independent Study

6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6178	Career Technical Education
6178	Career Technical Education
6184	Continuation Education
6184	Continuation Education
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

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Regulation 0420.4: Charter School Authorization**Status:** ADOPTED

Original Adopted Date: 10/01/2015 | **Last Revised Date:** 03/06/01/2023 2025 | **Last Reviewed**
Date: 03/06/01/2023 2025

CSBA NOTE: The following optional administrative regulation is ~~optional~~ may be revised to reflect district practice.

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

A petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

Any petition circulated to collect signatures shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605)

Staff Advisory Committee

CSBA NOTE: The following optional section may be revised to reflect district practice. CSBA's, "Charter Schools: A Guide for Governance Teams," suggests that a petition review team is one method that a district may use to obtain input on proposed charters. Such a committee might include representatives with expertise in the areas of governance, human resources, business/finance, facilities, curriculum and instruction, special education, and, as appropriate, other student populations. It is recommended that districts consult CSBA's District and County Office of Education Legal Services ~~attorneys can also assist with~~ or district counsel regarding petition reviews ~~for districts that subscribe to that service~~.

Education Code 47605 requires the district to publish staff recommendations regarding the

petition at least 15 days prior to the hearing at which the Governing Board will grant or deny the petition; see the ~~section~~ "Timelines for Board Action" in the accompanying Board policy.

The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

Components of Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.

CSBA NOTE: CSBA's, "Charter Schools: A Guide for Governance Teams," recommends specific content that would constitute a reasonably comprehensive description of each component listed in Items #1-17~~18~~ below, as well as additional content that is not required but may be requested of the petitioners (e.g., school calendar, transportation arrangements, a sample of the curriculum and instructional materials).

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall also contain reasonably comprehensive descriptions of: (Education Code 47605)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs:

_____ The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

CSBA NOTE: Education Code 47605 requires the charter petition to include annual goals, as described in Education Code 52060, for all students and for each numerically significant subgroup of students, and specific actions to achieve those goals. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness, when there are at least 30 students in the subgroup (or at least 15 foster youth or ~~homeless~~ students experiencing homelessness) in the school.

Education Code 47605 requires that these annual goals be aligned with the eight state priorities, specified in Education Code 52060, related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-aligned instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement and family engagement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for

purposes of the local control funding formula), and students with disabilities; and (8) student outcomes in the specified course of study. See BP/AR 0460 - Local Control and Accountability Plan.

2. The charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students: experiencing homelessness

_____ These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.

CSBA NOTE: Education Code 47605 requires that the petition identify student outcomes that the charter school intends to use, including those that address increases in student achievement both schoolwide and for all groups of students served by the charter school. Education Code 47607 defines "all groups of students served by the charter school" to mean all numerically significant subgroups of students, as defined in Education Code 52052, served by the charter school.

3. The measurable student outcomes identified for use by the charter school:

Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served by the charter school.

4. The method by which student progress in meeting the identified student outcomes is to be measured:

_____ To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

CSBA NOTE: Proposed charter school facility locations are subject to additional requirements, as described in "Location of Charter School," below.

5. The location of each charter school facility the petitioner intends to operate

- 5. 6. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement-
- 6. 7. The qualifications to be met by individuals to be employed by the charter school-
- 7. 8. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:
 - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237-

CSBA NOTE: Pursuant to Education Code 32282, charter schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.

Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan (CSSP) components to include procedures for responding to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds. Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands CSSP components to include procedures to prepare for active shooter or armed assailants, as well as specifications that apply if the school chooses to conduct active shooter and armed assailant drills.

- b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J):N
 - c. The charter school's safety plan shall be reviewed and updated by March 1 each year-
- 8. 9. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the district's territorial jurisdiction-

CSBA NOTE: Pursuant to Education Code 47605, when the number of students who wish to attend the charter school exceeds the school's capacity, attendance must be determined by a public random drawing, with admission preference extending to students who currently attend

the charter school and students who reside in the district. Education Code 47605 provides that admission preferences may also include, but are not limited to, siblings of students admitted or attending the charter school and children of the school's teachers, staff, and founders identified in the initial charter. Education Code 47605 requires that the priority order for preference be determined in the charter petition as provided below.

9. ~~10.~~ 10. The charter school's student admission policy:

 The petition shall, in accordance with Education Code 47605(e), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Governing Board approval.

~~10.~~ 11. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Board's satisfaction:

CSBA NOTE: Education Code 47605 requires that the suspension and expulsion procedures included in the charter petition prohibit the involuntary removal of a student, unless written notice of intent to remove the student has been given to the student and the student's parent/guardian. When such a student is a foster child or youth, ~~homeless child,~~ student experiencing homelessness or Indian child, as defined in Welfare and Institutions Code 224.1, Education Code 47605, ~~as amended by AB 740 (Ch. 400, Statutes of 2022),~~ requires such notifications to also be given to other specified individuals, such as a foster youth's educational rights holder, attorney, and county social worker, ~~a homeless child's~~ the educational rights holder; ~~and for a student experiencing homelessness, or~~ and for a student experiencing homelessness, or an Indian child's tribal social worker, and if applicable, county social worker. Pursuant to Education Code 47605, ~~as amended by AB 740,~~ these individuals have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

Additionally, Education Code 47606.2 requires that the suspension procedures included in the charter petition provide that (1) upon request of a student who has been suspended for two or more school days, or the student's parent/guardian or other person holding the right to make educational decisions for the student, the homework assigned during the period of suspension will be given and (2) any such completed homework shall not count towards the student's overall grade in the class unless the assignments are graded before the end of the academic term.

In addition, pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

~~11.~~ 12. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605: and 47605.6

Such procedures shall contain a clear statement that no student shall be involuntarily removed by the charter school for any reason unless written notice of the intent to remove the student is given to the student's parent/guardian at least five schooldays before the effective date of the removal. In the case of a ~~homeless~~ student experiencing homelessness or foster youth, the notice shall be given to the student's educational rights holder. Additionally, a foster youth's attorney and county social worker, and an Indian child's tribal social worker, and if applicable, the county social worker, shall be given such notice.

For suspensions of fewer than 10 days, the student shall be provided oral or written notice of the charges and an explanation or the supporting evidence. The student shall be provided an opportunity to provide a response.

~~The notice shall~~ Notice shall include written notice of the charges and inform the student, the student's parent/guardian, and any other specified individual, as applicable, of the right to initiate a hearing as described in Education Code 47605, before the effective date of the removal. The notice shall be provided in the student's parent/guardian's, or other applicable person's language, and, if such a hearing is initiated, shall include the student's right to remain enrolled in the charter school until a final decision is made by the charter school.

In addition, the procedures shall contain a statement pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will, within 30 days, notify the Superintendent of the district of the student's last known address and, upon request, provide the student's cumulative record to the district, when a student is expelled or leaves the charter school without graduating or completing the school year for any reason. In addition, the procedures shall describe the means by which the district can contact the charter school if the student is subsequently expelled or leaves the school district without graduating or completing the school year for any reason.

Involuntarily removed means disenrolled, dismissed, transferred, or terminated, but does not include suspensions. (Education Code 47605)

- ~~12.~~ 13. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security:
- ~~13.~~ 14. The public school attendance alternatives for students residing within the district who choose to not attend the charter school:
- ~~14.~~ 15. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school:
- ~~15.~~ 16. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions:

CSBA NOTE: Education Code 47605 requires charter petitions to contain the declaration specified in Item #~~16~~¹⁷ below regarding responsibilities for collective bargaining. If the charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5. Education Code 47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.

- ~~16.~~ ^{17.} A declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.

CSBA NOTE: Education Code 47605 and 5 CCR 11962 require the charter petition to include procedures to be used in the event that the charter school closes for any reason, as provided in Item #~~17~~¹⁸ below. Duties of the district pertaining to charter school closures include notification requirements pursuant to Education Code 47604.32 and 5 CCR 11962.1; see BP 0420.41 - Charter School Oversight.

- ~~17.~~ ^{18.} Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:
- a. Designation of a responsible entity to conduct closure-related activities
 - b. Notification to parents/guardians, the Board, the ~~county office~~ ^{County Office} of ~~education~~ ^{Education}, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:
 - i. The effective date of the closure
 - ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - iii. The students' districts of residence
 - iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
 - c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance

with Item #17a18a above

- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with Item #17a18a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
- e. Transfer and maintenance of personnel records in accordance with applicable law
- f. Completion of an independent final audit within six months after the closure of the charter school that may function as the annual audit, which includes an assessment of the disposition of any restricted funds received by or due to the school and an accounting of all financial assets and liabilities pursuant to 5 CCR 11962
- g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962-
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33
- i. Identification of funding for the activities identified in Item #17a18a-h above

CSBA NOTE: Education Code 47605 requires that petitioners provide to the Board the information listed in Items #1-4 below, and, for any petition to operate a charter school by or as a nonprofit public benefit corporation, the information listed in Item #5 below.

The Board may require additional information beyond what is included in Items #1-5. As outlined in CSBA's, "Charter Schools: A Guide for Governance Teams," some districts request a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below.

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

CSBA NOTE: Education Code 47605 requires that information on school facilities, listed in Item #1 below, specify where the school intends to locate. Unless otherwise exempted, the school must be located within the geographic boundaries of the chartering district; see section "Location of Charter School" below.

1. The facilities to be used by the charter school, including where the school intends to locate
2. The manner in which administrative services of the charter school are to be provided
3. Potential civil liability effects, if any, upon the charter school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation
5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

Location of Charter School

CSBA NOTE: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school granted by either the County Board of Education or the State Board of Education following initial denial by the district must locate within the geographic boundaries of the district that denied the petition.

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

CSBA NOTE: Pursuant to Education Code 47605.1, a resource center, meeting space, or other satellite facility used by a charter school for nonclassroom-based independent study must, with specified exceptions, be located within district boundaries.

A charter school may establish a resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school-
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized-

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~[board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 48900	Suspension or expulsion; use of controlled substances
Ed. Code 49011	Student fees; definition
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups

Ed. Code 52060-52077

Ed. Code 56026

Ed. Code 56145-56146

Gov. Code 1090-1099

Gov. Code 3540-3549.3

Gov. Code 54950-54963

Gov. Code 7920.000-7930.215

Gov. Code 81000-91014

W&I Code 224.1

Federal

[20 USC 1400-1482](#)

20 USC 7221-7221j

[29 USC 794](#)

[42 USC 12101-12213](#)

Management Resources

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

California Charter Authorizing
Professionals Pub.

Court Decision

Court Decision

Court Decision

CSBA Publication

Local control and accountability plan

Special education

Special education services in charter schools

Prohibitions applicable to specified officers

Educational Employment Relations Act

The Ralph M. Brown Act

California Public Records Act

Political Reform Act

Indian child; definition

Description

[Individuals with Disabilities Education Act](#)

Charter schools

[Rehabilitation Act of 1973; Section 504](#)

[Americans with Disabilities Act](#)

Description

101 Ops.Cal.Atty.Gen. 92 (2018)

78 Ops.Cal.Atty.Gen. 297 (1995)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

Memorandum of Understanding (MOU) Resource, September
2022

[\(https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/\)](https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/)

Napa [Valley](#) Unified School District v. California State Board
of Education, Case No. ~~34-2022-80004051~~ [C099068](#)

~~CSBA'S Education Legal Alliance v. California State
Board of Education, Case No. 34-2018-80002834~~

~~Ridgecrest Charter School v. Sierra Sands Unified School
District (2005) 130 Cal.App.4th 986~~

Uncharted Waters: Recommendations for Prioritizing
Student Achievement and Effective Governance in
California's Charter Schools, September 2018

CSBA Publication	https://www.csba.org/unchartedwaters Charter Schools: A Guide for Governance Teams, rev. February 2016 2021 https://publications.csba.org/california-school-news/july-2021/csba-charter-school-guidebook-update-available-in-amazon-kindle-store/
CSBA Publication	Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016
CSBA Publication	Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016 https://www.csba.org/GovernanceAndPolicyResources/FairFunding/~//media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBCharterSchoolsIssue1-Petitions.ashx
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf
U.S. Department of Education Publication	Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016
Website	CSBA District and County Office of Education Legal Services
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0420.42	Charter School Renewal

0420.43	Charter School Revocation
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
0510	School Accountability Report Card
2230	Representative And Deliberative Groups
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6178	Career Technical Education
6178	Career Technical Education
6184	Continuation Education
6184	Continuation Education
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Policy 0420.41: Charter School Oversight**Status:** ADOPTED

Original Adopted Date: 10/01/2013 | **Last Revised Date:** 06/01/2024~~2025~~ | **Last Reviewed**
Date: 06/01/2024~~2025~~

CSBA NOTE: The following optional policy may be revised to reflect district practice. The Governing Board is required to oversee any charter school it authorizes. This oversight is to ensure the school's compliance with legal requirements and the charter. Additionally, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

For guidance when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted, see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, SBE is required to designate, in consultation with the petitioner, either the Board or the County Board as the chartering authority.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

CSBA NOTE: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends more frequent visits in order to monitor school operations more closely and develop relationships with the staff at the school.

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

CSBA NOTE: Pursuant to Education Code 47604, if a charter school operates as, or is operated by, a nonprofit public benefit corporation, the Board is entitled to appoint a single representative to the board of directors of the nonprofit public benefit corporation. It is recommended that the Board not appoint a district employee or a Board member to the nonprofit's board. Districts ~~that~~ **which** seek to appoint a representative are ~~advised~~ **recommended** to consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding any potential conflict of interest that may arise. Additionally, as an alternative to appointing a member to the nonprofit's board, CSBA's Guide suggests that the district designate its charter school contact,

appointed pursuant to Education Code 47604.32, to simply attend meetings of the nonprofit's board.

The Superintendent may designate someone to attend meetings of the charter school governing body whenever possible.

Monitoring Charter School Performance

CSBA NOTE: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Superintendent or designee and the governing bodies of charter schools authorized by the Board shall review new laws and regulations applicable to charter schools.

CSBA NOTE: Education Code 47605 requires that measurable student outcomes for all students of the charter school, including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness, when the subgroup consists of at least 30 students (or at least 15 foster youth or ~~homeless~~ students experiencing homelessness) in the school.

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status program, which uses modified methods of measurement for accountability indicators when appropriate, but may not be used for federal accountability purposes.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable ~~MOU,~~ memorandum of understanding (MOU), and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and

accountability plan (LCAP), as reported in the California School Dashboard.

CSBA NOTE: The Multi-Agency Charter School Audits Task Force's publication, "Audit Best Practices for Detecting and Curtailing Charter School Fraud," offers guidelines that may assist charter school authorizers to promptly identify financial issues or misconduct.]

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, unless an exception applies. Rather, a charter school may submit a waiver request through the district. A general waiver request form is available on the California Department of Education's (CDE) website. See BP 1431 - Waivers.

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the Board approve and the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

CSBA NOTE: CSBA's Guide recommends one or more memoranda of understanding (MOU) to clarify any financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU), which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

The Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: (Education Code 47605)

1. ~~The fiscal impact of the proposed expansion on the district~~
2. ~~The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings~~
3. ~~Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate~~

~~Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)~~

Location of Charter Schools

CSBA NOTE: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school ~~must~~ is required to be located

within the geographic boundaries of the authorizing district. However, Education Code 47605 permits the location of some charter schools outside of the authorizing district's boundaries under specified conditions. For example, a charter school in operation before October 1, 2019, on a federally recognized California reservation or rancheria or operated by a federally recognized California Indian tribe is exempted from the geographic restrictions of Education Code 47605.1. For information about geographic and site requirements for new charter schools, see AR 0420.4 - Charter School Authorization.

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries.

Fees/Charges for Supervisorial Oversight

CSBA NOTE: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school. Education Code 47613 provides that the costs of supervisorial oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see "Technical Assistance/Intervention" below. CSBA's Guide suggests that supervisorial oversight activities also might include site visits and site visit protocols, development of ~~memorandums of understanding~~ MOUs, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing.

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent [of Schools](#). Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605(c)

This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school

Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

CSBA NOTE: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of CCEE or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

CSBA NOTE: Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities, (2) notifications to specified persons and entities, (3) provision of information about students' grade level, course completion, and district of residence, (4) transfer and maintenance of student and personnel records, (5) completion of an independent final audit, (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, (7) completion and filing of any annual reports required pursuant to Education Code 47604.33, and (8) identification of funding for the activities identified in [#1-7](#).

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CSBA's Guide recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with

the charter school and/or an applicable agreement between the district and the charter school, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~[board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines

Ed. Code 220	Prohibition of discrimination
<u>Ed. Code 220.5</u>	<u>Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression</u>
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 243	Prohibition of discrimination; instructional materials
<u>Ed. Code 244</u>	<u>Prohibition of discrimination; instructional materials adoption</u>
<u>Ed. Code 17586</u>	<u>Interior locks on buildings</u>
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
<u>Ed. Code 33317.3</u>	<u>Student transfer reporting</u>
Ed. Code 33353	California Interscholastic Federation; standardized incident form
<u>Ed. Code 33355</u>	<u>Extreme weather protocols</u>
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
<u>Ed. Code 35012</u>	<u>Student board member participation in expulsion hearings</u>
Ed. Code 35120	Student board membership
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees

Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
<u>Ed. Code 44238.9</u>	<u>District oversight</u>
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
<u>Ed. Code 44841</u>	<u>CPR certification</u>
<u>Ed. Code 44939.5</u>	<u>Certificated applicant screening</u>
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting pupils
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
<u>Ed. Code 46300</u>	<u>Transitional kindergarten and kindergarten students in attendance calculation</u>
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission to first grade

Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48901.7	Smartphone policy
Ed. Code 48901.8	Social media policy
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48980.6	Dual enrollment offerings notification
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Student fees
Ed. Code 49011	Student fees; definition
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49406	TB risk assessment
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49400-49417	Student health; General powers of school boards

Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
<u>Ed. Code 49531</u>	<u>Food dyes prohibition</u>
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49603	On campus access to employers and military services
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
<u>Ed. Code 51225.31</u>	<u>Graduation exemption for students with disabilities</u>
<u>Ed. Code 51225.32</u>	<u>Graduation requirements for students with disabilities</u>
<u>Ed. Code 51225.38</u>	<u>Dangers associated with fentanyl</u>
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures

Ed. Code 52770	College and career fairs; community college districts
<u>Ed. Code 53234-53235.2</u>	<u>Ethics training for governing body</u>
Ed. Code 52770	College and career fairs
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
<u>Ed. Code 56040.6</u>	<u>Deaf, hard of hearing student considerations</u>
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60649	Assessment of academic achievement
<u>Ed. Code 60900</u>	<u>Charter school closure</u>
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal

20 USC 1681-1688

20 USC 6311

20 USC 7221-7221j

34 CFR 200.1-200.78

42 USC 11431-11435

Management Resources

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

CA Office of Administrative Hearings
Decisions[California Attorney General](#)California Department of Education
PublicationCalifornia Department of Education
Publication[California Department of Education
Publication](#)[California Department of Education
Publication](#)California Dept. of Pesticide Reg.
Publication**Description**Title IX of the Education Amendments of 1972;
discrimination based on sex

State plan

Charter schools

Accountability

McKinney-Vento Homeless Assistance Act

Description

104 Ops.Cal.Atty.Gen. 66 (2021)

101 Ops.Cal.Atty.Gen. 92 (2018)

78 Ops.Cal.Atty.Gen. 297 (1995)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

Student v. Horizon Instructional Systems Charter School
(2012) OAH Case No. 2011060763[Promoting a Safe and Secure Learning Environment for All:
Guidance and Model Policies to Assist California's K-12
Schools in Responding to Immigration Issues, December 2024
\(<https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>\)](#)Pupil Fees, Deposits, and Other Charges, Fiscal Management
Advisory 20-01, July 23, 2020

California School Accounting Manual

[Model Youth Suicide Prevention Policy for Local Educational
Agencies that Serve Kindergarten through Twelfth Grade
Students
<https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx>](#)[Pupil Fees, Deposits, and Other Charges, Fiscal Management
Advisory 23-02, November 2023](#)[<https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf>](#)School District Integrated Pest Management Plan Template
[<https://www.cdpr.ca.gov/wp-content/uploads/2024/08/hsa-school-district-ipm-plan.pdf>](#)

California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017 https://www.csba.org/CharterSchoolsOversight
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018 https://www.csba.org/unchartedwaters
<u>Multi-Agency Charter SATF's Publication</u>	<u>Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024</u> https://www.sco.ca.gov/Files-EO/charter-school-audits-task-force-final-report.pdf
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller

Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

Exhibit 0420.41-E(1): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 07/01/2017 | Last Revised Date: 06/01/2024~~2025~~ | Last Reviewed
Date: 06/01/2024~~2025~~

REQUIREMENTS FOR CHARTER SCHOOLS

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

This exhibit is a non-exhaustive list of legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Other legal requirements may exist and may be identified in the future. as of June 1, 2025, and will no longer be updated thereafter.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000-7930.215), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of ~~its~~ the governing body of a charter school within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside

In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)

CSBA NOTE: Pursuant to Education Code 47604.2, the governing body of a charter school attended by high school students is required to appoint a student member to the governing body if it receives a petition for such appointment, and, as amended by AB 275 (Ch. 321, Statutes of 2023), may award the student member of the governing body elective course credit based on the number of equivalent daily instructional minutes for the student member's services provided or monthly financial compensation for such service.

4. If the charter school is attended by high school students and the governing body receives student petition to appoint a student member to the governing body, appoint one or more student members in accordance with Education Code 47604.2

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216 (Ch. 500, Statutes of 2024), the governing body is required, by July 1, 2026, to adopt policy that limits or prohibits student use of smartphones while at a school site or under the supervision and control of charter school employee(s), and subsequently, to update the policy every five years.

5. The governing body is required, by July 1, 2026, to develop, in conjunction with students, parents/guardians, and charter school employees, adopt, and update every five years, a policy to limit or prohibit student use of smartphones while at a school site or under the supervision and control of charter school employee(s) (Education Code 48901.7)

CSBA NOTE: Education Code 33355 requires charter schools to, by July 1, 2026, develop, adopt, implement and annually review weather protocols for extreme weather conditions.

6. On or before July 1, 2026, develop, adopt, implement and annually review weather protocols for extreme weather conditions

The weather protocols shall incorporate the standardized guidelines compiled by the California Department of Education (CDE) and detail the specific measures to be taken during extreme weather conditions in accordance with Education Code 33355.

CSBA NOTE: Government Code 53235 requires members of the governing body in service as of January 1, 2025, except for members whose term of office ends before January 1, 2026, to receive ethics training before January 1, 2026, and at least once every 2 years thereafter.

7. Members of the governing body complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026 and at least every two years thereafter

CSBA NOTE: Pursuant to Education Code 52064.5, as amended by SB 153 (Ch. 38, Statutes of 2024), if the governing body is unable to review local indicator data (data adopted by the State Board of Education (SBE) to measure school site performance in regard to specified state priorities), due to any emergency specified in Education Code 46392, the governing body is required to review such data at its next meeting of the governing body, adopt a resolution describing the emergency event and the date on which the local indicator data was reviewed, and submit the resolution to the California Department of Education (CDE).

8. If the governing body is unable to review local indicator data due to any emergency specified in Education Code 46392, the local indicator data shall be reviewed at the next meeting of the governing body, and a resolution describing the emergency event and the date on which the local indicator data was reviewed shall be adopted and submitted to CDE (Education Code 52064.5)
9. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body submits an affidavit to the Superintendent of Public Instruction (SPI) pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), CDE is required, by July 1, 2026, to update its, "Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," to address crisis intervention protocols in the event of a student suicide crisis. On or after July 1, 2026, the governing body is required to, during its next regularly scheduled review of its student suicide prevention policy, update its policy to include the best practices identified in CDE's updated Model Policy.

10. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

Operations

5. 11. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
6. 12. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

7. 13. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
8. 14. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts ~~must~~ are required to ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and ~~must~~ is required to determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However,

as indicated in the California Office of Administrative Hearings ruling in *Student v. Horizon Instructional Systems Charter School*, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

~~9.~~ 15. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)

~~10.~~ 16. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5 (Education Code 47605)

- c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law

Preferences shall not result in limited enrollment access for students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, students experiencing homelessness, foster youth, students who are economically disadvantaged, or on the basis of nationality, race, ethnicity, or sexual orientation. Mandatory parental volunteer hours shall not be the basis of a preference or a criterion for admission or continued enrollment. (Education Code 47605)

~~11.~~ 17. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, experiencing homelessness, economically disadvantaged, or a foster youth

The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its website the California Department of

Education's (CDE) CDE's notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

12. 18. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of students experiencing homelessness and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)
13. 19. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
14. 20. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

CSBA NOTE: Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

15. 21. Not discriminate against any student on the basis of the characteristics listed in Education Code 220, or on the basis of one, or a combination of two or more protected characteristics (Education Code 200, 210.2, 47605)

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

16. 22. Not discriminate in the use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources (Education Code 243) , including that the continued use of an adopted textbook, instructional material, supplemental instructional material, curriculum for classroom instruction or any book or other resource in a school library shall not be authorized if the use would subject a student to unlawful discrimination pursuant to Education Code 220 (Education Code 243, 244)

CSBA NOTE: Pursuant to Education Code 234.7, charter schools were mandated to adopt policies, by July 1, 2018, with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning

Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that charter schools "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a charter school's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that charter schools consult with CSBA's District and County Office of Education Legal Service or other legal counsel when adopting this policy.

17. ~~23.~~ Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to Adopt policies equivalent to the model policy language developed by the California Attorney General pursuant to Education Code 234.7 regarding immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and ~~fulfill~~ comply with the other applicable requirements of Education Code 234.7
18. ~~24.~~ Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school website or on the website of the charter operator (Education Code 221.61)
19. ~~25.~~ If the charter school offers competitive athletics, annually post on the school's website or on the website of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
20. ~~26.~~ Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding

The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
21. ~~27.~~ If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

CSBA NOTE: Item #22 applies to charter schools that serve high school students and participate in the California Interscholastic Federation (CIF). Pursuant to Education Code 33353, as amended by AB 1327 (Ch. 366, Statutes of 2023), a charter school is required to post on its website, on or before April 1, 2025, the standardized incident form developed by

the California Department of Education (CDE) to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events.

- 22- ~~28.~~ 28. If the charter school serves high school students and participates in the California Interscholastic Federation, post the standardized incident form developed by CDE to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events on the charter school's website ~~on or before April 1, 2025~~, and, upon CDE's request, submit information related to any completed standardized incident forms received by the charter school (Ed. Code 33353)

CSBA NOTE: Education Code 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), prohibits a charter school or a member of the governing body, from enacting or enforcing any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law. It is recommended that charter schools consult CSBA's District and County Office of Education Legal Services or other legal counsel before disclosing a student's gender identity without the student's consent.

29. A charter school or a member of the governing body, shall not enact or enforce any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law (Education Code 220.5)

Tuition and Fees

- 23- ~~30.~~ 30. Not charge tuition (Education Code 47605)

CSBA NOTE: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in ~~CDE advisory~~ CDE's Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools.

Additionally, CDE's Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," clarifies that the prohibition under Education Code 49010-49011 applies to elective extracurricular activities, and includes costs for equipment used for extracurricular activities.

- 24- ~~31.~~ 31. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools (Education Code 49010, 49011)

- 25- ~~32.~~ 32. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school

The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall

provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014) ^{476/1104}

School Plans

CSBA NOTE: Pursuant to Education Code 52064.3, by January 31, 2025, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.

26. ~~33.~~ Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE) ([Education Code 52060](#))

CSBA NOTE: Pursuant to Education Code 52064.3, by July 31, 2027, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act (IDEA) Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.

27. ~~34.~~ As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians and as appropriate, an Individuals with Disabilities Education Act Addendum, based on the templates developed by SBE (Education Code 47604.33, 47606.5, 52064, 52064.1, 52064.3)

CSBA NOTE: Pursuant to Education Code 47606.5, as amended by SB 114 (Ch. 48, Statutes of 2023), charter schools are required to present a report on the annual update to the local control and accountability plan and the local control funding formula budget overview for parents/guardians on or before February 28 of each year at a regularly scheduled meeting of the governing body. Education Code 47606.5, as amended by SB 153, requires the annual update to be presented as a nonconsent item at the meeting of the governing body.

28. ~~35.~~ Present a report on the annual update to the LCAP and the local control funding formula budget overview for parents/guardians on or before February 28 of each year, as a nonconsent item at a regularly scheduled meeting of the governing body of the charter school (Education Code 47606.5)

29. ~~36.~~ If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

CSBA NOTE: Education Code 47606.5, as amended by SB 153, requires all Learning Recovery Emergency Funds received by the charter school to be included in the local control and accountability plan (LCAP)/annual update to the LCAP for the period of July 1, 2025 through June 30, 2028.

37. Include all Learning Recovery Emergency Funds received by the charter school in the LCAP/annual update to the LCAP (Education Code 47606.5)

CSBA NOTE: Education Code 32282, as amended by SB 10 (Ch. 856, Statutes of 2023), requires schools that serve students in any of grades 7-12 to include in their comprehensive safety plan a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose.

Additionally, Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), requires that comprehensive safety plans include adaptations for student with disabilities and that, after the first evaluation or review is conducted and after each annual evaluation, or review, a school employee, a student's parent/guardian or educational rights holder, or student may bring concerns about an individual student's ability to access the disaster safety procedures described in the comprehensive school safety plan/school safety plan to the principal.

In addition, Education Code 32282, as amended by SB 671 (Ch. 626, Statutes of 2023), ~~also~~ requires a charter school's safety plan to include procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, an activity sponsored by the school, or a school bus serving the school.

Pursuant to Education Code 32282, schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, IDEA, and Section 504 of the federal Rehabilitation Act of 1973. Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan components to include procedures for responding to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands comprehensive school safety plan components to include procedures to prepare for active shooters or armed assailants and specifications that apply if active shooter and armed assailant drills are conducted.

Pursuant to Education Code 32282, as amended by SB 153 and AB 176 (Ch. 998, Statutes of 2024), charter schools are required, beginning July 1, 2025, to include in their comprehensive safety plans an instructional continuity plan with specified components to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency.

~~30.~~ 38. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan in accordance with law by March 1 each year (Education Code 47605)

~~31.~~ 39. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

~~In addition~~ Additionally, ensure that each school bus, student activity bus, youth bus, or child

care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education **SBE** nor the Superintendent of Public Instruction (**SPI**) may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

- ~~32.~~ **40.** Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

CSBA NOTE: Pursuant to Education Code 49056, as added by **SB 291 (Ch. 863, Statutes of 2023)**, charter schools that maintain any of grades K-8 are required to provide at least one or more periods of recess that total 30 minutes on regular instructional days and at least 15 minutes on early release days, except that for any student with a disability, recess is required to be in accordance with the student's individualized education program or Section 504 plan.

- ~~33.~~ **41.** Provide one or more periods of recess that total 30 minutes on regular instructional days and at least 15 minutes on early release days as required by law (Education Code 49056)

- ~~34.~~ **42.** If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

- ~~35.~~ **43.** If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)

- ~~36.~~ **44.** If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)

- ~~37.~~ **45.** If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)

CSBA NOTE: Education Code 51225.7, as amended by **AB 2165 (Ch. 702, Statutes of 2024)**, requires charter schools, before exempting a student or the student's

parent/guardian from the requirement to complete and submit a Free Application For Student Financial Aid, a form for purposes of the California Dream Act, or an opt-out form permitting such forms to not be completed, to provide specified information to the student and the student's parent/guardian.

38. ~~46.~~ If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)

CSBA NOTE: Education Code 52770, as added by AB 1173 (Ch. 11, Statutes of 2023), requires a charter school that serves students in any of grades 9-12 that is planning to hold a college or career fair, to notify each community college district that has overlapping jurisdiction of the date, time, and location of the fair, and provide an opportunity for the community college district to participate.

39. ~~47.~~ If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school and each community college district that has overlapping jurisdiction with the charter school with the planned date, time, and location of the fair, and give each community college district that has overlapping jurisdiction the opportunity to participate in the college or career fair (Education Code 52770, Labor Code 3074.2)

CSBA NOTE: Pursuant to Education Code 49603, as amended by AB 1605 (Ch. 142, Statutes of 2023), charter schools offering instruction in any of grades 9-12 that provide on-campus access to employers, shall not prohibit access to the military services.

40. ~~48.~~ If a charter school offers instruction in any of grades 9-12, and provides on-campus access to employers, not prohibit access to the military services (Education Code 49603)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

41. ~~49.~~ If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

42. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

CSBA NOTE: A charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure. Education Codes 46392, as amended by SB 1429 (Ch. 477, Statutes of 2024), adds snowstorms to the list of emergencies, which

includes fire, flood, impassable roads, epidemic, earthquake, the imminence of a major safety hazard as determined by the local law enforcement agency, a strike involving transportation services to students provided by a nonschool entity or an order provided for in Education Code 41422, for which a charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events.

50. A charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events (Education Code 46392)

~~43.~~ 51. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or a newcomer student while attending another school (Education Code 51225.2)

~~44.~~ 52. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

CSBA NOTE: Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), requires the governing body that has elected to require its students to complete a course in health education for graduation from high school to include instruction in the dangers associated with fentanyl use.

53. If the charter school serves students in high school and requires its students to complete a course in health education for graduation from high school, commencing with the 2026-27 school year, include in such course instruction in the dangers associated with fentanyl use (Education Code 51225.38)

CSBA NOTE: Education Code 48980.6, as added by AB 1796 (Ch. 143, Statutes of 2024), requires charter schools to annually notify parents/guardians of students admitted to, or advancing to, grades 7-12, of any dual enrollment or International Baccalaureate courses offered by the local educational agency.

54. At the beginning of the first semester or quarter of the regular school term, notify parents/guardians of students admitted to, or advancing to, grades 7-12, of any dual enrollment or International Baccalaureate courses offered by the charter school (Education Code 48980.6)

Special Education

~~45.~~ 55. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary

The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

~~46.~~ 56. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:

- a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)
- b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

47. ~~57.~~ Exempt a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or student who is migratory who transfers between schools after the second year of high school, or a newcomer student ~~for newly immigrant students in grades 11-12~~ who is in their third or fourth year of high school, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.31, charter schools are required to exempt an eligible student with disabilities who entered the ninth grade in the 2022-23 school year or later, from all coursework and other requirements adopted by the governing body that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma.

Additionally, pursuant to Education Code 51225.32, as added by SB 153, charter schools are authorized, until July 1, 2031, to extend such exemption and award a high school diploma to an eligible student with disabilities who was enrolled in grade 10 or higher in the 2022-23 school year.

48. ~~58.~~ In accordance with Education Code 51225.31, exempt an eligible student with disabilities from all coursework and other requirements adopted by the ~~charter school board~~ governing body that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma (Education Code 51225.31, 51225.32)
49. ~~59.~~ Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)
50. ~~60.~~ Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

Student Expression

51. ~~61.~~ Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

52. ~~62.~~ Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing and Professional Development

53. ~~63.~~ Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment

~~Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required.~~ (Education Code 47605, 47605.4)

54. ~~64.~~ If the charter school offers transitional kindergarten (TK), require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position ~~by August 1, 2025~~, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)

55. ~~65.~~ Correct any misassignments if notified by the district that an assignment of a charter school employee is not legally authorized (Education Code 44258.9)

CSBA NOTE: Pursuant to Education Code 45125.1, ~~as amended by SB 531 (Ch. 616, Statutes of 2023)~~, an employee of any entity that has a contract with a charter school who offers work experience opportunities for students or workplace placements as part of a student's individualized education program is exempt from the requirement to have a valid criminal records summary if specified requirements are met.

56. ~~66.~~ Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)

CSBA NOTE: Education Code 44841, as added by AB 2345 (Ch. 65, Statutes of 2024), prohibits hiring any person for purposes of a short-term staff permit, provisional internship permit, or a teaching permit for statutory leave, unless that person has a certification in cardiopulmonary resuscitation that meets the standards established by the American Heart Association or the American Red Cross.

67. Not hire any person for purposes of a short-term staff permit, provisional internship permit, or a teaching permit for statutory leave, unless that person has a certification in cardiopulmonary resuscitation (CPR) that meets the standards established by the American

- ~~57.~~ 68. Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
- ~~58.~~ 69. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)
- ~~59.~~ 70. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
- ~~60.~~ 71. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

CSBA NOTE: Pursuant to Education Code 49406, as amended by SB 88 (Ch. 380, Statutes of 2023), a charter school that provides transportation to students under contract is required to have, as a condition of the contract, a tuberculosis risk assessment, and if indicated, the examination for infectious tuberculosis within 60 days of the initial hire, which may, until July 1, 2025, and at the discretion of the governing body, not be required for a private contracted driver who transports students infrequently and without prolonged contact.

- ~~61.~~ 72. If the charter school provides transportation to students under contract, require drivers to submit and clear tuberculosis risk assessment, unless otherwise exempt by law (Education Code 49406)

CSBA NOTE: Education Code 44939.5, as amended by AB 2534 (Ch. 570, Statutes of 2024), requires charter schools when considering an applicant for a certificated position to inquire with each local educational agency that previously employed the applicant if the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the Commission on Teacher Credentialing.

73. When a charter school considers an applicant for a certificated position, inquire with each local educational agency that previously employed the applicant whether the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to CTC

Additionally, when a charter school responds to an inquiry from a local educational agency considering an applicant for employment as to whether it has made a report of egregious misconduct regarding such applicant to CTC, provide the inquiring local educational agency with a copy of all relevant information within its possession that was reported to CTC. (Education Code 44939.5)

CSBA NOTE: Education Code 44691, as added by AB 1913 (Ch. 814, Statutes of 2024), requires charter schools to provide annual training to their employees on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.

74. As part of the annual mandated reporter training, provide training, on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs (Education Code 44691)

Parent/Guardian Involvement

- ~~62.~~ 75. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
- ~~63.~~ 76. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)
- ~~64.~~ 77. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

CSBA NOTE: Pursuant to Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), students ~~must~~ are required to be provided adequate time to eat, as determined by the charter school in consideration of the recommendations provided by CDE ~~on or before June 30, 2025.~~ Additionally, pursuant to Education Code 49501.5, as amended by SB 348, if a charter school offers independent study, the charter school ~~must~~ is required to make available a nutritionally adequate breakfast and lunch on any school day that a student is scheduled for educational activities, as defined in Education Code 49010, lasting two or more hours, at a school site, resource center, meeting space, or other satellite facility.

- ~~65.~~ 78. Provide a nutritionally adequate breakfast and lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility, including, if the charter school offers independent study, to a student enrolled in independent study on any school day in which the student is scheduled for in-person educational activities of two or more hours (Education Code 49501.5)

If the charter school participates in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and is a high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service. (Education Code 49501.5, 49564.3)

- ~~66.~~ 79. If the charter school participates in the NSLP or SBP, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for

Student Health

CSBA NOTE: Education Code 49431, 49431.2, 49431.5, and 49531, as amended by AB 2316 (Ch. 914, Statutes of 2024), prohibits charter schools, beginning December 31, 2027, from offering or selling, except for food items sold as part of a school fundraising event, foods containing artificial food dyes that have been linked to hyperactivity and behavioral issues in some children.

80. Not offer or sell, except for food items sold as part of a school fundraising event, foods containing foods dyes specified in Education Codes 49431, 49431.2, 49431.5, and 49531

Student Health

CSBA NOTE: Pursuant to Education Code 215, on or before January 1, 2025, charter schools must review and update their policy on student suicide prevention, and revise their training materials to incorporate best practices identified by CDE.

67. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

CSBA NOTE: Pursuant to Education Code 49428.5, each school serving students in any of grades 6-12 is required to create a poster that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. See BP 5141.5 - Mental Health.

68. 81. Each charter school that serves students in any of grades 6-12 shall create and prominently display an age appropriate and culturally relevant poster that identifies approaches and resources about student mental health (Education Code 49428.5)

CSBA NOTE: Education Code 215.5, as amended by SB 1063 (Ch. 642, Statutes of 2024), requires charter schools that serve students in grades 7-12 and issue or reissue student identification cards to have printed on either side of the card the telephone number for the 988 Suicide and Crisis Lifeline and the National Suicide Prevention Lifeline (1-800-273-8255). Pursuant to Education Code 215.5, as amended by SB 1063, a charter school may have printed on the card the Crisis Text Line (texting HOME to 741741); the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number; a local suicide prevention hotline telephone number; and/or a quick response (QR) code that links to the county's mental health resources website.

69. 82. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the ~~National~~ 988 Suicide and Crisis Lifeline, the National Suicide Prevention Lifeline and, the National Domestic Violence Hotline, and may have printed on either side of the identification card a quick response (QR) code that links to the mental health resources website of the county in which the school is located on the identification cards (Education Code 215.5)

~~70.~~ 83. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

~~71.~~ 84. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

~~72.~~ 85. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition

In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

CSBA NOTE: Pursuant to Education Code 35179.4, as amended by AB 1653 (Ch. 589, Statutes of 2023), if a charter school offers an interscholastic athletic program, the Board is required to have a written emergency action plan that describes the location of emergency medical equipment and procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness. Additionally, as amended by AB 1653, the emergency action plan is required to include a description of the manner and frequency at which the procedures to be followed in the event of medical emergencies will be rehearsed.

~~73.~~ 86. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness, the location of emergency medical equipment, and the rehearsal of such procedures; acquire at least one automated external defibrillator (AED) for the school; and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

~~74.~~ 87. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of ~~cardiopulmonary resuscitation~~ CPR training throughout the duration of the event (Education Code 35179.6)

~~75.~~ 88. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

CSBA NOTE: Pursuant to Education Code 49414.3 and, as added by AB 1283 (Ch. 574, Statutes of 2023), Education Code 49414.7, the charter school is permitted to make emergency naloxone hydrochloride or other opioid antagonist and emergency stock albuterol inhalers

available for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from opioid overdose or respiratory distress.

- ~~76.~~ 89. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, or to make emergency stock albuterol inhalers available to persons suffering, or reasonably believed to be suffering, from respiratory distress, comply with the requirements of Education Code 49414.3 and 49414.7, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

CSBA NOTE: Education Code 234.6, as amended by SB 939 (Ch.907, Statutes of 2024), requires charter schools to ensure the resources described below are readily accessible in a prominent location on the school's website in a manner that is easily accessible to parents/guardians and students.

90. Post resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning in a prominent location on the charter school's website in a manner that is readily and easily accessible to parents/guardians and students

Student Conduct/Discipline

CSBA NOTE: Pursuant to Education Code 49056, as added by SB 291 (Ch. 863, Statutes of 2023), beginning with the 2024-2025 school year, a student may not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. Education Code 44807.5, which authorized the Board to permit the use of recess restriction for disciplinary purposes, was repealed by SB 291.

- ~~77.~~ 91. Prohibit the denial of recess to a student unless the student's participation poses an immediate threat to the student's physical safety or to the physical safety of one or more of the student's peers (Education Code 49056)
- ~~78.~~ 92. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention on the charter school's website, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)
- ~~79.~~ 93. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)
- ~~80.~~ 94. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

CSBA NOTE: Pursuant to Education Code 48900, as amended by SB 274 (Ch. 597, Statutes of 2023), charter schools are prohibited from suspending students enrolled in kindergarten or any of grades 1-12 for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties through July 1, 2029. Additionally, school administrators, by the end of the fifth business day, are required to inform the referring employee, verbally or in writing, of the actions taken and if none, the rationale for not providing timely interventions or supports.

~~81.~~ 95. Until June 30, 2029, neither recommend for expulsion nor suspend a student in grades K-12 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)

~~82.~~ 96. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

CSBA NOTE: The following item is for charter schools that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the charter school. Pursuant to Education Code 49414.6, as added by SB 997 (Ch. 872, Statutes of 2024), a charter school may not prohibit a student in middle school, junior high school, or high school, while on a school site or participating in school activities, from carrying fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

97. Not prohibit students in middle schools, junior high schools, high schools, or adult schools, while on a school site or participating in school activities, to carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose (Education Code 49414.6)

CSBA NOTE: The following item is for charter schools that serve students 12 years of age or older and is not required of charter schools that do not serve such students. Pursuant to Education Code 49414.35, as added by AB 2998 (Ch. 974, Statutes of 2024), charter schools may not prohibit students 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication. Students who administer such an opioid antagonist may not be held liable in a civil action or be subject to criminal prosecution due their acts or omissions, and the charter school and employees of the charter school may not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a student's acts in administering an opioid antagonist, unless an act or omission of the students, employee, or charter school constitutes gross negligence or willful or wanton misconduct.

98. Not prohibit a student 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, naloxone hydrochloride or another opioid antagonist (Education Code 49414.35)

CSBA NOTE: Education Code 33317.3, as added by AB 1984 (Ch. 368, Statutes of 2024), requires, commencing with the 2026–27 school year, charter schools to provide to CDE data on

student transfers due to disciplinary reasons, including whether the student transferred to an alternative school based on a referral by the school.

99. Beginning with the 2026–27 school year, provide to CDE data on student transfers due to disciplinary reasons, including whether the student transferred to an alternative school based on a referral by the school (Education Code 33317.3)

CSBA NOTE: Pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

100. Not suspend students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports (Education Code 48900)

Student and Parent/Guardian Records

~~83.~~ 101. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)

~~84.~~ 102. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)

~~85.~~ 103. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

~~86.~~ 104. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year

However, such information shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

~~87.~~ 105. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

~~88.~~ 106. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374
- b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government

CSBA NOTE: Pursuant to Education Code 35292.6, as amended by AB 230 (Ch. 421, Statutes of 2023), the requirement to stock an adequate supply of free menstrual products extends to grades 3-12.

~~89.~~ 107. If the charter school serves students in any of grades 3-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

CSBA NOTE: Education Code 17586, as added by AB 2565 (Ch. 531, Statutes of 2024), requires charter schools serving students in grades kindergarten-12 that undertake an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, to install interior locks on each door of any room with an occupancy of 5 or more persons in that school building.

108. If a charter school undertakes an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, install interior locks on each door of any room with an occupancy of five or more persons in that school building (Education Code 17586)

Finance

~~90.~~ 109. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), **SPI**, including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

~~91.~~ 110. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

~~92.~~ 111. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

~~93.~~ **112.** Annually prepare and submit financial reports to the Board and the County Superintendent in accordance with the following reporting cycle:

- a. By July 1, a preliminary budget for the current fiscal year

For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

- b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31 (Education Code 47604.33)

- c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31 (Education Code 47604.33)

- d. By September 15, a final unaudited report for the full prior year

The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

- e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit

The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

~~94.~~ **113.** If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

~~95.~~ **114.** Annually adopt a school accountability report card (Education Code 33126, 47612; California Constitution, Article 16, Section 8.5)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the **Governing Board** board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials adoption
Ed. Code 17586	Interior locks on buildings

Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33317.3	Student transfer reporting
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 33355	Extreme weather protocols
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35012	Student board member participation in expulsion hearings
Ed. Code 35120	Student board membership
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44238.9	District oversight
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 44841	CPR certification
Ed. Code 44939.5	Certificated applicant screening
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting pupils

Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46300	Transitional kindergarten and kindergarten students in attendance calculation
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission to first grade
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48901.7	Smartphone policy
Ed. Code 48901.8	Social media policy
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48980.6	Dual enrollment offerings notification
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Student fees
Ed. Code 49011	Student fees; definition
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records

Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49406	TB risk assessment
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
<u>Ed. Code 49400-49417</u>	<u>Student health; General powers of school boards</u>
Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
<u>Ed. Code 49531</u>	<u>Food dyes prohibition</u>
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49603	On campus access to employers and military services
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
<u>Ed. Code 51225.31</u>	<u>Graduation exemption for students with disabilities</u>
<u>Ed. Code 51225.32</u>	<u>Graduation requirements for students with disabilities</u>
<u>Ed. Code 51225.38</u>	<u>Dangers associated with fentanyl</u>
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application

Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 52770	College and career fairs; community college districts
<u>Ed. Code 53234-53235.2</u>	<u>Ethics training for governing body</u>
Ed. Code 52770	College and career fairs
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
<u>Ed. Code 56040.6</u>	<u>Deaf, hard of hearing student considerations</u>
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60649	Assessment of academic achievement
<u>Ed. Code 60900</u>	<u>Charter school closure</u>
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
H&S Code 104420	Tobacco Use Prevention Education grant program

H&S Code 104559

Tobacco-free schools

Lab. Code 1198.5

Personnel records related to performance and grievance

Lab. Code 3074.2

College and career fairs; notice to apprenticeship programs

Pen. Code 1192.7

Definition of serious felony

Pen. Code 667.5

Definition of violent felony

Veh. Code 28160

Child safety alert system

Federal**Description**

20 USC 1681-1688

Title IX of the Education Amendments of 1972; discrimination based on sex

20 USC 6311

State plan

20 USC 7221-7221j

Charter schools

34 CFR 200.1-200.78

Accountability

42 USC 11431-11435

McKinney-Vento Homeless Assistance Act

Management Resources**Description**

Attorney General Opinion

104 Ops.Cal.Atty.Gen. 66 (2021)

Attorney General Opinion

101 Ops.Cal.Atty.Gen. 92 (2018)

Attorney General Opinion

78 Ops.Cal.Atty.Gen. 297 (1995)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 166 (2006)

Attorney General Opinion

80 Ops.Cal.Atty.Gen. 52 (1997)

CA Office of Administrative Hearings
DecisionsStudent v. Horizon Instructional Systems Charter School (2012)
OAH Case No. 2011060763California Attorney GeneralPromoting a Safe and Secure Learning Environment for All:
Guidance and Model Policies to Assist California's K-12 Schools
in Responding to Immigration Issues, December 2024
(<https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>)California Department of Education
PublicationPupil Fees, Deposits, and Other Charges, Fiscal Management
Advisory 20-01, July 23, 2020California Department of Education
Publication

California School Accounting Manual

California Department of Education
PublicationModel Youth Suicide Prevention Policy for Local Educational
Agencies that Serve Kindergarten through Twelfth Grade
Students<https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx>

<u>California Department of Education Publication</u>	498/1104 <u>Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 23-02, November 2023</u> https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template https://www.cdpr.ca.gov/wp-content/uploads/2024/08/hsa-school-district-ipm-plan.pdf
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017 https://www.csba.org/CharterSchoolsOversight
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018 https://www.csba.org/unchartedwaters
<u>Multi-Agency Charter SATF's Publication</u>	<u>Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024</u> https://www.sco.ca.gov/Files-EO/charter-school-audits-task-force-final-report.pdf
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training

Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

CSBA Sample District Policy Manual

CSBA Sample Manual Site

Policy 0440: District Technology Plan

Status: ADOPTED

Original Adopted Date: 06/01/1995 | **Last Revised Date:** 12/06/01/2014/2025 | **Last Reviewed Date:** 12/06/01/2014/2025

CSBA NOTE: The following optional policy may be revised to reflect district practice. Although State law previously required districts to adopt a technology plan is no longer as a precondition for certain state technology grant programs due to the self-repeal of Education Code 51870-51871.5, the California Department of Education (CDE), in its California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, strongly encourages districts to develop and have a comprehensive funding. Although that requirement no longer exists, many districts continue to utilize technology plan approved by plans, and the importance of technology plans is likely to grow with the expanding use of artificial intelligence (AI). For more information regarding the Governing Board or district administration. In developing or revising a plan, districts may use the use of AI, see BP 0441 - Artificial Intelligence, BP/E(1) 4040 - Employee Use of Technology, BP 5131.9 - Academic Honesty, and BP/E(1) 6163.4 - Student Use of Technology Plan Builder available on the CDE's web site.

Pursuant to 20 USC 7119, districts that receive funds under the federal Student Support and Academic Enrichment grant program (20 USC 7101-7122) must are required to use a portion of those funds to improve the use of technology in order to improve the academic achievement and digital literacy of all students. Such funds may be expended for the purposes specified in 20 USC 7119, with no more than 15 percent being used to purchase technology infrastructure. For districts or consortia that receive grants of \$30,000 or more, such expenditures must are required to be aligned with a needs assessment conducted pursuant to 20 USC 7116.

The Governing Board recognizes that technological resources, including resources that utilize artificial intelligence (AI), can enhance student achievement by increasing student access to information, supporting teacher effectiveness, and facilitating the administration of student assessments. Effective use of technology can also increase the efficiency of the district's noninstructional operations and governance. non-instructional operations and governance. However, the Board also recognizes the potential for technological resources to undermine student achievement, health, and well-being.

The Superintendent shall ensure that technological resources provided to students and staff be aligned to district goals, objectives, and academic standards and shall be used in a safe and responsible manner. Students and staff shall be allowed to use such technology in accordance with district policies, including, but not limited to, policies on AI, academic honesty, data privacy, nondiscrimination, copyright protections, student use of technology, and employee use of technology.

CSBA NOTE: The CDE's California K-12 Education Technology Plan Template, Criteria, and Guiding Questions recommends that the district's technology plan describe the district's use of technology for a three-year period, as provided below. The following paragraph may be revised to reflect district practice.

The Superintendent or designee shall develop, ~~for Board approval~~ and regularly propose revisions to, a comprehensive ~~three-year~~ technology plan based on an assessment of current uses of technology in the district and an identification of future needs, which shall be submitted to the Board for consideration and approval. The Superintendent or designee may appoint an advisory committee consisting of a variety of staff and community stakeholders to assist with the development of the technology plan.

CSBA NOTE: The following list should be revised to reflect district practice.

The district's technology plan shall include, but not be limited to, the following:

1. What technological resources will be utilized by the district
2. How these technological resources will be equitably accessible to all students and staff and to all schools
3. How these technological resources will be used to improve educational services
4. What professional development opportunities or materials regarding these technological resources will be made available to staff
5. How AI may be used by students and staff in accordance with Board Policy 0441 – Artificial Intelligence, Board Policy/Exhibit (1) 4040 – Employee Use Of Technology, Board Policy 5131.9 – Academic Honesty, and Board Policy/Exhibit (1) 6163.4 – Student Use Of Technology

CSBA NOTE: Education Code 48985.5, as amended by AB 2690 (Ch. 241, Statutes of 2024), requires districts, at the beginning of the first semester or quarter of the regular school year, to annually inform parents/guardians about the risk of social media being used as a way to market and sell synthetic drugs.

Pursuant to Education Code 48901.8, as added by SB 1283 (Ch. 891, Statutes of 2024), Governing Boards are authorized to limit or prohibit student use of social media when students are at a school site or while the students are under the supervision and control of an employee or employees of that district.

47 USC 223, as amended by the TAKE IT DOWN Act of 2025 (P.L. 119-12), imposes criminal

penalties for creating and posting AI-generated deepfakes, as well as for threatening to post intimate images without consent, and empowers the Federal Trade Commission to hold social media platforms accountable to remove such images.

6. How students will acquire the knowledge and skills sufficient for digital citizenship, social media and AI literacy, and identifying online misinformation

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities and coordinates cyber intelligence and information sharing, and is required to coordinate information sharing, including cyber threat information, with school districts.

Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

Pursuant to Education Code 35266, districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

7. How the district will prevent and respond to cyberattacks, address other cybersecurity concerns, and what steps students and staff can take to enhance security of the systems they use

The The district's technology plan shall be integrated into the district's vision and goals for student learning and shall contain research-based strategies and methods for the effective use of technology. When required for state or federal grant programs in which the district participates, the plan shall also address all components required for receipt of such grants.

The Superintendent or designee shall ensure that any use of technological resources in the district protects the private and confidential information of students and employees in accordance with law.

Policy Reference UPDATE Service

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These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Bus. and Prof. Code 22584-22585

[Civ. Code 3120-3123](#)

Ed. Code 10550-10555

Ed. Code 11800

[Ed. Code 35266](#)

[Ed. Code 48901.8](#)

[Ed. Code 48985.5](#)

Ed. Code 49060-49085

Ed. Code 51006

Ed. Code 51007

Ed. Code 51865

Ed. Code 60010

[Gov. Code 11549.3](#)

[Gov. Code 8586.5](#)

Pen. Code 502

Federal

16 CFR Part 312

20 USC 1232g

20 USC 1232h

20 USC 7101-7122

[47 U.S.C. 223](#)

34 CFR Part 99

47 CFR 54.500-54.523

47 USC 254

Management Resources

Description

~~K-12 Pupil~~ Student Online Personal Information Protection Act

[Digital Bill of Rights](#)

Telecommunications standards

K-12 High Speed Network grant program

[Cybersecurity](#)

[Social media; limitations or prohibitions](#)

[Fentanyl and synthetic drugs danger notification](#)

Student records

Computer education and resources

Programs to strengthen technological skills

California distance learning policy

Instructional materials; definition

[Office of Information Security](#)

[Office of Emergency Services; California Cybersecurity Information Center](#)

Computer crimes; remedies

Description

Children's Online Privacy Protection Rule

Family Educational Rights and Privacy Act (FERPA) of 1974

Privacy rights

Student Support and Academic Enrichment Grants

[Use of technology in obscene or harassing manner](#)

Family Educational Rights and Privacy

Universal service support for schools

Universal service discounts (E-rate)

Description

California Department of Education Publication	Empowering Learning: A Blueprint for California Education Technology 2014-2017, April 2014
California Department of Education Publication	California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, November 2015
Court Decision	McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275
Website	CSBA District and County Office of Education Legal Services
Website	Technology Information Center for Administrative Leadership
Website	California Cybersecurity Integration Center
Website	California Department of Education, Education Technology Office
Website	California Educational Technology Professionals Association
Website	California Office of Emergency Services
Website	Computer-Using Educators
Website	Federal Communications Commission
Website	CSBA

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0400	Comprehensive Plans
0415	Equity
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media

1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3311.4	Procurement Of Technological Equipment
3312	Contracts
3512	Equipment
3512-E(1)	Equipment
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4131	Staff Development
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.6	Personnel Files
4331	Staff Development
5125	Student Records
5125	Student Records

5131	Conduct
5131.2	Bullying
5131.2	Bullying
<u>5131.9</u>	<u>Academic Honesty</u>
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.54	Test Integrity/Test Preparation
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6178	Career Technical Education
6178	Career Technical Education
6200	Adult Education
6200	Adult Education
7000	Concepts And Roles
7214	General Obligation Bonds
7214	General Obligation Bonds
9140	Board Representatives

Regulation 0440: District Technology Plan

Status: ADOPTED

Original Adopted Date: 06/01/1995 | **Last Revised Date:** 06/01/2025 12/01/2014 | **Last Reviewed Date:** 06/01/2025 12/01/2014

CSBA NOTE: Items #1-5 below reflect components of education technology plans recommended in the California Department of Education's (CDE) California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, available on its web site, and may be revised to reflect district practice.

The district's technology plan shall address, at a minimum, the following components:

- ~~1. Background Information: A guide to the district's use of technology for the next three years, including:~~
 - ~~a. Specific starting and ending dates of the plan~~
 - ~~b. An overview of the district's location and demographics~~
 - ~~c. A description of how stakeholders from the district and community were involved in the planning process~~
 - ~~d. A description of the relevant research behind the strategies and/or methods in the plan and how the research supports the plan's curricular and professional development goals~~
- ~~2. Curriculum: Clear goals and realistic strategies for using telecommunications and information technology to improve educational services, including:~~
 - ~~a. A description of teachers' and students' current access to instructional technology and current use of digital tools, including district policies or practices to ensure equitable technology access for all students~~
 - ~~b. Goals and an implementation plan, including annual activities, for:~~
 - ~~i. How technology will be used to improve teaching and learning, how these goals align with district curricular goals and other plans, how the district budget and local control and accountability plan support these goals, and whether future funding proposals or partnerships may be needed for successful implementation~~
 - ~~ii. How and when students will acquire the technology skills and information literacy skills needed for college and career readiness~~
 - ~~iii. Internet safety and the appropriate and ethical use of technology in the classroom~~

3. ~~Professional Development: A professional development strategy to ensure that staff understands how to use new technologies to improve education services, including:~~
 - a. ~~A summary of teachers' and administrators' current technology proficiency and integration skills and needs for professional development~~
 - b. ~~Goals and an implementation plan, including annual activities, for providing professional development opportunities based on district needs assessment data and the curriculum component of the technology plan~~
4. ~~Infrastructure, Hardware, Technical Support, Software, and Asset Management: An assessment of the telecommunication services, hardware, software, asset management, and other services that will be needed to improve education services, including:~~
 - a. ~~A description of existing hardware, Internet access, electronic learning resources, technical support, and asset management in the district~~
 - b. ~~A description of technology hardware, electronic learning resources, networking and telecommunications infrastructure, physical plant modifications, technical support, and asset management needed by district teachers, students, and administrators to support the activities in the curriculum and professional development components of the plan~~
5. ~~Monitoring and Evaluation: An evaluation process that enables the school to monitor progress toward the specific goals and mid-course corrections in response to new developments and opportunities as they arise, including:~~
 - a. ~~The process for evaluating the plan's overall progress and impact on teaching and learning~~
 - b. ~~The schedule for evaluating the effect of plan implementation and a description of the process and frequency of communicating evaluation results to technology plan stakeholders~~

CSBA NOTE: Items #6-7 below may be revised to reflect district practice.

Among the technological tools available to facilitate governance and management are CSBA's GAMUT Online, a service which provides online access to CSBA's sample board policies as well as the hosting of the district's local policies. In addition, CSBA offers GAMUT Meetings, a service that allows development of and access to Governing Board meeting agendas and materials from any computer with Internet access.

6. ~~Noninstructional Uses of Technology: A description of how technology will be used to improve district governance, district and school site administration, support services, and communications~~
7. ~~Cost: An estimate of the cost for each year of the plan and each of its major components~~

Policy 0441: Artificial Intelligence

Status: ADOPTED

Original Adopted Date: 06/01/2025 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: This policy addresses the use of artificial intelligence (AI) in a district by students and staff and may be modified to reflect district practice.

In 2024, CSBA formed an Artificial Intelligence Task Force to equip Governing Boards with the necessary knowledge and tools to navigate the complexities of AI. Boards are encouraged to utilize the resources produced by the Task Force when modifying this policy to reflect district practice.

Pursuant to Education Code 33328.5, as added by SB 1288 (Ch. 893, Statutes of 2024), the Superintendent of Public Instruction is required to convene a working group related to AI in public schools in order to develop guidance on the safe use of AI in education and, subsequently, to develop a model policy on the safe and effective use of AI. Districts are encouraged to continue to monitor the development of new AI technologies.

The Governing Board recognizes the transformative potential of artificial intelligence (AI) to increase student access to information, support teacher effectiveness, and facilitate the administration of student assessments, as well as the potential for AI to undermine student achievement, health, and well-being. Therefore, the Board is committed to supporting the use of AI by students and staff in accordance with the following principles:

1. **Student-Centered:** AI should be used to personalize and enhance the learning experience for each student and to support digital citizenship and literacy
2. **Staff-Centered:** AI should be used as a tool to augment and support, rather than replace, staff in the performance of their duties and responsibilities
3. **Ethical Use and Transparency:** AI should be used ethically and transparently by all staff and students, with careful consideration of potential biases, and in compliance with all applicable intellectual property and copyright laws
4. **Accountability and Responsibility:** AI should be used in a manner that ensures accountability by those who use it and that those who use it are responsible for such use, including when and how it is used
5. **Equity and Access:** AI should be implemented in a manner that ensures equitable access and opportunity for all students, regardless of background or ability, and for all schools across the district
6. **Secure and Private:** The district should prioritize security and privacy when changing existing practices or adopting new practices regarding AI

7. Professional Development: The district should provide ongoing professional development for staff in all aspects of AI, with a particular focus on the ethical and responsible use of AI
8. Community Engagement: The district should engage with the community to share these principles, to educate the community on AI, and to discuss the permitted and prohibited uses of AI in the district
9. Continuous Improvement: The district should regularly evaluate the use of AI by students and staff, and adapt its policies, procedures, and professional development to align with best practices and evolving technologies

The Superintendent shall ensure that the use of AI in the district is consistent with this policy, Board Policy 0440 – District Technology Plan, Board Policy/Exhibit (1) 4040 – Employee Use of Technology, Board Policy 5131.9 – Academic Honesty, Board Policy 6154 – Homework/Makeup Work, Board Policy 6162.5 – Student Assessment, and Board Policy/Exhibit (1) 6163.4 – Student Use of Technology.

Artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer, from the input it receives, how to generate outputs that can influence physical or virtual environments. (Education Code 33328.5)

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Policy Reference Disclaimer:

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State	Description
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Ed. Code 10550-10555	Telecommunications standards
Ed. Code 11800	K-12 High Speed Network grant program
Ed. Code 33328.5	Statewide AI Task Force
Ed. Code 49060-49085	Student records
Ed. Code 51006	Computer education and resources
Ed. Code 51007	Programs to strengthen technological skills
Ed. Code 51865	California distance learning policy
Ed. Code 60010	Instructional materials; definition
Pen. Code 502	Computer crimes; remedies

Federal	Description
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16 CFR Part 312

[Children's Online Privacy Protection Rule](#)

20 USC 1232g

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

20 USC 1232h

[Privacy rights](#)

20 USC 7101-7122

Student Support and Academic Enrichment Grants

34 CFR Part 99

[Family Educational Rights and Privacy](#)

47 CFR 54.500-54.523

[Universal service support for schools](#)

47 USC 254

[Universal service discounts \(E-rate\)](#)**Management Resources****Description**

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Technology Information Center for Administrative Leadership](#)

Website

[California Department of Education, Education Technology](#)

Website

[California Department of Education, Learning With IA, Learning About AI](#)

Website

[California IT in Educational \(CITE\)](#)

Website

[Computer-Using Educators \(CUE\)](#)

Website

[Federal Communications Commission Cybersecurity Resource Recommendations](#)

Website

[U.S. Congress Bipartisan House Task Force Report on Artificial Intelligence](#)

Website

[CSBA](#)

Website

[CSBA AI Task Force](#)**Cross References****Code****Description**

0000

[Vision](#)

0200

[Goals For The School District](#)

0400

[Comprehensive Plans](#)

0415

[Equity](#)

0440

[District Technology Plan](#)

0440

[District Technology Plan](#)

0460

[Local Control And Accountability Plan](#)

0460

[Local Control And Accountability Plan](#)

0500

[Accountability](#)

1113

[District And School Websites](#)

1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3260	Fees And Charges
3260	Fees And Charges
3311.4	Procurement Of Technological Equipment
3312	Contracts
3512	Equipment
3512-E(1)	Equipment
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4131	Staff Development
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.6	Personnel Files
4331	Staff Development
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying

6141	<u>Curriculum Development And Evaluation</u>
6141	<u>Curriculum Development And Evaluation</u>
6142.6	<u>Visual And Performing Arts Education</u>
6142.92	<u>Mathematics Instruction</u>
6142.93	<u>Science Instruction</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E(1)	<u>Selection And Evaluation Of Instructional Materials</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.54	<u>Test Integrity/Test Preparation</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6163.1	<u>Library Media Centers</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E(1)	<u>Student Use Of Technology</u>
6178	<u>Career Technical Education</u>
6178	<u>Career Technical Education</u>
6200	<u>Adult Education</u>
6200	<u>Adult Education</u>

CSBA Sample District Policy Manual

CSBA Sample Manual Site

Policy 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/06/01/2024/2025 | Last Reviewed Date: 03/06/01/2024/2025

CSBA NOTE: The following policy is optional and may be revised to reflect district practice.

Pursuant to Education Code 32280-32289.5, districts are responsible for ensuring that a comprehensive school safety plan (CSSP) with specified components is in place for each district school. As required by Education Code 32282 and 32288, the California Department of Education (CDE) has posted on its website a compliance checklist for developing comprehensive safety plans CSSPs and best practices for reviewing and approving the plans. Comprehensive safety plans CSSPs are reviewed through the annual audits required by Education Code 41020 to ensure that they are updated and approved by March 1 of each year.

Additionally, Education Code 32280.5, as added by AB 960 (Ch. 528, Statutes of 2024), encourages each school with an enrollment of 100 students or more to, on or before, July 1, 2030, implement a web-based or app-based school safety program that includes specified components.

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for staff and student conduct, responsible behavior, and respect for others.

CSBA NOTE: Pursuant to Education Code 32281 and 32286, each school is required to adopt a comprehensive safety plan CSSP (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide comprehensive safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

OPTION 1: (Districts with more than 2,500 ADA, and districts with 2,500 or less ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan (CSSP) relevant to the needs and resources of that particular school. New school campuses shall develop a comprehensive safety plan CSSP within one year of initiating operations. (Education Code 32281, 32286)

The comprehensive school safety plan CSSP shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the school site.

OPTION 1 ENDS HERE**OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)**

The Superintendent or designee shall ~~oversee~~ be responsible for the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)

OPTION 2 ENDS HERE

CSBA NOTE: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the ~~comprehensive safety plan~~ CSSP by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

Pursuant to Education Code 32288, the updated plan(s) must be submitted to the Governing Board for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The ~~comprehensive safety plan~~ CSSP(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), the annual evaluation of the ~~comprehensive safety plan~~ CSSP is required to include ensuring that the plan provides appropriate adaptations for students with disabilities.

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 32280 states the legislative intent that all school staff be trained on the CSSP.

As necessary, the Superintendent or designee shall provide CSSP training to all school staff.

CSBA NOTE: Education Code 32288 requires that districts notify CDE if a school has not complied with the ~~comprehensive safety plan~~ CSSP requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to \$2,000.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

CSBA NOTE: The following section is optional. Pursuant to Education Code 32281, the Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the ~~comprehensive safety plan~~ **CSSP** that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a ~~comprehensive safety plan~~ **CSSP** that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure affected school premises, and apprehend criminal perpetrator(s), shall be developed by the Superintendent or designee in accordance with Education Code 32281. In developing such strategies, the Superintendent or designee shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 32281, the Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents.

However, those portions of the ~~comprehensive safety plan~~ **CSSP** that include tactical responses to criminal incidents need not be publicly disclosed.

The Superintendent or designee shall share the ~~comprehensive safety plans~~ **CSSPs** and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

CSBA NOTE: Pursuant to Education Code 32289.5, the district is required to provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools, as specified.

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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State	Description
5 CCR 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of cyber attacks cyberattacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 49414.35	Emergency treatment for opioid overdose
Ed. Code 49414.6	student possession of opioid antagonist
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

Pen. Code 422.55

Definition of hate crime

Pen. Code 626.8

Disruptions

Federal

Description

20 USC 1400-1482

Individuals with Disabilities Education Act

20 USC 7111-7122

Student support and academic enrichment grants

20 USC 7912

Transfers from persistently dangerous schools

29 USC 794

Rehabilitation Act of 1973; Section 504

42 USC 12101-12213

Americans with Disabilities Act

6 USC 665k

Federal Clearinghouse on School Safety Evidence-Based Practices

Management Resources

Description

[California Department of Education](#)

[Instructional Continuity Plan Guidance](#)

[\(https://www.cde.ca.gov/re/di/or/icpguidance.asp\)](https://www.cde.ca.gov/re/di/or/icpguidance.asp)

[CSBA Publication](#)

[Comprehensive School Safety Plans, July 2024](#)

[\(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-3.ashx?la=en&rev=1a2c5d79d89c4ca59bda1e45b9647228\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-3.ashx?la=en&rev=1a2c5d79d89c4ca59bda1e45b9647228)

CSBA Publication

School Safety: Firearm Safety and Storage, May 2023

CSBA Publication

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

[\(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/CommunitySchools/2010_10_PolicyBrief_CommunitySchools.ashx?la=en&rev=ec0c6be9ac6d4204ab9f9e5b1395833a\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/CommunitySchools/2010_10_PolicyBrief_CommunitySchools.ashx?la=en&rev=ec0c6be9ac6d4204ab9f9e5b1395833a)

CSBA Publication

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

[\(https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~/_/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/SchoolSafety/2010_07_PolicyBrief_Cyberbullying.ashx\)](https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~/_/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/SchoolSafety/2010_07_PolicyBrief_Cyberbullying.ashx)

CSBA Publication

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

CSBA Publication

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

CSBA Publication

Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004 (https://ucr.fbi.gov/additional-ucr-publications/ucr_handbook.pdf)
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007 (https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf)
U.S. Secret Service & Department of Education Publication	Behavioral Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004 https://www.dhs.gov/sites/default/files/2025-02/2025_0214_cp3_behavioral-threat-assessment-and-management-in-practice.pdf
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Department of Education, School Safety Elements and Resources (https://www.cde.ca.gov/ls/ss/vp/elementsresources.asp)
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education

Website

CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records

1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.1	Fire Drills And Fires
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System

3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3543	Transportation Safety And Emergencies
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4257	Employee Safety
4257	Employee Safety
4258	Employee Security

4258	Employee Security
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4340	Bargaining Units
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
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5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
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5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint

5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
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5132	Dress And Grooming
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5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
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5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
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5144	Discipline

5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6020	Parent Involvement
6020	Parent Involvement
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.8	Comprehensive Health Education
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6153	School-Sponsored Trips
6158	Independent Study
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6159	Individualized Education Program
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6164.2	Guidance/Counseling Services

6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

CSBA Sample District Policy Manual

CSBA Sample Manual Site

Regulation 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** 03/06/01/2024/2025 | **Last Reviewed**
Date: 03/06/01/2024/2025

CSBA NOTE: The following optional administrative regulation should be revised to reflect district practice.

Pursuant to Education Code 234.5, the California Department of Education (CDE) has posted on its website a list of statewide resources for youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and youth affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Additionally, schoolsafety.gov, a website developed by the federal government, provides schools with actionable recommendations to create safe and supportive learning environments and includes the Federal Clearinghouse on School Safety Evidence-Based Practices, required by 6 USC 665k, to serve as a resource to identify and publish online evidence-based practices and recommendations to improve school safety.

Development and Review of Comprehensive School Safety Plan

CSBA NOTE: The following section reflects requirements for the development of site-level comprehensive school safety plans (CSSP) pursuant to Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance of 2,500 or less that selected Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan: (CSSP). When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 32280, as amended by AB 2887 (Ch. 419, Statutes of 2024), it is the intent of the Legislature that districts develop the CSSP in cooperation with local emergency medical services personnel and other persons who may be interested in the health and safety of students and the prevention of campus crime and violence.

Additionally, the school site council may invite community leaders, local emergency medical services personnel, and other persons who may be interested in the health and safety of students and the prevention of campus crime and violence to participate in the planning process. (Education Code 32280)

The school site council may delegate the responsibility for developing a ~~comprehensive safety plan~~ CSSP to a school safety planning committee composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization

CSBA NOTE: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

Before adopting the ~~comprehensive safety plan~~ CSSP, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent/guardian organization at the school, including the parent teacher association and parent teacher clubs
4. A representative of each teacher organization at the school

5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), after the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal.

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the ~~comprehensive school safety plan~~ **CSSP** to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee, to make appropriate modifications to the ~~comprehensive school safety plan~~ **CSSP** during the evaluation of the ~~comprehensive safety plan~~ **CSSP**. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

Content of the Comprehensive Safety Plan

Each ~~comprehensive safety plan~~ **CSSP** shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In assessing the current status of school crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the, "California Healthy Kids Survey," or the Centers for Disease Control and Prevention's, "Youth Risk Behavior Survey."

The assessment may include, but not be limited to, reports of crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

CSBA NOTE: Education Code 32282 requires that the following components be included in the districtwide and/or school site comprehensive safety plan. The district may expand this list to require other components at its discretion.

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164-11174.3
2. Routine and emergency disaster procedures including, but not limited to:

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323, schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.

- a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973

CSBA NOTE: Education Code 32282 requires districts to incorporate earthquake emergency procedures into the comprehensive safety plan CSSP, as specified in Items #2b and #2c below. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System for further details about required components of these procedures.

- b. An earthquake emergency procedure system ~~in accordance with Education Code 32282~~ as specified
- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

CSBA NOTE: Beginning with the 2026-27 fiscal year, Education Code 32282, as amended by AB 2968 (Ch. 582, Statutes of 2024), adds requirements for each school in a high-risk zone to coordinate with the fire department to identify appropriate refuge shelters for all students and staff to be used in the event of a shelter-in-place order by local authorities and notify the fire department to prioritize the defense of that structure in the event of a fire. Additionally, Education Code 32282, as amended by AB 2968, also requires each school in a high-risk zone to develop a communication and evacuation plan, which can be used in the event of an early notice evacuation warning, allowing enough time to evacuate all students and staff.

In addition, Education Code 32282, as amended by AB 2968, requires schools serving more than 50 students in a high or very high fire hazard severity zone, to coordinate such procedure with state emergency services organizations, and as a

part of the CSSP to develop a communication and evacuation plan to be used in the event of an early notice evacuation warning.]

- d. Commencing with the 2026-27 school year, a procedure to identify appropriate refuge shelter for all students and staff to be used in the event of an evacuation order and, for any school in a high or very high fire hazard severity zone, a communication and evacuation plan to be used in the event of an early notice evacuation warning that allows enough time to evacuate all students and staff
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations
 4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

CSBA NOTE: Education Code 234.1 requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so; see See BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. ~~In addition~~ Additionally, the district's complaint process must include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

CSBA NOTE: Pursuant to Education Code 32282, schools are required to include in their ~~comprehensive safety plans~~ CSSPs procedures for conducting tactical responses to criminal incidents, as specified in Item #10. Such procedures must be based on the specific needs and context of each school and community.

Pursuant to Education Code 32281, the Board may elect to have district administrators, rather than the school site council, develop those portions of the ~~comprehensive safety plan~~ CSSP that include tactical responses to criminal incidents that may result in death or serious bodily injury; see the accompanying Board policy.

10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions

CSBA NOTE: Pursuant to Education 32282, as amended by SB 671 (Ch. 626, Statutes of 2023), schools are required to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.

CSBA NOTE: Pursuant to Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), a district is required to comply with the requirements specified in Item #11 below, if the CSSP includes procedures to prepare for active shooters or other armed assailants by conducting a drill.

- 11.If procedures to prepare for active shooters or other armed assailants by conducting a drill are included in the CSSP, the CSSP shall specify that:

- a. The school will not conduct a high-intensity drill, as defined in Education Code 32282
- b. Real weapons, gunfire blanks, or explosions will not be used in the conducting of the drill
- c. A trauma-informed approach as specified in Education Code 32282 will be used in the design and execution of any drill

- ~~11.~~ Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school:

CSBA NOTE: Pursuant to Education Code 32282, as amended by AB 2887, the CSSP is required to include procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

12. Procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds

CSBA NOTE: Pursuant to Education 32282, as amended by SB 10 (Ch. 856, Statutes of 2023), schools that serve students in any of grades 7–12 are required to include in their comprehensive safety plans a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose.

CSBA NOTE: Item #13 is for districts that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the district.

12. 13. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 153 (Ch. 38, Statutes of 2024), the CSSP is required to include an instructional continuity plan to establish communication and provide instruction to students when in-person instruction is disrupted due to an emergency. For more information regarding instructional continuity plans, see CDE's "Instructional Continuity Plan Guidance," available on its website.

14. An instructional continuity plan to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency, as specified in Education Code 32282

CSBA NOTE: The following list reflects material previously listed on CDE's website related to Safe Schools Planning. The components are optional and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the ~~comprehensive safety plan~~ CSSP may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

CSBA NOTE: Education Code 32261 and 32282 encourage, but do not require, all ~~comprehensive safety plans~~ CSSPs to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

CSBA NOTE: Education Code 32261 encourages, but does not require, ~~comprehensive safety plans~~ CSSPs to include Item #3, below.

3. Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment
4. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

5. Parent/guardian and community involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

CSBA NOTE: When providing parents/guardians with school safety materials and emergency communications, CDE encourages districts to do so in language(s) understandable to parents/guardians, as appropriate for the school site.

6. Provision of safety materials and emergency communications in language(s) understandable to parents/guardians

CSBA NOTE: The California School Board Association's CSBA's Research and Policy Fact Sheet, "School Safety: Firearm Safety and Storage," provides guidance and best practices related to the safe storage of firearms.

7. Annual notification to parents/guardians related to the safe storage of firearms
8. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students
9. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
10. District policy prohibiting the possession of firearms and ammunition on school grounds
11. Measures to prevent or minimize the influence of gangs on campus

CSBA NOTE: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled and which meets the definition listed in Education Code 67381, including willful homicide, forcible rape, robbery, and aggravated assault, as defined in the, "Federal Bureau of Investigation's Uniform Crime Reporting Handbook." Education Code 32281 encourages that the notice be sent no later than the second workday after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

12. Procedures for receiving verification from law enforcement when a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

13. Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content
14. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities and coordinates cyber intelligence and information sharing, and, as amended by AB 1023 (Ch. 555, Statutes of 2023), is required to coordinate information sharing, including cyber threat information, with school districts. Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

Pursuant to Education Code 35266 districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

15. Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity

CSBA NOTE: Education Code 32282.1 does not require, but encourages, that comprehensive safety plans ~~comprehensive safety plans~~ CSSPs include the strategies described in Item #16 below, to the extent the district uses the listed professionals. CDE's, "The Comprehensive School Safety Plan: Recommended Components," available on its website, includes athletic coaches in the list of professionals and specifies that community intervention professionals include those who speak languages other than English.

16. Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses:

Guidelines may include, but are not limited to, the following:

- a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement
- b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

- c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

17. Strategies for suicide prevention and intervention

CSBA NOTE: Policies and/or plans for maintaining a safe school environment during a pandemic, as described in Item #18 below, may be included in the district's comprehensive safety plan. Such policies may include BP 3516.5 - Emergency Schedules, BP 4113.5 - Working Remotely, BP 4119.41 - Employees with Infectious Disease, BP/AR 5141.22 - Infectious Diseases, and BP/AR 6158 - Independent Study.

18. District policy and/or plan related to pandemics

CSBA NOTE: Penal Code 626.8 provides that a person may be guilty of a misdemeanor for infringing with or disrupting a school activity, remaining on campus after having been asked to leave, reentering within seven days of being asked to leave, establishing a continued pattern of unauthorized entry, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school; see BP/AR 3515.2 - Disruptions.

19. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

20. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media
- f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders
- g. Development of a method for the reporting of violent incidents
- h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

CSBA NOTE: Education Code 49390 and 49393 require certificated and classified employees of the district, or other school officials such as Board members, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle school or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, to immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. "Threat or perceived threat" means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

- 21. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques. ~~Such training shall include preparation to implement the elements of the comprehensive safety plan~~

Such training shall include preparation to implement the elements of the CSSP

CSBA NOTE: Pursuant to Education Code 32284, the ~~comprehensive safety plan~~CSSP may, at the discretion of the Board, include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No state funds may be used for this purpose.

- 22. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants
- 23. Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~[board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of cyber attacks cyberattacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 49414.35	Emergency treatment for opioid overdose
Ed. Code 49414.6	student possession of opioid antagonist
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment

Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7111-7122	Student support and academic enrichment grants
20 USC 7912	Transfers from persistently dangerous schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices
Management Resources	Description
<u>California Department of Education</u>	<u>Instructional Continuity Plan Guidance</u> <u>(https://www.cde.ca.gov/re/di/or/icpguidance.asp)</u>
<u>CSBA Publication</u>	<u>Comprehensive School Safety Plans, July 2024</u> <u>(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-3.ashx?la=en&rev=1a2c5d79d89c4ca59bda1e45b9647228)</u>
CSBA Publication	School Safety: Firearm Safety and Storage, May 2023
CSBA Publication	Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010 <u>(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/CommunitySchools/2010_10_PolicyBrief_CommunitySchools.ashx?la=en&rev=ec0c6be9ac6d4204ab9f9e5b1395833a)</u>
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010 <u>(https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/SchoolSafety/2010_07_PolicyBrief_Cyberbullying.ashx)</u>
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004 (https://ucr.fbi.gov/additional-ucr-publications/ucr_handbook.pdf)
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007 (https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf)
U.S. Secret Service & Department of Education Publication	Behavioral Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004 <u>Homeland Security</u> <u>Management in Practice 2024</u> (https://www.dhs.gov/sites/default/files/2025-02/2025_0214_cp3_behavioral-threat-assessment-and-management-in-practice.pdf)
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
<u>Website</u>	<u>California Department of Education, School Safety Elements and Resources</u> (https://www.cde.ca.gov/ls/ss/vp/elementsresources.asp)

Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
1330	Use Of School Facilities
1330	Use Of School Facilities

1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan

3516.1	Fire Drills And Fires
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3543	Transportation Safety And Emergencies
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage

4257	Employee Safety
4257	Employee Safety
4258	Employee Security
4258	Employee Security
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4340	Bargaining Units
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5131	Conduct
5131.2	Bullying
5131.2	Bullying

5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program

5142.2	Safe Routes To School Program
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6020	Parent Involvement
6020	Parent Involvement
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6158	Independent Study
6158	Independent Study

6159	Individualized Education Program
6159	Individualized Education Program
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

CSBA Sample District Policy Manual

CSBA Sample Manual Site

Policy 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 07/01/2007 | Last Revised Date: 06/01/2024~~2025~~ | Last Reviewed

Date: 06/01/2024~~2025~~

CSBA NOTE: The following optional policy is ~~for use by districts that maintain their own website(s) and~~ may be revised to reflect district practice. District strategies for effective use of websites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

To enhance communication ~~The Governing Board recognizes the value of district and school websites to communicate~~ with students, parents/guardians, staff, and community members; ~~the Governing Board encourages the~~ The Superintendent or designee to develop and shall maintain district and school websites. The use of district and school websites shall support the district's vision and goals and ~~shall~~ be coordinated with other district communications strategies.

Design Standards

The Superintendent or designee shall establish design standards for district and school websites in order to maintain a consistent identity, professional appearance, and ease of use.

CSBA NOTE: The following paragraph is optional. Pursuant to Civil Code 1798.99.28-1798.99.40, businesses that provide online services, products, or features that are likely to be accessed by children are required to prioritize the best interests of students in designing such products or features, to ensure that children are not exposed to harmful or potentially harmful content, contact, or conduct. Though this law is not necessarily applicable to districts, it is good guidance for districts seeking to create a safe online space for students.

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

CSBA NOTE: Pursuant to Title II of the Americans with Disabilities Act (ADA) (42 USC 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 USC 705, 794; 34 CFR 104.1-104.39), districts have an obligation to provide an equal opportunity to individuals with disabilities to participate in and receive the benefits of the educational program, and must provide accommodations or modifications when necessary to ensure equal treatment.

A U.S. Department of Justice

28 CFR 35.200-35.205 and 89 Fed.Reg. 31337 establish specific requirements and technical assistance publication, "Accessibility of State and Local Government Websites to People with Disabilities," states that an agency with a website that is otherwise inaccessible to individuals with

disabilities may meet its legal obligations by providing an alternative standards for making accessible way for them to use the programs or services (e.g., a staffed telephone information line), but points out that these alternatives are unlikely to provide an equal degree of access in terms of hours of operation or range of options and programs available. web content offered by government entities to the public through web and mobile applications. See the accompanying administrative regulation for accessibility guidelines.

The district's design standards shall address the accessibility of district and school websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

Website Content

The Superintendent or designee shall develop content guidelines for district and school websites and assign staff to review and approve content prior to posting.

CSBA NOTE: The following optional paragraph ensures consistency of district policies regarding advertising and may be revised to reflect district practice.

Board policy pertaining to advertising in district and school publications, as specified in Board Policy 1325 - Advertising and Promotion, shall also apply to advertising on district and school websites.

Privacy Rights

CSBA NOTE: Business and Professions Code 22580-22582 prohibit an operator of a website from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Business and Professions Code 22584-22585 prohibit the operator of a website that provides services to K-12 students from selling or disclosing specified student information or knowingly using that student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a student. However, Business and Professions Code 22584, as amended by AB 810 (Ch. 935, Statutes of 2024), exempts such actions if it will further school purposes. Business and Professions Code 22586 provides a similar prohibition for the operator of a website used, designed, and marketed primarily for preschool or prekindergarten purposes from knowingly engaging in specified activities, including targeted advertising, selling, or disclosing a student's information, and using specified information to amass a profile about a student except in furtherance of preschool or prekindergarten purposes. See BP 5125 - Student Records for further information regarding protection of student information.

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school websites.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The district should carefully consider whether to place personally identifiable information on district or school websites since release of such information may put individuals, including students, at risk and also may violate Education Code 49073, which prohibits disclosure of student directory information to any private profit-making entity; see BP/AR/E(1) 5125.1 - Release of Directory Information.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school websites.

CSBA NOTE: The following options address the use of students' photographs on district or school websites. Option 1 is for use by districts that, pursuant to Education Code 49061 and 34 CFR 99.3, include photographs in the definition of directory information, as specified in AR 5125.1 - Release of Directory Information, and publish student photographs along with student names unless a parent/guardian requested in writing that no photographs of the child be released without prior written consent. Option 2 is for use by districts that do not allow student photographs to be published along with student names unless specific consent for such publication is received from the parent/guardian.

OPTION 1: (Photographs released)

The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with the student's name, may be published on district or school websites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with Board Policy and Administrative Regulation 5125.1 - Release of Directory Information.

END OF OPTION 1

OPTION 2: (Photographs not released)

Photographs of individual students shall not be published on district or school websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

END OF OPTION 2

CSBA NOTE: The remainder of this policy is for use by all districts.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district websites.

CSBA NOTE: Posting of employees' home addresses, personal telephone numbers, or personal email addresses on district or school websites is prohibited by law in certain circumstances in order to maintain employee privacy and safety. See BP 1340 - Access to District Records, AR 3580 - District Records, and BB 9012 - Board Member Electronic Communications.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school websites.

CSBA NOTE: Pursuant to Government Code 7928.205, as amended by AB 1785 (Ch. 551, Statutes of 2024), the district is prohibited from publicly posting online the information specified below of any elected or appointed official, such as a Board member, without first obtaining the written permission of that individual.

The home address or, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school websites without the prior written permission of that individual. (Government Code 3307.5, 7928.205, 7920.535)

No public safety official shall be required to consent to the posting on the Internet of the public safety official's photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or the officer's family. (Government Code 3307.5)

Policy Reference UPDATE Service

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State	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	K-12 Pupil <u>Student</u> Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
<u>Ed. Code 234.1</u>	<u>Policy prohibiting discrimination, harassment, intimidation, and bullying</u>
<u>Ed. Code 234.6</u>	<u>Resources on neurodiversity</u>
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 42103	Budget notification
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985.5	Synthetic drug use

Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents
Federal	Description
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
28 CFR 35.200-35.205	Web accessibility requirements
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022

CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023
Court Decision	Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
<u>Court Decision</u>	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
<u>Federal Register</u>	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOJ, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020 <u>Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities, April 24, 2024, Vol. 89, pages 31320-31396</u> (https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state)
Website	California Interscholastic Federation
Website	Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association

Website	California Interscholastic Federation
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, June 2018 <u>December 2024</u> (https://www.w3.org/TR/WCAG21/)

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
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3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
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3516.5	Emergency Schedules
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3580	District Records
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4030	Nondiscrimination In Employment
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4040-E(1)	Employee Use Of Technology

4119.21	Professional Standards
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4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
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4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
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4261.8	Family Care And Medical Leave
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7150	Site Selection And Development
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7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
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CSBA Sample District Policy Manual

CSBA Sample Manual Site

Regulation 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 03/01/2000 | Last Revised Date: 06/01/2024~~2025~~ | Last Reviewed Date: 06/01/2024~~2025~~

CSBA NOTE: The following optional administrative regulation is for use by districts that maintain their own website(s) and should be revised to reflect district practice.

Design Standards

The Superintendent or designee shall develop design standards for district and school websites that include, but are not limited to, guidelines to ensure the clear organization of the material, readability of the font type and size, and simplicity of the navigation structure linking the content on the website. Such standards shall take into consideration the ease of use on a wide range of devices.

CSBA NOTE: Pursuant to Title II of the Americans with Disabilities Act (ADA) (42 USC 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 USC 705, 794; 34 CFR 104.1-104.39), districts have an obligation to provide an equal opportunity to individuals with disabilities to participate in and receive the benefits of the educational program. The U.S. Department of Education's Office for Civil Rights June 2010~~28~~ CFR 35.200-35.205 and May 2011 Dear Colleague Letters interpret that such obligations include the requirement that district websites be~~89~~ Fed. Reg. 31337 establish specific requirements and technical standards for making accessible the web content offered by government entities to individuals with disabilities.

While there are no explicit standards detailed in law or regulations addressing accessible features,the public through web and mobile applications.

These requirements include use of the World Wide Web Consortium's Web Content Accessibility Guidelines 2.1 and, Additionally, the Web Accessibility Initiative Accessible Rich Internet Applications Suite are widely used tools that may serve as guidelines for district and school websites. ~~Additionally~~In addition, examples of technical standards for accessibility are available on the California Department of Education's website.

In accordance with the requirements of the Americans with Disabilities Act ~~and~~, Section 504 of the federal Rehabilitation Act of 1973, and the associated federal regulations, district and school websites shall contain features that ensure accessibility for individuals with disabilities; ~~which may~~. Such features include, but are not limited to, captions for videos and multimedia presentations, text alternatives to images, provision of sufficient time to use the content, avoidance of flashing images, adequate contrast in visual presentations, and/or other features that meet applicable standards for website accessibility. The Superintendent or designee shall regularly review district and school websites and modify them as needed to ensure legal compliance with accessibility standards.

Website Content

CSBA NOTE: The following section may be revised to reflect district practice.

Government Code 54954.2 requires the district to post a "prominent, direct link" to the current Governing Board meeting agenda on the primary homepage of the district's website. However, districts that use an integrated agenda management platform (i.e., a website dedicated to providing the entirety of the agenda information for the Governing Board) are exempt from this requirement if a direct link to the platform is posted on the homepage and the current agenda is the first agenda available at the top of the platform. Government Code 54954.2 specifies that agendas posted either through a direct link or through use of an integrated agenda management platform must be (1) retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications, (2) platform independent and machine readable, and (3) available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

As applicable, district and school websites shall provide current information regarding the district's mission and goals, district/school programs and operations, district/school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, and links to educational resources.

With approval of the principal, individual teachers may create web pages linked to the district or school website to provide information pertaining to class assignments, expectations, and activities.

CSBA NOTE: In determining whether to limit or allow the ability of certain groups or individuals to provide content for district or school websites, it is recommended that districts ~~should~~ consult with CSBA's District and County Office of Education Legal Services or district legal counsel on matters pertaining to protected speech and equal access; see BP/AR 5145.2 - Freedom of Speech/Expression and BP/AR 6145.5 - Student Organizations and Equal Access.

Student work may be published on district or school websites provided that both the student and the student's parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper.

CSBA NOTE: Federal copyright law (17 USC 106) grants a copyright owner the exclusive rights to reproduce, distribute, make derivative works of, publicly perform, or publicly display the copyrighted work or to authorize others to do so. However, pursuant to 17 USC 107, "fair use" (i.e., the reproduction of limited portions of copyrighted materials without the copyright owner's permission) is allowed for such purposes as criticism, comment, news reporting, teaching, scholarship, or research; see BP/AR 6162.6 - Use of Copyrighted Materials. Even if use of certain copyrighted materials in the district meets the criteria for a fair use exception, text, art, or photos that are not clearly stated to be in the "public domain" and available for free use should not be replicated on a district or school website without prior permission of the copyright owner.

Any copyrighted material to be posted on a district or school website shall first be submitted to the Superintendent or designee together with the permission of the copyright owner to reprint the material. Any copyrighted material submitted without the copyright owner's permission shall only

be posted on a district or school website if the Superintendent or designee determines that the material is in the public domain or that the intended use meets the criteria for fair use or another exception pursuant to 17 USC 107-122. When any copyrighted material is posted, the website shall include a notice crediting the copyright owner and, as necessary, shall note that permission to reprint the material was granted.

Whenever a district or school website includes links to external websites, it shall include a disclaimer that the district is not responsible for the content of external websites.

Roles and Responsibilities

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the website(s) upon approval of the Superintendent or designee. The employee shall review district and school websites to ensure consistency with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Superintendent or designee may assign additional staff members to conduct editorial reviews of all materials submitted for publication on district or school websites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

Security

CSBA NOTE: Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with the California Cybersecurity Integration Center, to perform an independent security assessment of the district or individual district schools. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information, see OES' Cybersecurity Integration Center website.

Pursuant to Education Code 35266, districts that experience a cyberattack which impacts more than 500 students or personnel are required to report such cyberattack to the California Cybersecurity Integration Center.

The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school websites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~[board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	K-12 Pupil Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Ed. Code 234.1	Policy prohibiting discrimination, harassment, intimidation, and bullying
Ed. Code 234.6	Resources on neurodiversity
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 42103	Budget notification
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers

Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents
Federal	Description
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
28 CFR 35.200-35.205	Web accessibility requirements
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023
Court Decision	Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

U.S. Department of Agriculture
Publication

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

U.S. DOE, Office for Civil Rights
Publication

Dear Colleague Letter: Race and School Programming, August 2023

U.S. DOE, Office for Civil Rights
Publication

Dear Colleague Letter: Enforcement of Title IX under the provisions of
the 2020 Title IX Rule, February 4, 2025

([https://www.ed.gov/media/document/title-ix-enforcement-directive-
dcl-109477.pdf](https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf))

U.S. DOJ, Civil Rights Division
Publication

Accessibility of State and Local Government Websites to People with
Disabilities, February 2020
Nondiscrimination on the Basis of
Disability; Accessibility of Web Information and Services of State and
Local Government Entities, April 24, 2024, Vol. 89, pages 31320-
31396

([https://www.federalregister.gov/documents/2024/04/24/2024-
07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-
web-information-and-services-of-state](https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state))

Website

California Interscholastic Federation

Website

Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments

Website

California Cybersecurity Integration Center

Website

CSBA District and County Office of Education Legal Services

Website

Governor's Office of Planning and Research, The California Environmental Quality Act

Website

California Department of Education, Web Accessibility Standards

Website

California School Public Relations Association

Website

California Interscholastic Federation

Website

U.S. Department of Justice, Civil Rights Division, Disability Rights Section

Website

World Wide Web Consortium, Web Accessibility Initiative

Website

CSBA

Website

U.S. Department of Education, Office for Civil Rights

Website

California Civil Rights Department

World Wide Web Consortium
Publication

Web Content Accessibility Guidelines, June 2018
December 2024
(<https://www.w3.org/TR/WCAG21/>)

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools

3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials
4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication Or Creation Of Materials

4261.8	Family Care And Medical Leave
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication Or Creation Of Materials
4361.8	Family Care And Medical Leave
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
5131.41	Use Of Seclusion And Restraint
5141.5	Mental Health
6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173	Education For Homeless Children

6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
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7150	Site Selection And Development
7214	General Obligation Bonds
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CSBA Sample District Policy Manual CSBA Sample Manual Site

Exhibit 1113-E(1): District And School Websites

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** 06/01/2024~~2025~~ | **Last Reviewed Date:** 06/01/2024~~2025~~

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEBSITE

CSBA NOTE: The following exhibit lists material that the law explicitly requires be posted on district or school websites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may be recommended throughout CSBA's sample policy manual but are not required by law.

This exhibit is a non-exhaustive list of materials which the law explicitly requires be posted on district or school websites. Other posting requirements may exist and may be identified in the future.

Materials to Prominently Display

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

1. ~~The~~In accordance with Administrative Regulation 0460 – Local Control and Accountability Plan, the district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). ~~See AR 0460 - Local Control and Accountability Plan.~~
2. AIn accordance with Board Bylaw 9320 - Meetings and Notices and Board Bylaw 9322 - Agenda/Meeting Materials, a direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). ~~Post~~

The agenda shall be posted at least 72 hours before a regular board meeting or 24 hours before a special meeting. ~~See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.~~
(Government Code 54954.2)

3. ~~The~~ district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). ~~See BP 5141.52 - Suicide Prevention.~~

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education (CDE) is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies on the district's website.

4. 3.The In accordance with Administrative Regulation 5131.2 - Bullying and Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.)
5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
6. 4.The In accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.)
7. Information regarding Title IX prohibitions against discrimination based on a student's sex, including sex stereotypes, sex characteristics, gender, gender identity, sexual orientation, pregnancy, childbirth, termination of pregnancy, or lactation; including related medical conditions or recovery; and parental, family, and marital status; that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR); the name and contact information of the Title IX Coordinator; how to locate the district's nondiscrimination policy and grievance procedures; how to report information about conduct that may constitute sex discrimination under Title IX; the rights of students and the public as specified in Education Code 221.8; the responsibilities of the district under Title IX; web links to information about those rights and responsibilities on the websites of the Office for Equal Opportunity and OCR; a description of how to file a complaint of noncompliance under Title IX with specified components; and a link to Title IX information posted on the California Department of Education's (CDE) website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.2, 106.8, 106.10). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.
8. 5. A link to statewide CDE-In accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment, a link to statewide California Department of Education (CDE)-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
)

9. 6. Posters In accordance with Administrative Regulation 4030 - Nondiscrimination in Employment and Administrative Regulations 4161.8/4261.8/4361.8 - Family Care and Medical Leave, posters published by the California Civil Rights Department (CRD) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "The Rights of Employees Who Are Transgender or Gender Nonconforming," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave" (Government Code 12950). See AR 4030 - Nondiscrimination in Employment and AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.)

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474 effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in Item #7, below, to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024

7. In accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Administrative Regulation 5145.7 - Sexual Harassment, information regarding Title IX prohibitions against discrimination based on a student's sex; that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR) Assistant Secretary; the name and contact information of the Title IX Coordinator; the rights of students and the public as specified in Education Code 221.8; the responsibilities of the district under Title IX; web links to information about those rights and responsibilities on the websites of the Office for Equal Opportunity and OCR; a description of how to file a complaint of noncompliance under Title IX with specified components; and a link to Title IX information posted on CDE's website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8)
8. In accordance with Board Policy 5141.52 - Suicide Prevention, the district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6)

CSBA NOTE: Education Code 234.6, as amended by SB 939 (Chapter 907, Statutes of 2024), requires districts, to ensure that resources related to neurodiversity are readily accessible in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students.

9. In accordance with Board Policy and Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the resources related to neurodiversity posted on CDE's website (Education Code 234.6)
10. In accordance with Board Policy 5145.9 - Hate-Motivated Behavior, the district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6)

11. ~~If~~ In accordance with Board Policy 7212 - Mello-Roos Districts, if the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2).)

Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts. (Government Code 53343.2)

CSBA NOTE: Pursuant to Education Code 42103, beginning January 1, 2027, the requirement to publish notification of the hearing date and location for inspection for the district's proposed budget in a newspaper of general circulation is repealed and instead requires the information to be posted prominently on the district's website homepage at least three days before the availability of the proposed budget for public inspection.

12. In accordance with Administrative Regulation 3100 - Budget, beginning January 1, 2027, at least three days before the availability of the proposed budget for public inspection the location and dates at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing (Education Code 42103)

Other Postings

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

11. ~~13.~~ TheIn accordance with Administrative Regulation 0430 - Comprehensive Local Plan for Special Education, the Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). ~~See AR 0430 - Comprehensive Local Plan for Special Education.~~
12. ~~14.~~ TheIn accordance with Board Policy 0410 - Nondiscrimination in District Programs and Activities and Administrative Regulation 4030 - Nondiscrimination in Employment, the district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). ~~See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.~~
13. ~~15.~~ ContactIn accordance with Administrative Regulation 6173 - Education for Homeless Children, contact information for the district's liaison(s) for homeless students and other persons as required by Education Code 48852.6, and information regarding the educational rights and resources available to persons experiencing homelessness (Education Code 48852.6). ~~See AR 6173 - Education for Homeless Children.~~
14. ~~16.~~ ForIn accordance with Administrative Regulation 6145.2 - Athletic Competition, for all schools offering competitive athletics, the total enrollment of the school classified by

gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9).]

The information shall be posted at the end of the school year on the school's website or, if the school does not have a website, on the district's website. See AR 6145.2 - Athletic Competition. (Education Code 221.9)

15. ~~17.~~ In accordance with Administrative Regulation 5117 - Interdistrict Transfer, if the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an existing interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.)
16. ~~18.~~ In accordance with Administrative Regulation 5117 - Interdistrict Transfer, if the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.)
17. ~~19.~~ For In accordance with Administrative Regulation 6152.1 - Placement in Mathematics Courses, for districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.)
18. ~~20.~~ The In accordance with Board Policies 4119.21/4219.21/4319.21 - Professional Standards and Board Policies 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions, the section(s) of the district's employee code of conduct addressing interactions with students: (Education Code 44050)

_____ These section(s) or a link to them shall be posted on each school's website or, if a school does not have its own website, on the district's website in a manner that is accessible to the public without a password. (Education Code 44050) See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
19. ~~21.~~ The In accordance with Board Policy and Administrative Regulation 3551 - Food Services Operations/Cafeteria Fund, the district's meal payment collection policy and procedures (U.S. Department of Agriculture (USDA) Memorandum SP 46-2016). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.)
20. ~~22.~~ If the district includes information about the free and reduced-priced meal program on its website, a In accordance with Exhibit (1) 3555 - Nutrition Program Compliance, which includes the required nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (USDA FNS Instruction 113-1). For the required wording of the statement, see E(1) 3555 - Nutrition Program Compliance.

This statement is to be posted if the district includes information about the free and reduced-priced meal program on its website (USDA FNS Instruction 113-1)

21. ~~23.~~ TheIn accordance with Administrative Regulation 3514.2 - Integrated Pest Management, the school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5: (Education Code 17611.5)

_____ The plan shall be posted on the school's website or, if the school does not have a website, then on the district's website. (Education Code 17611.5). ~~See AR 3514.2 Integrated Pest Management.~~

22. ~~24.~~ WhenIn accordance with Board Policy 7150 - Site Selection And Development, when the California Environmental Quality Act requires an environmental impact report, negative declaration, or mitigated negative declaration, those environmental review documents, public notice of the preparation and availability of such documents within a reasonable period of time prior to certification of the environmental impact report, adoption of a negative declaration, or determination that a proposed subsequent project will have no additional significant effect on the environment, and specified notices when written requests for notices have been filed (Public Resources Code 21082.1, 21092, 21092.2). ~~See BP 7150 - Site Selection And Development.)~~

23. ~~25.~~ WhenIn accordance with Administrative Regulation 7214 - General Obligation Bonds, when a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). ~~See AR 7214 - General Obligation Bonds.~~

24. ~~26.~~ CopyIn accordance with Board Policy 0510 - School Accountability Report Card, copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). ~~See BP 0510 - School Accountability Report Card.~~

25. ~~27.~~ ResultsIn accordance with Board Policy 6190 - Evaluation of the Instructional Program, results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results: { (Education Code 35178.4)

_____ This notification ~~could~~may be made in writing to parents/guardians instead of or in addition to posting the results on the district's website. ~~In addition,~~ Additionally, if a school loses its WASC or other agency's accreditation, the district and school shall post on their websites a notice of the loss of accreditation and potential consequences. (Education Code 35178.4). ~~See BP 6190 - Evaluation of the Instructional Program.)~~

26. ~~28.~~ The district's COVID-19 testing plan (Education Code 32096).~~)~~

CSBA NOTE: Pursuant to Education Code 32526, as amended by SB 141 (Ch. 194, Statutes of 2023), a district is required to make publicly available on its website interim expenditure reports on the use of Learning Recovery Emergency Funds by December 1, 2024 and annually thereafter, and a final report on expenditures no later than December 15, 2029.

27. ~~29.~~ Using In accordance with Board Policy 0460 - Local Control and Accountability Plan, and using the template developed by CDE, the use of Learning Recovery Emergency Funds,

with interim reports posted by December 1, 2024 and annually thereafter, and a final report by December 15, 2029 (Education Code 32526).]

28. ~~30.~~ 31. ~~An~~In accordance with Board Policy 5141.5 - Mental Health, an age appropriate and culturally relevant digitized poster that identifies approaches and shares resources about student mental health, distributed to students online at the beginning of each school year (Education Code 49428.5). ~~See BP 5141.5 - Mental Health~~]

CSBA NOTE: Pursuant to Education Code 33353, as amended by AB 1327 (Ch. 366, Statutes of 2023), districts that participate in the California Interscholastic Federation (CIF) are required to post, ~~on or before April 1, 2025,~~ the standardized incident form developed by the ~~California Department of Education~~ CDE to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events, including information on how to submit a completed incident form.

29. ~~31.~~ 31. ~~The~~In accordance with Board Policy and Administrative Regulation 6145.2 – Athletic Competition, the standardized incident form developed by CDE to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events, including information on how to submit a completed incident form (Education Code 33353).]

CSBA NOTE: Pursuant to Education Code 5092, as amended by AB 1326 (Ch. 68, Statutes of 2023), the Board is required to post a notice upon filling a Board vacancy by provisional appointment.

30. ~~32.~~ 32. ~~If~~In accordance with Board Bylaw 9223 - Filling Vacancies, if a provisional appointment is made to fill a governing board vacancy, notice of both the actual vacancy or the filing of a deferred resignation and the provisional appointment: (Education Code 5092)

Post within 10 days of making the provisional appointment. (Education Code 5092). ~~See BB 9223 - Filling Vacancies.~~]

CSBA NOTE: Pursuant to Education Code 48985.5, as added by AB 889 (Ch. 123, Statutes of 2023), ~~each~~each school and district that maintains a website is required to post on its website, information about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, and of the possibility that dangerous synthetic drugs can be found in counterfeit pills. ~~Such districts are also required to ensure that each district school that maintains its own website posts the information on the school's website., and as amended by AB 2690 (Ch. 241, Statutes of 2024), the risk of social media being used as a way to market and sell synthetic drugs.~~

31. ~~34.~~ 34. ~~The~~ In accordance with Board Policy 5131.6 – Alcohol and Other Drugs, on the website of each school and the district website, post information about the dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl, and of the possibility that dangerous synthetic drugs can be found in counterfeit pills , and the risks of social media being used as a way to market and sell synthetic drugs (Education Code 48985.5).]

CSBA NOTE: Pursuant to Education Code 49006, as amended by AB 1466 (Ch. 582, Statutes of 2023), districts are required to annually post on the district website their report on the use of behavioral restraints and seclusion for students enrolled or served by the district for all or part of the prior school year.

~~32.~~ **35.** The In accordance with Administrative Regulation 5131.41 – Use of Seclusion and Restraint, the annual report to CDE on the use of behavioral restraints and seclusion (Education Code 49006).

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	K-12 Pupil <u>Student</u> Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
<u>Ed. Code 234.1</u>	<u>Policy prohibiting discrimination, harassment, intimidation, and bullying</u>
<u>Ed. Code 234.6</u>	<u>Resources on neurodiversity</u>
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 42103	Budget notification
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint

Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents
Federal	Description
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
28 CFR 35.200-35.205	Web accessibility requirements
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023

Court Decision	Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOJ, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020 Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, April 24, 2024, Vol. 89, pages 31320-31396 (https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state)
Website	California Interscholastic Federation
Website	Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association
Website	California Interscholastic Federation

Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, June 2018 December 2024 (https://www.w3.org/TR/WCAG21/)

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.21	Professional Standards

4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials
4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication Or Creation Of Materials
4261.8	Family Care And Medical Leave
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication Or Creation Of Materials
4361.8	Family Care And Medical Leave
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
5131.41	Use Of Seclusion And Restraint
5141.5	Mental Health
6020	Parent Involvement

6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9012	Board Member Electronic Communications
9223	Filling Vacancies
9310	Board Policies
9320	Meetings And Notices
9322	Agenda/Meeting Materials

CSBA Sample District Policy Manual

CSBA Sample Manual Site

Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 | Last Revised Date: 07/06/01/2024/2025 | Last Reviewed Date: 07/06/01/2024/2025

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP," below.

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

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process.

~~The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). Pursuant to 34 CFR 106.1-106.82, as amended by the 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving Title IX sex discrimination complaints based on conduct that occurred on or after August 1, 2024. See BP/AR 5145.7 - Sex~~

~~Discrimination and Sex-Based Harassment and AR/E(1) 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the scope of the UCP, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose.~~

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/AR 1312.3 – Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with 5145.71 – Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/AR 5145.7 – Sexual Harassment, and AR 5145.71 – Title IX Sexual Harassment Complaint Procedures.

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

Complaints Subject to UCP

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

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

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

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-~~52617~~, 52616.18)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)

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

CSBA NOTE: Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
Discrimination, harassment, intimidation, or bullying in district programs and activities,

including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

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

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

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

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

CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school. Additionally, pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education Code 51225.1 and 51225.2, as described above. The district may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.

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

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

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

- ~~12.~~ **11.** Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)

- ~~13.~~ 12. Every Student Succeeds Act (Education Code 12030, 52059.5, 64000; 20 USC 6301 et seq.)

CSBA NOTE: Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 – Nondiscrimination in District Programs and Activities, BP/AR/E(1) 6161.1 – Selection and Evaluation of Instructional Materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

13. Instructional Materials and Curriculum: Diversity (Education Code 243)

A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

14. Local control and accountability plan (Education Code 52075)

15. Migrant education (Education Code 54440-54445)

16. Physical education instructional minutes (Education Code 51210, 51222, 51223)

17. Student fees (Education Code 49010-49013)

18. Reasonable accommodations to a lactating student (Education Code 222)
19. Regional occupational centers and programs (Education Code 52300-52334.7)
20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code ~~8207-8225~~ 8200-8488, 33315)

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

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

CSBA NOTE: Pursuant to Education Code 33315, as amended by AB 3074 (Ch. 665, Statutes of 2024), the district is required to use the UCP to resolve complaints related to school or athletic team names, mascots, or nicknames.

24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3

CSBA NOTE: 5 CCR 4621 ~~mandates that~~ requires district policy to ensure that complainants are protected from retaliation as specified in ~~item #23~~ Item #25 below.

- ~~24.~~ 25. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
- ~~25.~~ 26. Any other state or federal educational program the SPI or designee deems appropriate

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

student might feel pressured to "voluntarily" agree to it. Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

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

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (~~such as discriminatory harassment, intimidation, or bullying~~), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

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

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

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services (5 CCR 4611)

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

CSBA NOTE: The complaint procedures specified in the Title IX regulations (34 CFR 106.44-106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

- ~~3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2~~

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

3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30

Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

complaints be referred to the Civil Rights Department.

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

CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district is required to establish an impartial and prompt process for addressing such complaints. Additionally, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

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

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

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)
7. Any ~~allegation of~~ **complaint alleging** discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures (Education Code 35186)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ **board** to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 18100-18203	School libraries
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
<u>Ed. Code 33315</u>	<u>Uniform complaint procedures</u>
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225. 2 <u>25</u>	Foster youth, homeless children, former juvenile court school students, <u>newcomer students</u> ; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education

Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin

34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

	https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure 2021-22 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
	https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	<u>Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024</u>
CSBA Publication	<u>Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024</u>
CSBA Publication	<u>Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024</u>
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007

Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
Website	California Civil Rights Department
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

Code	Description
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0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
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CSBA Sample District Policy Manual

CSBA Sample Manual Site

Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 | Last Revised Date: 07/06/01/2024~~2025~~ | Last Reviewed

Date: 07/06/01/2024~~2025~~

CSBA NOTE: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation:

Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or

may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 – Complaints Concerning Instructional Materials and AR 1312.4 – Williams Uniform Complaint Procedures.

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

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, and, as amended by AB 714 (Ch. 342, Statutes of 2023), newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.

CSBA NOTE: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age.

Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the district's UCP

or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, the California Department of Education (CDE) has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school, and pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024 as well as any other students participating in a newcomer program for whom the district has extended such rights; assignment of students to courses without educational content; and physical education instructional minutes. See "Complaints Subject to UCP" in the accompanying Board policy.

For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, such as the non-UCP complaints identified in the accompanying Board policy, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.

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

Compliance Officers

~~CSBA NOTE: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.~~

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sex discrimination and sex-based harassment pursuant to AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.

CSBA NOTE: 5 CCR 4621 requires the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying, and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of unlawful discrimination, harassment, intimidation, or bullying pursuant to AR 5145.3 - Nondiscrimination/Harassment, and complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, who is responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, and in Administrative Regulation 5145.7 - ~~Sex Discrimination and Sex-Based~~ Sexual Harassment, who is responsible for handling complaints regarding ~~sex discrimination and sex-based~~ sexual harassment.

(title or position)

(unit or office)

(address)

(telephone number)

(email)

CSBA NOTE: The following paragraph is for use by districts that have designated more than one compliance officer.

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

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

CSBA NOTE: 5 CCR 4621 ~~mandates that~~ requires the district's policy ~~requires~~ to include that employees responsible for compliance and/or for investigating and resolving complaints ~~to~~ be knowledgeable about the laws and programs at issue in the complaints they are assigned. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

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

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

Notifications

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

CSBA NOTE: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

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

CSBA NOTE: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

A sample of the annual notice is available through CDE's website. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include, but need not be limited to, all of the following:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such ~~persons~~ person(s) will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the

complaint, unless this time period is extended by written agreement of the complainant

9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

CSBA NOTE: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, a district and ~~district school~~ its schools are required to post information related to Title IX on their websites, including specified information about complaint procedures under Title IX; see AR 5145.3 - Nondiscrimination/Harassment. A school or district that does not maintain a website may comply by posting the information on the website of its district or county office of education (COE), ~~however a school, district, or COE is not required to establish a website if it does not maintain one.~~ A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the district and ~~district school~~ websites, published in handbooks, or catalogs, ~~announcements, bulletins, and application forms,~~ and may be provided through district-supported social media, if available.

CSBA NOTE: ~~Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's, "2007 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter the program; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the services provided by the program; and (4) the resources available to the recipient. State law is more specific than federal law. Education Code~~

48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

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

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

Filing of Complaints

~~CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, harassment, intimidation, or bullying may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sex Discrimination and Sex-Based Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.~~

CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints, ~~except for those that allege sex discrimination, including sex-based harassment,~~ shall

be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600; 34 CFR 106.24600s)

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

CSBA NOTE: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance ([Education Code 49013, 52075](#))

_____ A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. ([Education Code 49013](#))

CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the County Superintendent of Schools, the reviewing authority for districts, approves the district's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

_____ For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination (5 CCR 4630)

_____ The time for filing may be extended for up to 90 days by the Superintendent or

designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

CSBA NOTE: ~~Districts should~~ It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the district's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action

_____ When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

CSBA NOTE: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the ADR method and timelines used within the district.

Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

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

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

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

Investigation of Complaint

~~CSBA NOTE:~~CSBA NOTE: The timeline specified below may be modified to reflect district practice. 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. ~~Thus, the timeline specified below may be modified to reflect district practice.~~

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

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

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

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

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

CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant.

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

Timeline for Investigation Report

CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, under certain circumstances, some of the same rights should be extended to a respondent in order to make the process equitable. For example, since the respondent to a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is usually an individual, the respondent should be notified when the complainant has agreed to an extension of timelines. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice. When questions arise as to what rights to provide to a respondent, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report is required to be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board.

Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. Districts may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommend that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1: (Districts that do not allow complainants to appeal to the Board)

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

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

END OF OPTION 1

OPTION 2: (Districts that allow complainants to appeal to the Board)

CSBA NOTE: The remainder of this section is for use by districts that select Option 2.

Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint.

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case if the Board decides not to hear the complaint, the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the

time period that has been specified in a written agreement with the complainant. (5 CCR 4631) [\(5 CCR 4631\)](#)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to [the U.S. Department of Education's Office for Civil Rights \(OCR\)](#), or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

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

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Policy Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the respondent when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO

interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with CSBA's District and County Office of Education Legal Services or district legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the respondent.

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

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

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see the section "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)

2. The 60 days-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Education's Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

CSBA NOTE: The following section may be revised to reflect district practice.

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

CSBA NOTE: Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues; see AR 5131.2 - Bullying.

CSBA NOTE: Pursuant to Education Code 48900.5, the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues; see AR 5131.2 - Bullying.

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

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

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. Districts that do not maintain elementary

~~schools~~ serve students in grades transitional kindergarten-6 should delete the reference to physical education below.

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

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law
3. The material findings of fact in the district's investigation report are not supported by substantial evidence
4. The legal conclusion in the district's investigation report is inconsistent with the law
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

CSBA NOTE: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

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

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the district or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the district must is required to use the UCP, with modifications as

necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints ~~must~~are required to be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from ~~the CDE~~CDE's website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure

compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~[board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200- 270 262.4	Prohibition of discrimination

Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2 25	Foster youth, homeless children, former juvenile court school students, newcomer students ; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs

Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs

	/2024-REPD- IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure 2021-22 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf
CSBA Publication	<u>Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024</u>
CSBA Publication	<u>Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024</u>
CSBA Publication	<u>Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024</u>
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	CSBA District and County Office of Education Legal Services

Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
Website	California Civil Rights Department
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
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1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
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3555	Nutrition Program Compliance
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4112.9	Employee Notifications
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4119.1	Civil And Legal Rights

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4119.11	<u>Sex Discrimination and Sex-Based Harassment</u> Sexual Harassment
4119.12	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u> Title IX Sexual Harassment Complaint Procedures
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4119.23	Unauthorized Release Of Confidential/Privileged Information
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4219.23	Unauthorized Release Of Confidential/Privileged Information
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5125	Student Records
5131.2	Bullying
5131.2	Bullying
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
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5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
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5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
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6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition

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6146.1	High School Graduation Requirements
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6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
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6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
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6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
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6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
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6200	Adult Education
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9000	Role Of The Board
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
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9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2020 | **Last Revised Date:** ~~12/06/01/2024~~2025 | **Last Reviewed**
Date: ~~12/06/01/2024~~2025

CSBA NOTE: Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225; as renumbered by AB 131). The notice ~~must~~is required to include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

CSBA NOTE: Education Code 8212, as renumbered by AB 131, requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's ~~web site~~website will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists

locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district ~~web site~~ [website](#) addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school or district office, or downloaded from the school or district ~~web site~~ [website](#). You may also download a copy of the California Department of Education ([CDE](#)) complaint form when available from the following ~~web site~~ [website](#): <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education [CDE](#).

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200- 270 262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English

Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2 2 ²⁵	Foster youth, homeless children, former juvenile court school students, <u>newcomer students</u> ; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education

Gov. Code 11135	Prohibition of discrimination	639/1104
Gov. Code 12900-12996	Fair Employment and Housing Act	
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions	
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations	
Pen. Code 422.55	Definition of hate crime	
Pen. Code 422.6	Crimes; harassment	
Federal	Description	
20 USC 1221	Application of laws	
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974	
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex	
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged	
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students	
28 CFR 35.107	Nondiscrimination on basis of disability; complaints	
29 USC 794	Rehabilitation Act of 1973; Section 504	
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin	
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures	
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs	
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions	
34 CFR 106.44	Recipient's response to sexual harassment	
34 CFR 106.45	Grievance process for formal complaints of sexual harassment	
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures	
34 CFR 110.25	Notification of nondiscrimination on the basis of age	
34 CFR 99.1-99.67	Family Educational Rights and Privacy	
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act	
42 USC 12101-12213	Americans with Disabilities Act	
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964	

42 USC 2000h-2-2000h-6

Title IX of the Civil Rights Act of 1964

42 USC 6101-6107

Age Discrimination Act of 1975

Management Resources**Description**[Court Decision](#)[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)[Court Decision](#)[John T. D. v. River Delta Joint Unified School District \(2021\) WL 5176356](#)[Court Decision](#)[Olmstead v. L.C. ex rel. Zimring \(1999\) 527 U.S. 581](#)[CSBA Publication](#)[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 \(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)[CSBA Publication](#)[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 \(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)[CSBA Publication](#)[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 \(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)California Department of Education
PublicationUniform Complaint Procedure ~~2021-22~~ Program InstrumentCalifornia Department of Education
Publication

Sample UCP Board Policies and Procedures

California Department of Justice
PublicationGuidance to School Officials re: Legal Requirements for
Providing Inclusive Curricula and Books, January 2024[\(https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf\)](https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)[CSBA Publication](#)[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)[CSBA Publication](#)[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)[CSBA Publication](#)[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)

641/1104

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579
<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025

<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DOJ Publication

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007

Website

CSBA District and County Office of Education Legal Services

Website

Student Privacy Policy Office

Website

U.S. Department of Agriculture

Website

California Department of Social Services

Website

U.S. Department of Justice

~~Website~~

California Civil Rights Department

Website

California Department of Education

Website

CSBA

Website

U.S. Department of Education, Office for Civil Rights

Website

California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight

0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance

3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
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4219.12-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
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4312.9-E(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sexual Harassment</u>
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sexual Harassment</u>
4319.12	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u> <u>Title IX Sexual Harassment Complaint Procedures</u>
4319.12-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
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9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2020 | **Last Revised Date:** ~~12/06/01/2024~~2025 | **Last Reviewed**
Date: ~~12/06/01/2024~~2025

CSBA NOTE: Pursuant to Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM: UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents, as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name:

Address:

Phone number: Day: Evening:

E-mail address, if any:

Date problem was observed:

Location of the problem that is the subject of this complaint:

School name/address:

Room number/name of room/location of facility:

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

☐ The preschool does not have outdoor shade that is safe and in good repair-

☐ Drinking water is not accessible and/or readily available throughout the day-

- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- ☐ Restroom facilities are not available only for preschoolers and kindergartners.
- ☐ The preschool program does not provide visual supervision of children at all times.
- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- ☐ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

CSBA NOTE: Education Code 8212, as renumbered by AB 131, requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)
(Date)

Policy Reference UPDATE Service

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5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
<u>Ed. Code 33315</u>	<u>Uniform complaint procedures</u>
Ed. Code 35186	Williams uniform complaint procedures
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Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources

[Court Decision](#)

[Court Decision](#)

[Court Decision](#)

[CSBA Publication](#)

Description

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

[John T. D. v. River Delta Joint Unified School District \(2021\)
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	brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD- IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure 2021-22 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025

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Website

CSBA District and County Office of Education Legal Services

Website

Student Privacy Policy Office

Website

U.S. Department of Agriculture

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Website

U.S. Department of Justice

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California Civil Rights Department

Website

California Department of Education

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U.S. Department of Education, Office for Civil Rights

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Cross References

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0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
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4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sexual Harassment</u>
4219.12	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u> <u>Title IX Sexual Harassment Complaint Procedures</u>
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9322	Agenda/Meeting Materials

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Regulation 3512: Equipment

Status: ADOPTED

Original Adopted Date: 06/01/1998 | Last Revised Date: 09/01/2016 2025 | Last Reviewed
Date: 09/01/2016 2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The California Department of Education's (CDE) "California School Accounting Manual," distinguishes between "equipment" and "supplies" and defines equipment as having relatively permanent value (e.g., is serviceable for more than one year) and substantially increasing the value of the district's physical assets. Equipment is generally not of an expendable nature and does not easily deteriorate in use. Examples include ~~computer systems~~, machinery, vehicles, and playground equipment, and technology-based equipment such as computer systems.

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

School-connected organizations may be granted reasonable use of the equipment for ~~school~~ district-related matters ~~as long as it~~, if such use does not interfere with the use by students or employees or otherwise disrupt district operations.

CSBA NOTE: ~~The following paragraph is optional. It is recommended that~~ important for the district ~~check~~ to be knowledgeable of its liability coverage for off-site use of district equipment and materials. Whenever an individual is authorized to borrow district equipment, ~~he/she could~~ for a district-related purpose, it is recommended that the individual be required to complete a form identifying the equipment and the intended use and indicating that the individual will assume responsibility for any loss or damage to the equipment. See the accompanying Exhibit for a sample form that may be used for this purpose.

The Superintendent or designee shall approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage. Equipment shall only be used for an approved district-related purpose.

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds, unless otherwise authorized by the Superintendent or designee or applicable Board policy or administrative regulation.

CSBA NOTE: Education Code 35168 requires the district to maintain an inventory containing specified information for all equipment currently valued in excess of \$500. For equipment purchased with federal funds, 2 CFR 200.313-200.314 only ~~require~~ requires districts to maintain

inventory records of tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit, ~~but the state's.~~ However, CDE's Federal Program Monitoring (FPM) process reviews whether the district maintains an inventory record for every item of equipment with an acquisition cost of \$500 or more per unit that is purchased with state and/or federal categorical funds. CSBA For compliance, accountability, and internal control, the California School Accounting Manual recommends an inventory of all equipment currently valued in excess of \$500 ~~in order to simplify the district's inventory.~~

CDE's FPM will also consist of a review of whether the district maintains written procedures ~~and to comply~~ for managing equipment in accordance with law. federal requirements. Also see AR 3440 - Inventories.

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

Additionally, the Superintendent or designee shall maintain property records as specified in Administrative Regulation 3440 – Inventories, including updating property records when there is a change in the status of the property.

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or 2 CFR 200.313, as applicable.

Equipment Acquired with Federal Funds

CSBA NOTE: 2 CFR 200.313 and 200.439 ~~require~~ requires a district receiving federal grant funds to obtain prior written approval from its awarding agency before incurring the cost of a capital expenditure including general purpose equipment, and 2 CFR 200.313 requires prior approval from the awarding agency for the disposal or encumbrance of equipment; see AR 3230 - Federal Grant Funds.

The Superintendent or designee shall obtain prior written approval from the California Department of Education (CDE) or other awarding agency before purchasing equipment with federal funds. ~~(2 CFR 200.48, 439)~~

Additionally, the Superintendent or designee shall obtain prior approval from CDE or other awarding agency before disposing or encumbering equipment purchased with federal funds. (2 CFR 200.313,)

CSBA NOTE: 2 CFR 200.439) 318 mandates that districts maintain written standards of conduct covering conflicts of interest and the actions of employees engaged in the selection, award, and administration of contracts, including disciplinary actions to be applied when officers, employees, or representatives of the district violate conflict of interest standards. CDE's FPM will include a review of whether the district's written standards provide for conduct pertaining to conflicts of interest and the actions of its employees and consequences for violations of the written standards of conduct. See AR 3230 – Federal Grant Funds for language that fulfills this mandate. The district should revise the following paragraph to reflect district practice. For additional information about conflicts of interest, see Board Bylaw 9270 - Conflict of Interest.

Persons involved in the selection, award, or administration of a contract supported by federal funds shall comply with the requirements specified in 2 CFR 200.313 and 200.318, including conflict of interest requirements, act in accordance with Administrative Regulation 3230 – Federal Grant Funds, and comply with Board Bylaw 9270 – Conflict of Interest.

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. (2 CFR 200.313; 5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good condition. ~~He/she shall also~~ Additionally, the Superintendent or designee shall develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (2 CFR 200.313)

Equipment purchased for use in a federal program shall be used in that program as long as needed, regardless of ~~whether or not~~ the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (2 CFR 200.313)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 16023	Class 1 - Permanent -records
5 CCR 3946	Control, safeguards, disposal of equipment purchased with consolidated application funds
5 CCR 4424	Comparability of services
Ed. Code 17540-17542	Sale or lease of personal property by one district to another
Ed. Code 17545-17555	Sale of personal property
Ed. Code 17605	Delegation of authority to purchase supplies and equipment
Ed. Code 35160	Authority of governing boards
Ed. Code 35168	Inventory of equipment

Ed. Code 64000-64001

Consolidated application process

Federal**Description**

2 CFR 200.0-200.521

Federal uniform grant guidance

20 USC 6321

Fiscal requirements/comparability of services

Management Resources**Description**California Department of Education
Publication

California School Accounting Manual

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Education

Website

Office of Management and Budget

Cross References**Code****Description**

0440

District Technology Plan

0440

District Technology Plan

3000

Concepts And Roles

3230

Federal Grant Funds

3230

Federal Grant Funds

3270

Sale And Disposal Of Books, Equipment And Supplies

3270

Sale And Disposal Of Books, Equipment And Supplies

3300

Expenditures And Purchases

3311

Bids

3311

Bids

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3511

Energy And Water Management

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Recovery For Property Loss Or Damage

3515.4

Recovery For Property Loss Or Damage

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4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
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6171

Title I Programs

6178

Career Technical Education

6178

Career Technical Education

9270

Conflict of Interest

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Exhibit 3512-E(1): Equipment**Status:** ADOPTED

Original Adopted Date: 09/01/1988 | **Last Revised Date:** 06/01/1998 2025 | **Last Reviewed**
Date: 06/01/1998 2025

EQUIPMENT LOAN FORM

I assume the responsibility for the following district equipment:

Description: and condition of equipment:

Equipment ID Number:

~~School-related purpose:~~ (Note: District-related purpose: (Note: items are not for personal use)

I will return the above equipment to _____
{ _____ (administrator or designee) no later than _____
_____ (date)}.

In borrowing the items listed above, I assume responsibility for any loss of or damage to the equipment or materials. If any items are damaged or lost, I will pay the cost of repairs or replacement.

Signed: _____
 Date: _____
 Approved: _____
 Date: _____

Policy Reference UPDATE Service

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State	Description
5 CCR 16023	Class 1 - Permanent records
5 CCR 3946	Control, safeguards, disposal of equipment purchased with consolidated application funds
5 CCR 4424	Comparability of services
Ed. Code 17540-17542	Sale or lease of personal property by one district to another
Ed. Code 17545-17555	Sale of personal property
Ed. Code 17605	Delegation of authority to purchase supplies and equipment
Ed. Code 35160	Authority of governing boards
Ed. Code 35168	Inventory of equipment
Ed. Code 64000-64001	Consolidated application process
Federal	Description
2 CFR 200.0-200.521	Federal uniform grant guidance
20 USC 6321	Fiscal requirements/comparability of services
Management Resources	Description
California Department of Education Publication	California School Accounting Manual
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	Office of Management and Budget

Cross References

Code	Description
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0440	District Technology Plan
0440	District Technology Plan
3000	Concepts And Roles
3230	Federal Grant Funds
3230	Federal Grant Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3300	Expenditures And Purchases
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3311	Bids
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3511	Energy And Water Management
3511	Energy And Water Management
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3515.4	Recovery For Property Loss Or Damage
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4156.3	Employee Property Reimbursement

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241.6	Concerted Action/Work Stoppage
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4319.25	Political Activities Of Employees
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6178	Career Technical Education
<u>9270</u>	<u>Conflict of Interest</u>

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Regulation 3542: School Bus Drivers

Status: ADOPTED

Original Adopted Date: 11/01/1999 | **Last Revised Date:** 08/06/01/2013/2025 | **Last Reviewed Date:** 08/06/01/2013/2025

CSBA NOTE: The following administrative regulation is **mandated** pursuant to 5 CCR 14103 (see the sections "Training" and "Authority" below) and is for use by for districts that employ their own school bus drivers or student activity bus drivers pursuant to 5 CCR 14103. For language fulfilling this mandate, see "Training" and "Authority" below. Districts that contract out for all transportation services may revise this regulation as appropriate to ensure that the contracting firm meets all legal requirements regarding qualifications and responsibilities.

Pursuant to Education Code 39879, the district is required to obtain specified written attestations from any private entity with which it contracts to provide student transportation. See BP 3540 - Transportation.

In order to provide a safe and efficient student transportation service, the district may employ its own school bus or student activity bus drivers or may contract with an agency that provides such transportation service. Such school bus or student activity bus drivers shall be required to comply with Board Policy 3540 - Transportation and other applicable district policies and regulations.

Qualifications

CSBA NOTE: Pursuant to Vehicle Code 12517, school bus drivers are required to possess a commercial driver's license issued by the California Department of Motor Vehicles (DMV), with a special endorsement authorizing school bus operation (indicated by the letter S on the driver's license). District employees who operate 15-passenger vans must possess a commercial driver's license with a passenger transport vehicle (PV) endorsement.

In addition, any driver employed to operate a school bus or student activity bus must possess a special certificate from the California Highway Patrol (CHP) permitting such service. Issuance of the certificate is based on successful completion of prescribed examinations conducted by the CHP and compliance with all applicable provisions of the Vehicle Code.

CSBA NOTE: Pursuant to Education Code 39877-39878, all drivers providing school-related student transportation for compensation, including drivers employed by the district, contracted by the district, or contracted by any entity with funding from the district, are required to meet the following qualifications. Education Code 39875 provides exceptions from such requirements. Additional driver requirements pursuant to Education Code 39877-39878 can be found in "Training" and "Responsibilities," below

All drivers employed to operate a school bus or student activity bus shall: (Education Code 39877, 39878)

1. Hold a valid California driver's license for the appropriate class of vehicle
2. Be at least 18 years of age
3. Pass a criminal background check, including fingerprint clearance consistent with Education Code 45125 for district employees and Education Code 45125.1 for all other compensated drivers
4. Have a satisfactory driving record that does not include any of the following:
 - a. Within three years, has committed any violation that results in a conviction assigned a violation point count of two or more, as defined in Vehicle Code 12810 and 12810.5
 - b. Within three years, has had driving privilege suspended, revoked, or on probation for any reason involving the unsafe operation of a motor vehicle
 - c. Has been determined by the Department of Motor Vehicles (DMV) to be a negligent or incompetent operator

CSBA NOTE: Prior to excluding a candidate or removing a driver exclusively on the basis of Item #5, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

5. Not have demonstrated irrational behavior to the extent that a reasonable and prudent person would have reasonable cause to believe that the driver's ability to perform the duties of a driver may be impaired
6. Not have been convicted of an offense listed in Vehicle Code 13370(a)(1), (a)(5) or (b)
7. Provide the district or the private entity contracting with the district a report showing the driver's current public record as recorded by the DMV and participate in the DMV's pull-notice system

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against a person in any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954 prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. However, state and federal law (Vehicle Code 34520; 49 CFR 382.101-382.605) require that any district employing school bus drivers establish a drug and alcohol testing program, with specified components. For more information see BP/AR 4112.42 – Drug and Alcohol Testing for School Bus Drivers. It is recommended that districts with questions about cannabis use or screening consult CSBA's District and County Office of Education Legal Services or district legal counsel.

8. Comply with the district's drug and alcohol testing in accordance with Administrative Regulation 4112.42 - Drug and Alcohol Testing for School Bus Drivers, subject to the cannabis discrimination limitations specified in Government Code 12954

9. Complete a medical examination not more than two years prior to the driver performing student transportation by a qualified health professional

- a. The driver shall provide a copy of the medical certificate to the district or the private entity contracting with the district
- b. The driver shall complete a medical examination pursuant to this paragraph every two years after the initial examination and provide a copy of the medical examiner's certificate of clearance to the district or the private entity contracting with the district
- c. Within the same month of reaching age 65 years, and annually thereafter, the driver shall undergo a medical examination and provide a copy of the medical examiner's certificate of clearance to the district or the private entity contracting with the district

10. Submit and clear a tuberculosis risk assessment pursuant to Education Code 49406

CSBA NOTE: Any driver employed to operate a school bus or student activity bus is required to possess a special certificate from the California Highway Patrol (CHP) permitting such service. Issuance of the certificate is based on successful completion of prescribed examinations conducted by the CHP and compliance with all applicable provisions of the Vehicle Code.

Additionally, all drivers employed to operate school buses or student activity buses shall possess, and ~~shall~~ retain in their immediate possession while operating the bus, ~~the following documents:~~
(Vehicle Code 12517, 12517.4)

- ~~1.~~ A valid driver's license issued by the California Department of Motor Vehicles (DMV) for the appropriate class of vehicle to be driven and endorsed for school bus and/or passenger transportation
- ~~2.~~ A certificate issued by the California Highway Patrol (CHP) which permits the operation of school buses or student activity buses, as applicable. (Vehicle Code 12517, 12517.4)

CSBA NOTE: Pursuant to Vehicle Code 12517.3, applicants for the certificate to drive a school bus or student activity bus ~~must~~ are required to be fingerprinted by the CHP for submission to the Department of Justice (DOJ), or the fingerprinting may be conducted by the district, county office of education, or a public law enforcement agency using an electronic fingerprinting system (LiveScan) with terminals managed by the DOJ. The following optional paragraph is for use by districts that choose to use this method to conduct the fingerprinting themselves.

The Superintendent or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an initial certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

CSBA NOTE: Pursuant to Vehicle Code 12517.2, a driver who is initially applying for or seeking renewal of a commercial driver's license or a certificate ~~authorizing him/her~~ to drive a school bus or student activity bus ~~must~~ is required to provide evidence of having obtained a medical examination by a qualified health professional. The report ~~must~~ is required to be on a form approved by the Department of Motor Vehicles (DMV), which is available on its ~~web site~~ website.

When initially applying for or renewing a license or certificate to drive a school bus or student activity bus, and annually upon reaching age 65 years, the driver shall submit to the DMV and to the Superintendent or designee a report of a medical examination conducted in accordance with the timelines and procedures specified in Vehicle Code 12517.2. (~~Vehicle Code 12517.2;~~ 13 CCR 1234)

The Superintendent or designee shall notify each driver of the expiration date of his/~~her~~the individual's driver's license, certificate, and medical certificate, and shall ensure each document is renewed prior to expiration. (13 CCR 1234)

~~School bus and student activity bus drivers shall be subject to drug and alcohol testing in accordance with Board policy and the requirements of federal law.~~

The Superintendent or designee shall notify the DMV within five days whenever any driver refuses, fails to comply, or receives a positive test result on a drug or alcohol test; is dismissed for a cause related to student transportation safety; or is reinstated after being dismissed for a cause related to student transportation safety. (Vehicle Code 1808.8, 13376)

Training

CSBA NOTE: Education Code 40082, 40083, and 40085 specify training and experience required for initial and renewed certification as a driver of a school bus or student activity bus. The following section lists additional required and optional training and may be revised to reflect district practice.

In addition to any other training required to obtain or renew the certificate authorizing operation of a school bus or student activity bus, drivers shall receive training which includes, but is not limited to:

CSBA NOTE: Pursuant to ~~Vehicle Code 12522~~, as part of the application process for a bus driver certificate, each driver must pass a DMV examination on first aid practices deemed necessary for school bus operators. Toward this end, the district is required to provide instruction for bus drivers on necessary first aid practices.CSBA NOTE: Education Code 56195.8 mandates that each entity providing special education adopt policy ensuring that school bus drivers have received the training described in Item #1 below.

- ~~1. First aid practices deemed necessary for school bus drivers, through a course of instruction that prepares drivers to pass the related DMV examination (Vehicle Code 12522)~~

CSBA NOTE: Education Code 56195.8 mandates that each entity providing special education adopt policy ensuring that school bus drivers have received the training described in item #2 below.

2. 1. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

3. 2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)

CSBA NOTE: Education Code 39831.3 requires a district to adopt a transportation safety plan, including procedures to ensure that a student is not left unattended on a school bus or student activity bus. See AR 3543 - Transportation and Safety Emergencies

3. The district's Transportation Safety Plan

CSBA NOTE: Pursuant to Education Code 39877-39878, all drivers providing school-related student transportation for compensation, including drivers employed by a district, contracted by a district, or contracted by any entity with funding from a district, are required to meet the following training requirements.

All drivers employed to operate school buses or student activity buses shall complete training at least equivalent to the American Red Cross first aid training program, or hold a valid and current first aid certificate issued by the American Red Cross or equivalent. Additionally, all drivers shall complete training sufficient to gain proficiency in all of the following: (Education Code 39877, 39878)

- a. Pretrip vehicle inspections
- b. Safe loading and unloading of passengers
- c. Proper use of seatbelts and child safety restraints
- d. Handling accidents, incidents, and emergency situations
- e. Providing proper accommodations for students with disabilities
- f. Defensive driving
- g. Operations in inclement weather
- h. Operations at night or under impaired visibility conditions

CSBA NOTE: To determine additional topics for professional development, the district might review district data as provided in the optional paragraph below. Training courses and guides are also available through governmental agencies and professional associations. For instance, the National Highway Traffic Safety Administration provides an inservice training program for experienced school bus drivers, available on its ~~web site~~ website, which addresses driver attitude, student management, highway-rail grade crossing safety, vehicle training, routes, loading and unloading students, driving under adverse weather conditions, emergency evacuation, and transporting students with special needs.

To determine any other needs for professional development, the Superintendent or designee shall periodically review accident reports involving district drivers and may seek input from drivers, district and school administrators, students, and/or other stakeholders on desired topics for professional development.

Authority

CSBA NOTE: 5 CCR 14103 **mandates** that the Governing Board adopt rules related to bus driver authority, including, but not limited to, specific administrative regulations related to suspension of riding privileges, and to make them available to parents/guardians, students, teachers, and other interested parties. For language related to suspension of riding privileges, see BP/AR 5131.1 - Bus Conduct.

Students transported in a school bus or student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. (5 CCR 14103)

The driver shall have the authority to discontinue the operation of a school bus or student activity bus whenever ~~he/she~~ the driver determines that it is unsafe to continue.

This regulation and ~~AR~~ Administrative Regulation 5131.1 - Bus Conduct shall be made available to parents/guardians, students, teachers, and other interested parties. (5 CCR 14103)

Responsibilities

The driver's primary responsibility is to safely transport students to and from school and school activities. ~~He/she~~ The driver shall follow procedures contained in district plans and regulations pertaining to transportation safety.

The driver shall stop to load or unload students only at school bus stops designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

The driver shall activate the amber warning light system, flashing red signal lights, and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

CSBA NOTE: Vehicle Code 23125 prohibits a school bus driver from using a wireless telephone while driving the bus, except for work-related or emergency purposes. In addition, Vehicle Code 23123.5 prohibits the driver of any motor vehicle from using a wireless communications device for text-based communication, except when the device is specifically designed and configured to allow voice and hands-free operation. Requirements for "motor vehicles" are applicable to school buses and student activity buses pursuant to the definitions in Vehicle Code 415 and 545. At its discretion, the district may establish conditions that are more restrictive than law. See AR 3543 - Transportation Safety and Emergencies for language detailing these requirements.

The driver shall not drive a school bus or student activity bus while using a wireless telephone or using a wireless communications device for text-based communication, except when otherwise authorized by law and AR Administrative Regulation 3543 - Transportation Safety and Emergencies.

CSBA NOTE: Pursuant to Education Code 39877-39878, all drivers providing school-related student transportation for compensation, including drivers employed by the district, contracted by the district, or contracted by any entity with funding from the district, are required to meet the following requirements.

All drivers employed to operate school buses or student activity buses shall not drive for more than 10 hours within a work period, or after the end of the 16th hour after coming on duty following eight consecutive hours off duty. Additionally, drivers shall maintain a daily log sheet and complete the daily pretrip inspection of the vehicle before the vehicle is driven. The pretrip inspection shall include a check of the vehicle for fluid leaks and the operability of all lights and the brakes, each of which shall be initialed by the driver. (Education Code 39877, 39878)

The driver shall report at the completion of each day's work on each vehicle operated by the driver, all of the following to the Superintendent or designee:

CSBA NOTE: Pursuant to 13 CCR 1215, school bus drivers ~~must~~ are required to prepare and sign a written report at the completion of each day's work regarding the condition of the equipment listed in 13 CCR 1215, as provided in ~~item~~ Item #1 below. For further information about this report, see AR 3543 - Transportation Safety and Emergencies.

1. The condition of the driver's bus at the completion of each work day (13 CCR 1215; 49 CFR 396.11, 396.13)
2. ~~His/her~~ The driver's duty status for each 24-hour period, including, but not limited to, the number of hours on and off duty (13 CCR 1213)
3. Any traffic accident involving the driver's bus (13 CCR 1219)

In addition to notifying the Superintendent or designee, the driver shall immediately notify the CHP of any traffic accident and, if the bus is operated under contract, ~~his/her~~ the driver's employer. (13 CCR 1219)

CSBA NOTE: Items #4-8 below are optional and may be revised to reflect district practice.

4. Traffic violations by the driver
5. Consistently late school dismissals which cause transportation delays for the driver's bus
6. Overload runs by the driver

7. Recurring and serious student misbehavior on the driver's bus
8. Parent/guardian and student complaints regarding the driver or related to the driver's bus

Vehicle Idling

CSBA NOTE: 13 CCR 2480 prohibits idling of school buses, student activity buses, and other commercial motor vehicles within 100 feet of a school except under specified conditions. Failure to comply with the requirements specified in ~~items~~Items #1-2 below may result in specified civil and/or criminal penalties to the driver or the Superintendent or designee who directs school bus operations.

The driver of a school bus or student activity bus shall do both of the following: (13 CCR 2480)

1. Turn off the bus engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart
2. Not cause or allow the bus to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

However, vehicle idling may be allowed under limited conditions, including, but not limited to, all of the following occasions when idling is necessary to: (13 CCR 2480)

1. Stop for an official traffic control signal or device, for traffic conditions under which the driver has no control, or at the direction of law enforcement
2. Ascertain that the bus is in safe operating condition and properly equipped
3. Operate equipment designed to safely load, unload, or transport students with disabilities
4. Operate a heater, air conditioner, defroster, or other equipment as necessary to ensure the safety or health of passengers
5. Cool down a turbo-charged diesel engine before turning off the engine
6. Recharge a battery or other energy storage unit of a hybrid electric bus or vehicle

The Superintendent or designee shall notify all drivers, upon employment and at least once per year thereafter, of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall retain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

Reports

The Superintendent or designee shall retain records of all of the following: (13 CCR 1234)

- 1. Each driver's duty status and supporting documents provided pursuant to 13 CCR 1201 and 1213;

Such records shall be retained for six months and made available to the CHP upon request.

- 2. The different types of vehicles and vehicle combinations each driver has demonstrated capability to operate;
- 3. Records of each driver's license, certificate, medical certificate, first aid certificate, and training as specified in 13 CCR 1234;
- 4. Daily vehicle inspection reports prepared by drivers pursuant to 13 CCR 1215;

5. School bus accident reports

A report of each accident that occurred on public or private property involving a school bus with students aboard, including pertinent details of the accident, shall be retained for 12 months from the date of the accident. If the accident was not investigated by CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five business days of the date of the accident.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1200-1294	Motor carrier safety
13 CCR 1212-1228	School bus driver requirements
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
5 CCR 14103	Authority of the driver
5 CCR 14104	School bus driver instructor
Ed. Code 39800.5	Qualifications of driver of 15-passenger van

Ed. Code 39830-39843	School buses
Ed. Code 39875-39882	Compensated driver requirements
Ed. Code 40080-40090.5	Training required to obtain or renew bus driver certificate
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 49406	TB Risk Assessment
Ed. Code 56195.8	Adoption of policies
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 39640-39642	Vehicle idling; penalties
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 243.3	Battery against school bus drivers
Veh. Code 12516-12517.4	Certification requirements
Veh. Code 12522	First aid training for school bus drivers
Veh. Code 12810	Traffic violation point counts; allocation of points
Veh. Code 12810.5	Traffic violation point count; number for presumption of negligent operation; proof of financial responsibility
Veh. Code 13370-13371	Suspension or revocation of bus driver certificate
Veh. Code 13376	Driver certificates; revocation or suspension
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
Veh. Code 22112	School bus signals; roadway crossings
Veh. Code 23123-23125	Prohibitions against use of wireless telephone and text communications while driving; exceptions
Veh. Code 25257-25257.7	School bus equipment
Veh. Code 2570-2574	Contracts with private school bus contractors
Veh. Code 34501.6 34500-34520.5	School buses; reduced visibility Safety regulations
Veh. Code 415	Definition of motor vehicle
Veh. Code 545	School bus; definition
Veh. Code 546	Definition of student activity bus
Federal	Description
49 CFR 382.101-382.727	Controlled substance and alcohol use and testing

[49 CFR 396.1-396.25](#)[Inspection, repair, and maintenance](#)

49 CFR 40.1-40.413

Procedures for transportation workplace drug and alcohol testing programs

49 CFR 571.222

Federal motor vehicle safety standard #222

Management Resources**Description**

Dept. of Motor Vehicles Publication

California Commercial Driver Handbook

https://www.dmv.ca.gov/web/eng_pdf/comlhdbk.pdf

Nat'l Highway Traffic Safety Admin. Pub.

School Bus Driver In-Service Safety Series, October 2011

<https://www.nhtsa.gov/sites/nhtsa.gov/files/hs811539b.pdf>

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Motor Vehicles

Website

National Transportation Safety Board

Website

U.S. Department of Transportation, National Highway Traffic Safety Administration

Website

California Air Resources Board Zero Emission School Bus and Infrastructure Program

Website

California Department of Education, Office of School Transportation

Website

California Attorney General's Office

Website

California Highway Patrol

Cross References**Code****Description**

0430

Comprehensive Local Plan For Special Education

0430

Comprehensive Local Plan For Special Education

3513.1

Cellular Phone Reimbursement

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Environmental Safety

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Environmental Safety

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Emergency Schedules

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Transportation Routes And Services

3541.1

Transportation For School-Related Trips

3541.1-E(1)	Transportation For School-Related Trips
3541.1-E(2)	Transportation For School-Related Trips
3541.2	Transportation For Students With Disabilities
3543	Transportation Safety And Emergencies
3580	District Records
3580	District Records
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4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
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4200	Classified Personnel
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4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4331	Staff Development
5131.1	Bus Conduct
5131.1	Bus Conduct

CSBA Sample District Policy Manual

CSBA Sample Manual Site

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 07/06/01/2024/2025 | Last Reviewed Date: 07/06/01/2024/2025

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

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

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

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

CSBA NOTE: The following Board policy and accompanying administrative regulation are mandated pursuant to 2 CCR 11023. In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination by district and district employees against employees and job applicants is unlawful when it is based on certain actual or perceived

characteristics of an individual. This includes, but is not limited to discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status.

Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases. Pursuant to Government Code 12940, these protections apply to employees, job applicants, persons who serve in an unpaid internship or other limited-duration program to gain unpaid work experience, volunteers, and independent contractors.

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

For more information regarding sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment, and regarding Title IX sexual harassment complaint procedures, see AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

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

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

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race; color; ancestry; national origin; age; religious creed; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; physical or mental disability;

medical condition; genetic information; veteran or military status; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or association with a person or group with one or more of these actual or perceived characteristics.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of one, or a combination of two or more, protected characteristics which include, but may not be limited to, the employee's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

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

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

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

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

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

CSBA NOTE: Pursuant to Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), the district may not discriminate against an employee in termination, or any term or condition of employment, or otherwise penalize a person, based on the person's use of cannabis when off the job or away from the workplace. However, Government Code 12954 does not interfere with the district's right to maintain drug-free schools or to prohibit employees from possessing, being impaired by, or using cannabis while at work. Government Code 12954 also does

~~not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation. Districts with questions about employee cannabis use or screening should consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BP 4111 – Recruitment and Selection, AR 4112.5 – Criminal Record Check, BP/AR 4118 – Dismissal/Suspension/Disciplinary Action, and BP/AR 4218 – Dismissal/Suspension/Disciplinary Action.~~

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against an employee based on the person's use of cannabis, as described below. However, Government Code 12954 does not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation.

It is recommended that districts with questions about employee cannabis use or screening consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BP 4111 – Recruitment and Selection, AR 4112.5 – Criminal Record Check, BP/AR 4118 – Dismissal/Suspension/Disciplinary Action, and BP/AR 4218 – Dismissal/Suspension/Disciplinary Action.

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

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

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

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

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

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

constitutional or legal framework.

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

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

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

In May 2023, the U.S. Department of Education issued, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools," which includes the extent to which prayer in public schools is legally protected, constitutional principles that relate to religious expression in general, and requirements under federal and state laws relevant to prayer and religious expression. The guidance states that, "Nothing in the First Amendment, however, converts the public schools into religion-free zones, or requires students, teachers, or other school officials to leave their private religious expression behind at the schoolhouse door." The guidance also states that employees may pray when they are not acting in their official capacity and the prayer does not result in any coercion of students.

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

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

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

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

Since employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

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

CSBA NOTE: Item #4 below lists some, but not all, specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. For example, because "sex" as defined in Government Code 12926 includes pregnancy, childbirth, breastfeeding, or related medical conditions, any of these conditions may be the basis for an employee's sex discrimination claim. As the specific prohibitions are too numerous to list in policy, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise as to any specific claim.

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. ~~Sex discrimination as specified in Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment~~
Sex discrimination based on one, or a combination of two or more protected characteristics, which include, but may not be limited to, an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender expression, gender identity, or sexual orientation
 - b. Religious creed discrimination based on an employee's religious belief ~~or~~, observance, and practice, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
 - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process

with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decision-making

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

CSBA NOTE: Pursuant to Government Code 12940, as amended by SB 1100 (Ch. 877, Statutes of 2024), it is an unlawful employment practice for the district to include a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless both of the conditions specified below are satisfied.]

- f. Including a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless the district reasonably expects driving to be one of the job functions for the position and reasonably believes that satisfying the job function using an alternative form of transportation would not be comparable in travel time or cost to the district

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

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

CSBA NOTE: Pursuant to Government Code 12964.5, the district is prohibited from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or similar document that would deny the employee the right to disclose information about unlawful acts in the workplace or requiring an employee to release the right to file a claim or civil action against the district.

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

CSBA NOTE: Pursuant to Government Code 12964.5, the district is prohibited from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or similar document that would deny the employee the right to disclose information about unlawful acts in the workplace or requiring an employee to release the right to file a claim or civil action against the district.

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

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

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

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

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

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

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

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

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

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator within one workday. All other employees shall report such incidents to their supervisor or designated district coordinator within one workday.

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

EEOC's April 2024, "Enforcement Guidance on Harassment in the Workplace," provides for components of effective training, including that it (1) explains the district's anti-harassment policy, complaint process, and confidentiality and anti-retaliation protections; (2) describes and provides examples of prohibited conduct under the policy; (3) provides information about employees' rights

if they experience, observe, become aware of, or report prohibited conduct, (4) provides supervisors with information about how to prevent, identify, stop, report, and correct harassment, with clear instructions for addressing and reporting harassment; (5) is tailored to the workplace and workforce; (6) is provided on a regular basis to all employees; and (7) is provided in a clear and easily understood format.

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

CSBA NOTE: Government Code 12940 and 2 CCR 11023 require districts to take all reasonable steps to prevent prohibited discrimination and harassment, including, but not limited to, dissemination of the district's policy on the prevention of harassment, discrimination, and retaliation. Government Code 12950 and 2 CCR 11049 require districts to post, in prominent and accessible locations on district premises, posters developed by the California Civil Rights Department (CRD), formerly the Department of Fair Employment and Housing, which are available on CRD's website.

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

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

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

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

CSBA NOTE: 2 CCR 11023 requires a district's policy to include a complaint process for complaints concerning employment discrimination, harassment, or retaliation, with specified requirements; see the accompanying administrative regulation. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

For more information regarding sexual harassment of and by employees, see BP/AR

[4119.11/4219.11/4319.11 - Sexual Harassment, and for the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.](#)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. [However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.](#)

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ [board](#) to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	Freedom from violence or intimidation
Ed. Code 200- 270 262.4	Prohibition of discrimination

Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Lab. Code 79-107	Division of Labor Standards Enforcement
Lab. Code 1030-1034	Lactation accommodation
Lab. Code 1197.5	Wages, hours and working conditions
Pen. Code 422.56	Definitions; hate crimes
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	<u>Equal Employment Opportunity</u>

U.S. Constitution, First Amendment

Free exercise, free speech, and establishment clauses

Management Resources

Description

[Court Decision](#)

[Burlington Industries, Inc v. Ellerth \(1998\) 524 U.S. 742](#)

Court Decision

Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53

[Court Decision](#)

[Faragher-Ellerth v. City of Boca Raton \(1998\) 524 U.S. 775](#)

Court Decision

Groff v. DeJoy (2023) 600 U.S. 447

[Court Decision](#)

[John T. D. v. River Delta Joint Unified School District \(2021\) WL 5176356](#)

Court Decision

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision

McDonnell Douglas Corp v. Green (1973) 411 U.S. 792

[Court Decision](#)

[Olmstead v. L.C. ex rel. Zimring \(1999\) 527 U.S. 581](#)

Court Decision

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

[Court Decision](#)

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

Court Decision

Thomson v. North American Stainless LP (2011) 62 U.S. 170

Federal Register

~~[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)~~

[Federal Register](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)
(<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>)

[CA Civil Rights Department Publication](#)

[Family Care and Medical Leave and Pregnancy Disability Leave, January 2023](#) (<https://civildrights.ca.gov/wp-content/uploads/sites/32/2023/01/CFRA-and-Pregnancy-Leave-ENG.pdf>)

[CA Civil Rights Department Publication](#)

[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)

[CA Civil Rights Department Publication](#)

[The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022](#)
(<https://civildrights.ca.gov/wp-content/uploads/sites/32/2022/11/The-Rights-of-Employees-who-are-Transgender-or-Gender-Nonconforming-Fact-Sheet-ENG.pdf>)

<u>CA Civil Rights Department Publication</u>	<u>Harassment Prevention Guide for California Employers, 2017</u> (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide-1.pdf)
<u>CA Civil Rights Department Publication</u>	<u>Your Rights and Obligations as a Pregnant Employee, January 2023</u> (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Your-Rights-and-Obligations-as-a-Pregnant-Employee_ENG.pdf)
<u>CA Civil Rights Department Publication</u>	<u>Sexual Harassment, January 2023</u> (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/12/Sexual-Harassment-Poster_ENG.pdf)
<u>U.S. DOE Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
<u>U.S. DOE Publication</u>	<u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u> (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. Equal Employment Opportunity Comm Publication	<u>Enforcement Guidance on Harassment in the Workplace, April 2024</u>
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual (https://www.eeoc.gov/guidance-subject-area)
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, June 2023
<u>Website</u>	<u>Equal Employment Opportunity Commission</u> (https://www.eeoc.gov/)
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
<u>Website</u>	<u>California Department of Industrial Relations</u> (https://www.dir.ca.gov/)

Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3312	Contracts
3530	Risk Management/Insurance
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3580	District Records
3580	District Records
3600	Consultants
4000	Concepts And Roles
4032	Reasonable Accommodation
4033	Lactation Accommodation
4111	Recruitment And Selection

4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112.4	Health Examinations
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4112.8	Employment Of Relatives
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4114	Transfers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.41	Employees With Infectious Disease
4131	Staff Development
4144	Complaints

4144	Complaints
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
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4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.6	Personnel Files
4212.8	Employment Of Relatives
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4219.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures

4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
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4319.11	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures <u>Title IX Sexual Harassment Complaint Procedures</u>

4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures <u>Title IX Sexual Harassment Complaint Procedures</u>
4319.22	Dress And Grooming
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Regulation 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 12/01/2015 | Last Revised Date: 07/06/01/2024/2025 | Last Reviewed
Date: 07/06/01/2024/2025

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

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

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

The following administrative regulation includes procedures to investigate and resolve allegations of discrimination in employment. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel. For more information regarding sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment, and for the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures

All allegations of complaints alleging discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to as

defined in the district accompanying Board policy, shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Sexual Harassment Complaint Procedures.

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

~~34 CFR 106.8 requires the district to designate at least one district employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. It is recommended that the Title IX Coordinator be the same person designated below and, if the district wishes to separate out these responsibilities, for one individual to designate designees and maintain oversight; see AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

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

34 CFR 106.8 requires the district to designate at least one district employee as the Title IX Coordinator to coordinate its responsibilities under Title IX. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the procedures specified in this administrative regulation or in accordance with Title IX complaint procedures specified in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. It is recommended that the Title IX Coordinator be the same person designated below. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4119.11/4219.11/4319.11 - Sexual Harassment.

The district designates the position identified below as its coordinator for nondiscrimination in

employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

(position title)

(address)

(telephone number)

(email)

Measures to Prevent Discrimination

CSBA NOTE: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy.

The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

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

CSBA NOTE: Pursuant to Government Code 12950 and 2 CCR 11049, districts are required to post the California Civil Rights Department (CRD), formerly the Department of Fair Employment and Housing (DFEH), posters, "California Law Prohibits Workplace Discrimination and Harassment," "~~Sexual Harassment~~," "~~The Rights of Employees Who Are Transgender or Gender Nonconforming~~," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave," as provided in Item #1. CRD rules require that these materials be posted electronically, and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on CRD's website. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

In addition, Executive Order 11246 requires contractors and subcontractors who hold a single federal contract or subcontract in excess of \$10,000, or who hold contracts or subcontracts with the federal government in any 12-month period that have a total value of more than \$10,000, to display the U.S. Equal Employment Opportunity Commission (EEOC) "Know Your Rights: Workplace Discrimination is Illegal" poster in conspicuous places available to employees and applicants for employment and representatives of each labor union with which the covered contractor or subcontractor has a collective bargaining agreement. The poster and rules for posting are available on EEOC's website.

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

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX requires the district to provide notifications and take specified actions to prevent sex discrimination, including sexual harassment. For more information regarding sexual harassment by and of employees, see BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment.

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: { Education Code 234.1; 5 CCR 4960; 34 CFR 100.6, 106.8)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's website and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending a copy via email with an acknowledgment return form

- c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
- d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
- e. Any other way that ensures employees receive and understand the policy

~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, districts are required to provide a notice of nondiscrimination on the basis of sex, as specified below.~~

~~4. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)~~

- ~~a. The district does not discriminate on the basis of sex in any education program or activity that it operates~~
- ~~b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education Office for Civil Rights~~
- ~~c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator~~
- ~~d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints~~
- ~~e. How to report conduct that may constitute sex discrimination under Title IX~~
- ~~f. How to make a complaint of Title IX sex discrimination~~

~~If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.~~

~~The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.~~

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

CSBA NOTE: Optional Item #6 below provides for training regarding the district's discrimination policy and reporting procedures. Title IX, and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires specified training related to sex discrimination for all district employees, as well as additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) the Title IX Coordinator(s) and designees. For requirements specifically pertaining to sex discrimination and sex-based harassment training, see AR 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment.

CSBA NOTE: Optional Item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.1 - Sexual Harassment.

6. 5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made; as well as any additional training as specified in 34 CFR 106.8 related to the prohibition of Title IX sex discrimination

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

7. 6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law and Board Policy 4111 – Recruitment and Selection
8. 7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

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

In Faragher-Ellerth v. City of Boca Raton and Burlington Industries, Inc v. Ellerth, the Supreme Court

held that liability may be mitigated for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint).

In its April 2024, "Enforcement Guidance on Harassment in the Workplace," EEOC outlines the elements of an effective complaint process including (1) prompt and effective investigations and corrective action, (2) adequate confidentiality protections, and (3) adequate anti-retaliation protections. While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" is fact-sensitive and may vary depending on the nature and severity of the alleged harassment and reasons for the delay, and that intermediate measures may be necessary to prevent further harassment during the investigation. The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.

The following section, including the listed timelines, should be modified to reflect district practice.

Any complaint alleging unlawful discrimination or harassment covered by this administrative regulation and accompanying Board policy shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman:

_____ The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

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

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

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

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

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

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

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

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

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

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings-

_____ This timeline may be extended by the coordinator for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

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

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

4. **Appeal to the Governing Board:** The complainant or any of the person(s) accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings-

The Superintendent or designee shall provide the Board with all information presented during the investigation. ~~Upon receiving an appeal,~~ and the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

Other Remedies

CSBA NOTE: Items #1-3 below state the time limits within which complaints must be filed.

Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to CRD procedures, CRD will automatically forward any complaint it has accepted for investigation to the Equal Employment Opportunity Commission (EEOC) when the matter falls within EEOC's jurisdiction.

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

CSBA NOTE: Pursuant to Government Code 12960, a complaint alleging employment discrimination pursuant to Government Code 12940-12952 ~~must~~ is required to be filed with CRD within three years of the alleged discriminatory act(s). That period may be extended under certain circumstances. ~~Districts should~~ It is recommended that districts with questions consult CSBA's District and County Office of Education Legal Services or district legal counsel if ~~any questions arise~~.

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

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

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5)

CSBA NOTE: Additional remedies may be available for violation of the PUMP Act (29 USC 218d) under the Fair Labor Standards Act, the Pregnant Workers Fairness Act (42 USC 2000gg-2), and state law pursuant to Labor Code 1030-1034 and Government Code 12925-12954. See BP 4033 - ~~Lactation Accommodation~~.

CSBA NOTE: Additional remedies may be available for violation of the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (29 USC 218d) under the Fair Labor Standards Act, the Pregnant Workers Fairness Act (42 USC 2000gg-2), and state law pursuant to Labor Code 1030-1034 and Government Code 12925-12954. See BP 4033 – Lactation Accommodation.

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ **board** to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	Freedom from violence or intimidation
Ed. Code 200- 270 262.4	Prohibition of discrimination
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Lab. Code 79-107	Division of Labor Standards Enforcement

Lab. Code 1030-1034

Lab. Code 1197.5

Pen. Code 422.56

Federal

20 USC 1681-1688

28 CFR 35.101-35.190

29 CFR 1636

29 USC 218d

29 USC 621-634

29 USC 794

34 CFR 100.6

34 CFR 104.7

34 CFR 104.8

34 CFR 106.1-106.82

34 CFR 110.1-110.39

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

42 USC 2000ff-2000ff-11

42 USC 2000gg-2000gg-6

42 USC 2000h-2-2000h-6

42 USC 6101-6107

~~Executive Order 11246~~

U.S. Constitution, First Amendment

Management Resources

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Court Decision

Lactation accommodation

Wages, hours and working conditions

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Description

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Americans with Disabilities Act

Implementation of the Pregnant Workers Fairness Act

Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act

Age Discrimination in Employment Act

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Section 504; Designation of responsible employee and adoption of grievances procedures

Notice of Nondiscrimination on the Basis of Handicap

Discrimination on the basis of sex; effectuating Title IX

Nondiscrimination on the basis of age

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

Genetic Information Nondiscrimination Act of 2008

Pregnant Workers Fairness Act

Title IX of the Civil Rights Act of 1964

Age discrimination in federally assisted programs

Equal Employment Opportunity

Free exercise, free speech, and establishment clauses

Description

[Burlington Industries, Inc v. Ellerth \(1998\) 524 U.S. 742](#)

Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53

Court Decision	Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775
Court Decision	Groff v. DeJoy (2023) 600 U.S. 447
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Shephard v. Loyola Marymount (2002) 102 Cal.App. 4th 837
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave, January 2023 (https://civildrights.ca.gov/wp-content/uploads/sites/32/2023/01/CFRA-and-Pregnancy-Leave-ENG.pdf)
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022 (https://civildrights.ca.gov/wp-content/uploads/sites/32/2022/11/The-Rights-of-Employees-who-are-Transgender-or-Gender-Nonconforming-Fact-Sheet-ENG.pdf)
CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers, 2017 (https://civildrights.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide-1.pdf)
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee, January 2023 (https://civildrights.ca.gov/wp-content/uploads/sites/32/2023/01/Your-Rights-and-Obligations-as-a-Pregnant-Employee-ENG.pdf)

	content/uploads/sites/32/2023/01/Your-Rights-and-Obligations-as-a-Pregnant-Employee_ENG.pdf
CA Civil Rights Department Publication	Sexual Harassment, January 2023 (https://civildrights.ca.gov/wp-content/uploads/sites/32/2022/12/Sexual-Harassment-Poster_ENG.pdf)
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance on Harassment in the Workplace, April 2024
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual (https://www.eeoc.gov/guidance-subject-area)
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, June 2023
Website	Equal Employment Opportunity Commission (https://www.eeoc.gov/)
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program
Website	CSBA District and County Office of Education Legal Services
Website	California Civil Rights Department
Website	California Department of Industrial Relations (https://www.dir.ca.gov/)
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

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4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
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4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
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9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4033: Lactation Accommodation

Status: ADOPTED

Original Adopted Date: 07/01/2011 | **Last Revised Date:** 07/06/01/2024/2025 | **Last Reviewed**
Date: 07/06/01/2024/2025

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

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

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

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

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

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

Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express breast milk for their infant children. The Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (29 USC 218d) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified. In addition, the Pregnant Workers Fairness Act (PWFA) (42 USC 2000gg-2000gg-6) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation.

State law (Labor Code 1030-1034) also applies to all district employees. Labor Code 1033 prohibits an employer from discharging, or in any manner discriminating or retaliating against, an employee for exercising or attempting to exercise any right related to lactation accommodation. Pursuant to Labor Code 1033, violation of Labor Code 1030-1034 may result in a citation from the Labor Commissioner and/or a civil penalty.

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

Where provisions of the laws conflict, the statute providing greater protections for employees supersedes. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel if questions arise about the application of conflicting laws to a particular employee.

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

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

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

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

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

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

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

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

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

~~34 CFR 106.57, as amended by 89 Fed. Reg. 33474, requires the district to provide "reasonable" break time for an employee to express breast milk or breastfeed, but does not have any qualification related to the requirement to provide a lactation space. Additionally, it would be unlikely that a district would have a valid reason to deny a lactation accommodation pursuant to the PWFA. Thus, districts should proceed with caution before denying a lactation accommodation, and consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.~~

CSBA NOTE: Labor Code 1034 requires the district's policy to include a statement that the district provide a written response to an employee if the district is unable to comply with the break time or location requirements. It is recommended districts proceed with caution before denying a lactation accommodation, and consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

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

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

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

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

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

Break Time and Location Requirements

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

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

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

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

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

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

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

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

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

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

Dispute Resolution

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

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

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

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

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

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

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
Civ. Code 43.3	Right of mothers to breastfeed in any public or private location
Ed. Code 200-270 <u>262.4</u>	Prohibition of discrimination
Gov. Code 12925-12954	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Lab. Code 1030-1034	Lactation accommodation
Lab. Code 6382	Procedure for listing hazardous substances
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218c	Fair Labor Standards Act; protections for employees
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
34 CFR 106.1-106.82	<u>Discrimination on the basis of sex; effectuating Title IX</u>
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
CA Department of Industrial Relations Publication	Rest Periods/Lactation Accommodation, Frequently Asked Questions
California Department of Public Health Publication	Lactation Accommodation for Employers
California Civil Rights Department Decision	Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009
U.S. Department of Health & Human Services, Office on Women's Health Publication	The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u>
Federal Register	<u>Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-80079</u>
Office of the Surgeon General Publication	The Surgeon General's Call to Action to Support Breastfeeding, 2011
U.S. DoL, Wage and Hour Div., Publication	Education FAQs: Pump at Work Frequently Asked Questions (https://www.dol.gov/agencies/whd/pump-at-work/faqs-education)
U.S. DoL, Wage and Hour Div., Publication	Frequently Asked Questions: Pumping Breast Milk at Work (https://www.dol.gov/agencies/whd/nursing-mothers/fag)
U.S. DoL, Wage and Hour Div., Publication	Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work, rev. January 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Labor and Standards Enforcement
Website	California Department of Public Health
Website	California Women, Infants and Children Program
Website	Centers for Disease Control and Prevention
Website	Health Resources and Services Administration

Website	Office of the Surgeon General
Website	U.S. Department of Labor, Wage and Hour Division, FLSA Protections to Pump at Work
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4144	Complaints
4144	Complaints
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4219.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4219.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment

4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4244	Complaints
4244	Complaints
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4319.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4319.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4344	Complaints
4344	Complaints
4361.8	Family Care And Medical Leave

Policy 4112.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | **Last Revised Date:** 06/01/2024²⁰²⁵ | **Last Reviewed Date:** 06/01/2024²⁰²⁵

CSBA NOTE: The following optional policy may be revised to reflect district practice.

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

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

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Policy Reference Disclaimer:

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State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use

Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement

Pen. Code 11166.5

Unemp. Ins. Code 2613

W&I Code 827

Federal

20 USC 2354

29 CFR 825.300

34 CFR 100

34 CFR 104.8

34 CFR 106.9

34 CFR 84.205-84.210

38 USC 4334

40 CFR 763.84

40 CFR 763.93

41 USC 8101-8106

42 USC 11431-11435

49 CFR 382.113

49 CFR 382.303

49 CFR 382.601

Management Resources

Website

Cross References

Code

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

2121

3260

Employment; statement of knowledge of duty to report child abuse or neglect **733/1104**

Disability insurance; notice of rights and benefits

Limited exception to juvenile court record

Description

Local application for career and technical education programs

Family and Medical Leave Act; notice requirement

Nondiscrimination under programs receiving federal assistance

Nondiscrimination

Severability

Drug-free workplace statement

Uniformed Services Employment and Reemployment Rights Act; notice requirement

Asbestos inspections, response actions and post-response actions

Asbestos management plans

Drug-Free Workplace Act

McKinney-Vento Homeless Assistance Act

Controlled substance and alcohol use and testing notifications

Post-accident information, procedures, and instructions

Controlled substance and alcohol use and testing notification

Description

CSBA District and County Office of Education Legal Services

Description

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Superintendent's Contract

Fees And Charges

3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
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CSBA Sample District Policy Manual
CSBA Sample Manual Site

Exhibit 4112.9-E(1): Employee Notifications**Status:** ADOPTED

Original Adopted Date: 05/01/2016 | **Last Revised Date:** 06/01/2024~~2024~~2025 | **Last Reviewed**
Date: 06/01/2024~~2024~~2025

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

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
 Education or Other Legal Code: Education Code 231.5, Government Code 12950
 Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
 Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
 Education or Other Legal Code: Education Code 17612
 Board Policy/Administrative Regulation #: AR 3514.2
 Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
 Education or Other Legal Code: Education Code 37616
 Board Policy/Administrative Regulation #: BP 6117
 Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
 Education or Other Legal Code: Education Code 46162
 Board Policy/Administrative Regulation #: BP 6112
 Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
 Education or Other Legal Code: Education Code 49013; 5 CCR 4622
 Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
 Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually

Education or Other Legal Code: Education Code 49069.5, 51225.1, [51225.25](#)

Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175

Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and [students participating in a newcomer students program](#)

When/Whom to Notify: Annually

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information

Education or Other Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and ~~other~~, all employees annually, and upon request, in districts with 25 or more employees

Education or Other Legal Code: ~~Labor~~ Government Code ~~230-230.1~~ 12945.8

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2

Subject: Rights pursuant to ~~Labor~~ Government Code ~~230-230.1~~ 12945.8 pertaining to leaves and accommodations for victims of ~~crime or abuse~~ a qualifying act of violence

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees

Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: Post and keep posted in a conspicuous location frequented by employees where the notice may be easily read by employees during the hours of the workday

Education or Other Legal Code: Labor Code 3550

Board Policy/Administrative Regulation #: AR 4157.1

Subject: Current compensation insurance carrier of the employer, or when appropriate, statement that the employer is self-insured, and who is responsible for claims adjustment

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Education or Other Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: ~~Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable~~

~~Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted~~

~~Education or Other Legal Code: Labor Code 6409.6~~

~~Board Policy/Administrative Regulation #: AR 4157/4257/4357~~

~~Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan~~

~~When/Whom to Notify:~~ Prior to beginning employment

~~Education or Other Legal Code: Penal Code 11165.7, 11166.5~~

~~Board Policy/Administrative Regulation #: AR 5141.4~~

~~Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law~~

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury

Education or Other Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827
 Board Policy/Administrative Regulation #: AR 4158/4258/4358
 Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
 Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
 Board Policy/Administrative Regulation #: BP 0410, AR 4030
 Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
 Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
 Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
 Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: Post and keep posted on premises or via electronic posting, in conspicuous places where employees are employed
Education or Other Legal Code: 2 CCR 11095
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: A notice explaining the CFRA's provisions and procedures for filing complaints of violations of the Act with the Civil Rights Department.

When/Whom to Notify: To all employees
 Education or Other Legal Code: 8 CCR 3203
 Board Policy/Administrative Regulation #: AR 4157/4257/4357
 Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
 Education or Other Legal Code: 34 CFR 106.8
 Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
 Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
 Education or Other Legal Code: 40 CFR 763.84, 763.93
 Board Policy/Administrative Regulation #: AR 3514
 Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
 Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
 Board Policy/Administrative Regulation #: AR 6178
 Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: Prominently display in location frequented by certificated employees who serve students in any of grades 7-12

Education or Other Legal Code: Education Code 234.1

Board Policy/Administrative Regulation #: BP 5145.3

Subject: Information on existing school site and community resources related to the support of students who may face bias or bullying

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education or Other Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Education or Other Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Education or Other Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Education or Other Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Education or Other Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Education or Other Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter

Education or Other Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15

Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated

Education or Other Legal Code: Education Code 44955.5

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Education or Other Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion

Education or Other Legal Code: Education Code 48201

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Education or Other Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a

nonmerit district

Education or Other Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted

Education or Other Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Education or Other Legal Code: 49 CFR 382.113, 382.601

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus

Education or Other Legal Code: 49 CFR 382.303

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Education or Other Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 2121, BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file

Education or Other Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: New employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim

Education or Other Legal Code: Government Code 12945.8

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of a qualifying act of violence

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return

Education or Other Legal Code: Government Code 20997

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Education or Other Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: ~~When document identifying employee who is victim of domestic violence~~

is disclosed

Education or Other Legal Code: Labor Code 230

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Education or Other Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Education or Other Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five business days of employee's request for family care and

medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness

Education or Other Legal Code: Education Code 48851.3, 42 USC 11432

Board Policy/Administrative Regulation #: AR 6173

Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security

Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees

Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
<u>Ed. Code 51225.25</u>	<u>Student participating in a newcomer program; definition</u>
Gov. Code 1126	Incompatible activities of employees
<u>Gov. Code 12945.8</u>	<u>Accommodations and leave for victims of a qualifying act of violence</u>
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 2800.2	Notification of availability of continuation health coverage

Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
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1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision

4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files

4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Policy 4119.11: Sex Discrimination and Sex-Based Sexual Harassment **Status:** ADOPTED

Original Adopted Date: 12/01/2015 | **Last Revised Date:** 0706/01/20242025 | **Last Reviewed**

Date: 0706/01/20242025

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

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

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

Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

CSBA NOTE: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sexual harassment against employees. As part of this mandate, the district is also required to adopt a written policy prohibiting sexual harassment against students; see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is investigated and resolved through federal Title IX complaint procedures in accordance with AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, or procedures as specified in AR 4030 – Nondiscrimination in Employment is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. It is recommended that districts with questions about liability for sexual harassment consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

~~The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.~~

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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

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

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

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

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

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In *Department of Health Services v. Superior Court (McGinnis)*, the California Supreme Court outlined measures that may constitute mitigating

factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in *Burlington Industries v. Ellerth* held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in *Faragher v. City of Boca Raton*, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, districts are required to provide sexual harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination.

Additionally, 34 CFR 106.8 requires specified training related to sexual harassment for Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. See the accompanying administrative regulation for timelines and training requirements.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sex discrimination and sex-based~~sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's ~~sex discrimination and sex-based~~sexual harassment policy to employees and others to whom the policy may apply

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

CSBA NOTE: Pursuant to 34 CFR 106.8, districts are required to provide specified notifications to students, parents/guardians, employees, bargaining units, and applicants for admission and employment related to the prohibition of discrimination on the basis of sex, which includes sexual harassment. For more information about the content and publication requirements for such notices, see E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

3. Publicize as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, ~~a~~Exhibit (1) 4119.12/4219.12/4319.12 - Title IX notice of nondiscriminationSexual Harassment Complaint Procedures, the required notifications related to Title IX to

employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), ~~which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments)~~

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

The Superintendent or designee ~~shall~~may periodically evaluate the effectiveness of the district's strategies to prevent and address ~~sex discrimination and sex-based~~ harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether ~~sex discrimination and/or sex-based~~ harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any ~~other~~other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

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

CSBA NOTE: 34 CFR 106.8 requires the district to designate at least one employee to serve as the Title IX Coordinator and to coordinate the district's responsibilities under Title IX. See the accompanying administrative regulation.

Pursuant to 34 CFR 106.44, the district is required to respond promptly when there is actual knowledge of sexual harassment and in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, it is recommended that the district train all employees regarding the reporting process.

The district should modify the timeline in this section to reflect district practice.

Any district employee who has experienced ~~sex discrimination or sex-based~~sexual harassment in the ~~district's~~district's education program or activity may file a complaint with the ~~district's~~district's Title IX Coordinator. (34 CFR 106.2, ~~106.44~~8)

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

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

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

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

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

CSBA NOTE: Pursuant to 34 CFR 106.44, when the Title IX Coordinator is notified of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a formal complaint is made. Supportive measures are also required to be offered to the respondent as deemed appropriate under the circumstances.

The Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

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

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
<u>2 CCR 11034</u>	<u>Terms, conditions, and privileges of employment</u>
5 CCR 201	Admission to high school
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of <u>No requirement to disclose</u> information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
<u>Gov. Code 11135</u>	<u>Prohibition of discrimination</u>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs <u>or activities</u>
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
<u>Court Decision</u>	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
<u>Court Decision</u>	<u>John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</u>
<u>Court Decision</u>	<u>Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</u>
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u>

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

U.S. Equal Employment Opportunity
Com. Publication

Promising Practices for Preventing Harassment, November
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[U.S. DOE, Office for Civil Rights
Publication](#)

[Dear Colleague Letter: Enforcement of Title IX under the
provisions of the 2020 Title IX Rule, February 4, 2025](#)

<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

Website

CSBA District and County Office of Education Legal Services

Website

California Civil Rights Department

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Website

U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
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4212.9	Employee Notifications
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4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
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4219.22	Dress And Grooming
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4244	Complaints
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4300	Administrative And Supervisory Personnel
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4312.9	Employee Notifications
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4319.21	Professional Standards
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4344	Complaints
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5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Regulation 4119.11: Sex Discrimination and Sex-Based Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** 07/06/01/2024/2025 | **Last Reviewed Date:** 07/06/01/2024/2025

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.

For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 – Lactation Accommodation.

For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 – Sex Discrimination and Sex-Based Harassment and AR 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 – Married/Pregnant/Parenting Students.

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

CSBA NOTE: Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2)

"hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in *Oncale v. Sundowner Offshore Services, Inc.*, the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11) *Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)*

- 1.—Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.

- 2.—Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's

education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. ~~Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

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

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sex Discrimination and Sex-Based Harassment

CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

- 1.—Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors
- 2.—Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects
- 3.—Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment.

Districts may modify the following to designate separate district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4030 – Nondiscrimination in Employment.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based ~~Sexual~~ Harassment Complaint Procedures, and oversee the district's ~~district's~~ response to ~~discrimination~~ sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

(telephone number)

(email)

Training

CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

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

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.

CSBA NOTE: Government Code 12950.1 requires districts to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

In addition, 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sexual harassment training required for employees under both state and federal law.

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based ~~sexual~~ harassment in accordance with state and federal law.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be

presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative

regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and ~~other~~others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

- 1.—The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity
- 2.—The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
- 3.—The notification and information requirements specified in 34 CFR 106.40 and 106.44

The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators; decisionmakers; and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)

The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR

106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1–106.82, as amended by 89 Fed. Reg. 33474, require the district to provide notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030–Nondiscrimination in Employment

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030–Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website.

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of ~~sex-based~~ sexual harassment
2. The definition of ~~sex-based~~ sexual harassment under applicable state and federal law
3. A description of ~~sex-based~~ sexual harassment, with examples
4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of ~~sex-based~~sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the process specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall

review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
<u>2 CCR 11034</u>	<u>Terms, conditions, and privileges of employment</u>
5 CCR 201	<u>Admission to high school</u>
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of <u>No requirement to disclose</u> information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
<u>Gov. Code 11135</u>	<u>Prohibition of discrimination</u>

Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896 Nondiscrimination on the Basis of Sex in Education

Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

(<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>)

~~U.S. Equal Employment Opportunity Com. Publication~~

~~Promising Practices for Preventing Harassment, November 2017~~

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025

(<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>)

Website

CSBA District and County Office of Education Legal Services

Website

California Civil Rights Department

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Website

U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment

4033	Lactation Accommodation
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming

4231	Staff Development
4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4119.12: Title IX Sex Discrimination and Sex-Based ~~Sexual~~ Harassment Complaint Procedures Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** 07/06/01/2024 2025 | **Last Reviewed**
Date: 07/06/01/2024 2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. ~~Treat complainants and respondents equitably~~
2. ~~Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.
3. ~~Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~
4. ~~Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~
5. ~~Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.

Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a

parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

- 1.—The victim's request not to proceed with initiation of a complaint
- 2.—The victim's reasonable safety concerns regarding initiation of a complaint
- 3.—The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
- 4.—The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
- 5.—The age and relationship of the parties, including whether the respondent is an employee of the district
- 6.—The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
- 7.—The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
- 8.—Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or

respondents generally, or an individual complainant or respondent, and are required to receive specified training.

The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below:

In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 – Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.

Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An

"impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.

The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

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

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state

and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 - Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The district is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. ~~The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX~~

~~Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.~~

4. ~~The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven~~

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. ~~A procedural irregularity that would change the outcome~~
2. ~~New evidence that would change the outcome and that was not reasonably available when the dismissal was made~~
3. ~~The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome~~

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. ~~Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent~~
2. ~~Implement appeal procedures equally for the parties~~
3. ~~Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint~~
4. ~~Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations~~
5. ~~Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome~~

6. ~~Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030—Nondiscrimination in Employment as applicable.~~

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.

Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may

constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Notice of Allegations

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.

If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

- ~~1. The district's complaint process, including any informal resolution process~~
- ~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

- ~~3. A statement that retaliation is prohibited~~
- ~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.

The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:
 - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence

If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
 - b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence
 - c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses;

consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness
6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
 - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility:

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

The investigator shall complete the investigation within _____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation
7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the

respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

- ~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~
- ~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to

reflect the position designated by the district to provide a written determination of responsibility.

While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeal of the Decision Appeals

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 – Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Extension of Timelines

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.

Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.

The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)

1. ~~For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~
2. ~~For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~
3. ~~All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. ~~A record of the allegation(s)~~
2. ~~A record of the investigation procedures followed~~
3. ~~A record of the written determination~~
4. ~~A record of the corrective action implemented, if any~~
5. ~~A record of any appeals and the outcome of the same~~
6. ~~All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	Description
20 USC 1092	Definition of sexual assault

20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. DOJ, FBI Publication	National Incident-Based Reporting System
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896

[U.S. Department of Justice, Federal Bureau of Investigation Publication](#)

[National Incident-Based Reporting System](#)
(https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)

[U.S. DOE, Office for Civil Rights Publication](#)

[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)

(<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>)

Website

U.S. Department of Justice, Federal Bureau of Investigation

Website

CSBA District and County Office of Education Legal Services

Website

CSBA

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Cross References

Code

Description

0410

Nondiscrimination In District Programs And Activities

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3-E(1)

Uniform Complaint Procedures

1312.3-E(2)

Uniform Complaint Procedures

1313

Civility

3580

District Records

3580

District Records

3600

Consultants

4030

Nondiscrimination In Employment

4030

Nondiscrimination In Employment

4033

Lactation Accommodation

4117.7

Employment Status Reports

4118

Dismissal/Suspension/Disciplinary Action

4118

Dismissal/Suspension/Disciplinary Action

4119.11

~~Sex Discrimination and Sex-Based~~ **Sexual** Harassment

4119.11

~~Sex Discrimination and Sex-Based~~ **Sexual** Harassment

4131

Staff Development

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based <u>Sexual</u> Harassment
4219.11	Sex Discrimination and Sex-Based <u>Sexual</u> Harassment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based <u>Sexual</u> Harassment
4319.11	Sex Discrimination and Sex-Based <u>Sexual</u> Harassment
5145.7	Sex Discrimination and Sex-Based <u>Sexual</u> Harassment
5145.7	Sex Discrimination and Sex-Based <u>Sexual</u> Harassment
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>

Exhibit 4119.12-E(1): Title IX Sex Discrimination and Sex-Based ~~Sexual~~ Harassment Complaint Procedures Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** 07/06/01/2024 2025 | **Last Reviewed**
Date: 07/06/01/2024 2025

CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.

Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX NONDISCRIMINATION SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district ~~does~~shall not discriminate on the basis of sex and ~~prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district is ~~required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 - Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district ~~has designated and authorized the following employee(s)~~ serves as the district's Title IX Coordinator, ~~to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

(name and/or title/position)

(address)

(telephone number)

(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment~~, or file a formal complaint of sex discrimination, ~~including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~ sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~ sexual harassment, the Title IX Coordinator ~~will~~ shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~ sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~ Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures, on the district's website at _____ (insert website link) _____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~ sexual harassment policies and administrative regulations, please contact: _____: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees~~; the Title IX Coordinator; ~~investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures~~; and any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

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State

Description

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-270 [262.4](#)

Ed. Code 48900

Ed. Code 48900.2

Ed. Code 48985

Gov. Code 12950.1

Federal

20 USC 1092

20 USC 1221

[20 USC 1232g](#)

20 USC 1681-1688

34 CFR 106.1-106.82

34 CFR 99.1-99.67

34 USC 12291

42 USC 1983

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

U.S. DOJ, FBI Publication

Management Resources

[Court Decision](#)

Court Decision

Court Decision

Court Decision

Court Decision

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Liability of parent or guardian for act of willful misconduct by a minor

Liability for sexual harassment; business, service and professional relationships

Prohibition of discrimination

Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment

Notices to parents in language other than English

Sexual harassment training

Description

Definition of sexual assault

Application of laws

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs

Family Educational Rights and Privacy

Definition of dating violence, domestic violence, and stalking

Civil action for deprivation of rights

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

[National Incident-Based Reporting System](#)

Description

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
<u>Federal Register</u>	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u>
<u>U.S. Department of Justice, Federal Bureau of Investigation Publication</u>	<u>National Incident-Based Reporting System</u> (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>

Policy 4212.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | Last Revised Date: 06/01/2024²⁰²⁵ | Last Reviewed
Date: 06/01/2024²⁰²⁵

CSBA NOTE: The following optional policy may be revised to reflect district practice.

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

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

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Policy Reference Disclaimer:

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State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use

Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement

Pen. Code 11166.5

Unemp. Ins. Code 2613

W&I Code 827

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20 USC 2354

29 CFR 825.300

34 CFR 100

34 CFR 104.8

34 CFR 106.9

34 CFR 84.205-84.210

38 USC 4334

40 CFR 763.84

40 CFR 763.93

41 USC 8101-8106

42 USC 11431-11435

49 CFR 382.113

49 CFR 382.303

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Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

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CSBA Sample District Policy Manual
CSBA Sample Manual Site

Exhibit 4212.9-E(1): Employee Notifications**Status:** ADOPTED

Original Adopted Date: 05/01/2016 | **Last Revised Date:** 06/01/2024~~2025~~ | **Last Reviewed**
Date: 06/01/2024~~2025~~

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

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually

Education or Other Legal Code: Education Code 49069.5, 51225.1, [51225.25](#)

Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175

Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and [students participating in a newcomer students program](#)

When/Whom to Notify: Annually

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information

Education or Other Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and ~~other~~, all employees annually, and upon request, in districts with 25 or more employees

Education or Other Legal Code: ~~Labor~~ Government Code ~~230-230.1~~ 12945.8

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2

Subject: Rights pursuant to ~~Labor~~ Government Code ~~230-230.1~~ 12945.8 pertaining to leaves and accommodations for victims of ~~crime or abuse~~ a qualifying act of violence

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees

Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: Post and keep posted in a conspicuous location frequented by employees where the notice may be easily read by employees during the hours of the workday

Education or Other Legal Code: Labor Code 3550

Board Policy/Administrative Regulation #: AR 4157.1

Subject: Current compensation insurance carrier of the employer, or when appropriate, statement that the employer is self-insured, and who is responsible for claims adjustment

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Education or Other Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: ~~Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable~~

~~Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted~~

~~Education or Other Legal Code: Labor Code 6409.6~~

~~Board Policy/Administrative Regulation #: AR 4157/4257/4357~~

~~Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan~~

~~When/Whom to Notify:~~ Prior to beginning employment

~~Education or Other Legal Code: Penal Code 11165.7, 11166.5~~

~~Board Policy/Administrative Regulation #: AR 5141.4~~

~~Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law~~

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury

Education or Other Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827
 Board Policy/Administrative Regulation #: AR 4158/4258/4358
 Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
 Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
 Board Policy/Administrative Regulation #: BP 0410, AR 4030
 Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
 Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
 Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
 Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: Post and keep posted on premises or via electronic posting, in conspicuous places where employees are employed
Education or Other Legal Code: 2 CCR 11095
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: A notice explaining the CFRA's provisions and procedures for filing complaints of violations of the Act with the Civil Rights Department.

When/Whom to Notify: To all employees
 Education or Other Legal Code: 8 CCR 3203
 Board Policy/Administrative Regulation #: AR 4157/4257/4357
 Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
 Education or Other Legal Code: 34 CFR 106.8
 Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
 Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
 Education or Other Legal Code: 40 CFR 763.84, 763.93
 Board Policy/Administrative Regulation #: AR 3514
 Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
 Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
 Board Policy/Administrative Regulation #: AR 6178
 Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: Prominently display in location frequented by certificated employees who serve students in any of grades 7-12

Education or Other Legal Code: Education Code 234.1

Board Policy/Administrative Regulation #: BP 5145.3

Subject: Information on existing school site and community resources related to the support of students who may face bias or bullying

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education or Other Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Education or Other Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Education or Other Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Education or Other Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Education or Other Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Education or Other Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter

Education or Other Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15

Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated

Education or Other Legal Code: Education Code 44955.5

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Education or Other Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion

Education or Other Legal Code: Education Code 48201

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Education or Other Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a

nonmerit district

Education or Other Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted

Education or Other Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Education or Other Legal Code: 49 CFR 382.113, 382.601

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus

Education or Other Legal Code: 49 CFR 382.303

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Education or Other Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 2121, BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file

Education or Other Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: New employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim

Education or Other Legal Code: Government Code 12945.8

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of a qualifying act of violence

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return

Education or Other Legal Code: Government Code 20997

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Education or Other Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: ~~When document identifying employee who is victim of domestic violence~~

is disclosed

Education or Other Legal Code: Labor Code 230

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Education or Other Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Education or Other Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five business days of employee's request for family care and

medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness

Education or Other Legal Code: Education Code 48851.3, 42 USC 11432

Board Policy/Administrative Regulation #: AR 6173

Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security

Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees

Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
<u>Ed. Code 51225.25</u>	<u>Student participating in a newcomer program; definition</u>
Gov. Code 1126	Incompatible activities of employees
<u>Gov. Code 12945.8</u>	<u>Accommodations and leave for victims of a qualifying act of violence</u>
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 2800.2	Notification of availability of continuation health coverage

Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
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1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
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3515.3	District Police/Security Department
3515.3	District Police/Security Department
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3580	District Records
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4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision

4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
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4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
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4121	Temporary/Substitute Personnel
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4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
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4219.43	Universal Precautions
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4257	Employee Safety
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4257.1	Work-Related Injuries
4258	Employee Security
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4261.1	Personal Illness/Injury Leave
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4312.42	Drug And Alcohol Testing For School Bus Drivers
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5145.3	Nondiscrimination/Harassment
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CSBA Sample District Policy Manual
CSBA Sample Manual Site

Policy 4219.11: Sex Discrimination and Sex-Based Sexual Harassment **Status:** ADOPTED

Original Adopted Date: 12/01/2015 | **Last Revised Date:** 0706/01/20242025 | **Last Reviewed**

Date: 0706/01/20242025

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

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

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

Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

CSBA NOTE: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sexual harassment against employees. As part of this mandate, the district is also required to adopt a written policy prohibiting sexual harassment against students; see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is investigated and resolved through federal Title IX complaint procedures in accordance with AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, or procedures as specified in AR 4030 – Nondiscrimination in Employment is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. It is recommended that districts with questions about liability for sexual harassment consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

~~The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.~~

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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

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

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

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

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

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating

factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in *Burlington Industries v. Ellerth* held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in *Faragher v. City of Boca Raton*, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, districts are required to provide sexual harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination.

Additionally, 34 CFR 106.8 requires specified training related to sexual harassment for Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. See the accompanying administrative regulation for timelines and training requirements.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sex discrimination and sex-based~~sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's ~~sex discrimination and sex-based~~sexual harassment policy to employees and others to whom the policy may apply

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

CSBA NOTE: Pursuant to 34 CFR 106.8, districts are required to provide specified notifications to students, parents/guardians, employees, bargaining units, and applicants for admission and employment related to the prohibition of discrimination on the basis of sex, which includes sexual harassment. For more information about the content and publication requirements for such notices, see E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

3. Publicize as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, ~~a~~Exhibit (1) 4119.12/4219.12/4319.12 - Title IX notice of nondiscriminationSexual Harassment Complaint Procedures, the required notifications related to Title IX to

employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), ~~which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments)~~

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

The Superintendent or designee ~~shall~~ may periodically evaluate the effectiveness of the district's strategies to prevent and address ~~sex discrimination and sex-based~~ harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether ~~sex discrimination and/or sex-based~~ harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any ~~other~~ other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

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

CSBA NOTE: 34 CFR 106.8 requires the district to designate at least one employee to serve as the Title IX Coordinator and to coordinate the district's responsibilities under Title IX. See the accompanying administrative regulation.

Pursuant to 34 CFR 106.44, the district is required to respond promptly when there is actual knowledge of sexual harassment and in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, it is recommended that the district train all employees regarding the reporting process.

The district should modify the timeline in this section to reflect district practice.

Any district employee who has experienced ~~sex discrimination or sex-based~~ sexual harassment in the ~~district's~~ district's education program or activity may file a complaint with the ~~district's~~ district's Title IX Coordinator. (34 CFR 106.2, ~~106.44~~ 8)

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

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

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures:

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

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

CSBA NOTE: Pursuant to 34 CFR 106.44, when the Title IX Coordinator is notified of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a formal complaint is made. Supportive measures are also required to be offered to the respondent as deemed appropriate under the circumstances.

The Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

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

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
<u>2 CCR 11034</u>	<u>Terms, conditions, and privileges of employment</u>
5 CCR 201	Admission to high school
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of <u>No requirement to disclose</u> information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
<u>Gov. Code 11135</u>	<u>Prohibition of discrimination</u>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs <u>or activities</u>
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
<u>Court Decision</u>	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
<u>Court Decision</u>	<u>John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</u>
<u>Court Decision</u>	<u>Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</u>
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u>

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

U.S. Equal Employment Opportunity
Com. Publication

Promising Practices for Preventing Harassment, November
2017

[U.S. DOE, Office for Civil Rights
Publication](#)

[Dear Colleague Letter: Enforcement of Title IX under the
provisions of the 2020 Title IX Rule, February 4, 2025](#)

<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

Website

CSBA District and County Office of Education Legal Services

Website

California Civil Rights Department

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Website

U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Regulation 4219.11: Sex Discrimination and Sex-Based Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** 07/06/01/2024/2025 | **Last Reviewed Date:** 07/06/01/2024/2025

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.

For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 – Lactation Accommodation.

For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 – Sex Discrimination and Sex-Based Harassment and AR 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 – Married/Pregnant/Parenting Students.

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

CSBA NOTE: Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2)

"hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in *Oncale v. Sundowner Offshore Services, Inc.*, the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11) *Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)*

- 1.—Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.

- 2.—Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's

education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. ~~Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

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

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sex Discrimination and Sex-Based Harassment

CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice:

Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify the

following to designate separate district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4030 – Nondiscrimination in Employment.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures, and oversee the district's district's response to ~~discrimination~~ sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

(telephone number)

(email)

Training

CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

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

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.

CSBA NOTE: Government Code 12950.1 requires districts to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

In addition, 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sexual harassment training required for employees under both state and federal law.

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based ~~sexual~~ harassment in accordance with state and federal law.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment,

discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and ~~other~~others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. ~~The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity~~
2. ~~The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment~~
3. ~~The notification and information requirements specified in 34 CFR 106.40 and 106.44~~

The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators; decisionmakers; and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

~~The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)~~

The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable,

and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provide notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website.

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of ~~sex-based~~sexual harassment
2. The definition of ~~sex-based~~sexual harassment under applicable state and federal law
3. A description of ~~sex-based~~sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of ~~sex-based~~[sexual](#) harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

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

CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual

Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
<u>2 CCR 11034</u>	<u>Terms, conditions, and privileges of employment</u>
5 CCR 201	<u>Admission to high school</u>
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of <u>No requirement to disclose</u> information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
<u>Gov. Code 11135</u>	<u>Prohibition of discrimination</u>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs <u>or activities</u>
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
<u>Court Decision</u>	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
<u>Court Decision</u>	<u>John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</u>
<u>Court Decision</u>	<u>Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</u>
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u>

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

U.S. Equal Employment Opportunity
Com. Publication

Promising Practices for Preventing Harassment, November
2017

[U.S. DOE, Office for Civil Rights
Publication](#)

[Dear Colleague Letter: Enforcement of Title IX under the
provisions of the 2020 Title IX Rule, February 4, 2025](#)

<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

Website

CSBA District and County Office of Education Legal Services

Website

California Civil Rights Department

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Website

U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4219.12: Title IX Sex Discrimination and Sex-Based ~~Sexual~~ Harassment Complaint Procedures Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** 07/06/01/2024 2025 | **Last Reviewed**
Date: 07/06/01/2024 2025

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.

See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not “deliberately indifferent.” 34 CFR 106.30 defines “actual knowledge” as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is “deliberately indifferent” only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

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

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

- ~~1. Treat complainants and respondents equitably~~
- ~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

- ~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~
- ~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~
- ~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so; when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX

Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the district
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person; or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for

implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.

The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.

In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.

Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or

informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.

The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who

commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 - Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. ~~The district is unable to identify the respondent after taking reasonable steps to do so~~
2. ~~The respondent is not participating in the district's education program or activity and is not employed by the district~~
3. ~~The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX~~

~~Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.~~

4. ~~The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven~~

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. ~~A procedural irregularity that would change the outcome~~
2. ~~New evidence that would change the outcome and that was not reasonably available when the dismissal was made~~
3. ~~The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome~~

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. ~~Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent~~
2. ~~Implement appeal procedures equally for the parties~~
3. ~~Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint~~

4. ~~Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations~~
5. ~~Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome~~
6. ~~Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 – Nondiscrimination in Employment as applicable.~~

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.

Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and

reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR

106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Notice of Allegations

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

- ~~1. The district's complaint process, including any informal resolution process~~
- ~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

- ~~3. A statement that retaliation is prohibited~~

4. ~~A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.

The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:

- a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence

If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.

- b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence

- c. ~~Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures~~
- 4. ~~Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures~~
- 5. ~~Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness~~
- 6. ~~Exclude as impermissible the following types of evidence, and questions seeking that evidence:~~
 - a. ~~Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege~~
 - b. ~~A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures~~

~~Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.~~

~~The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.~~

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

~~The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)~~

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

The investigator shall complete the investigation within days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation
7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

- ~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~
- ~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeal of the Decision Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 – Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal

cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Extension of Timelines

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.

Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

Remedies

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall

take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.

The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)

1. ~~For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~
2. ~~For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~
3. ~~All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. ~~A record of the allegation(s)~~
2. ~~A record of the investigation procedures followed~~
3. ~~A record of the written determination~~
4. ~~A record of the corrective action implemented, if any~~
5. ~~A record of any appeals and the outcome of the same~~
6. ~~All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive

measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-270 262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48985

Notices to parents in language other than English

Gov. Code 12950.1

Sexual harassment training

Federal

Description

20 USC 1092

Definition of sexual assault

20 USC 1221

Application of laws

[20 USC 1232g](#)

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

20 USC 1681-1688

Title IX of the Education Amendments of 1972;
discrimination based on sex

34 CFR 106.1-106.82

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67

Family Educational Rights and Privacy

34 USC 12291

Definition of dating violence, domestic violence, and stalking

42 USC 1983

Civil action for deprivation of rights

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

U.S. DOJ, FBI Publication

[National Incident-Based Reporting System](#)

Management Resources

Description

[Court Decision](#)

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

Court Decision

Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736

Court Decision

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Court Decision

Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274

Court Decision

Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision

Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447

Court Decision

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

Court Decision

Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130

[Federal Register](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)
(<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>)

U.S. Department of Justice, Federal Bureau of Investigation Publication

National Incident-Based Reporting System
(https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
(<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>)

Website

U.S. Department of Justice, Federal Bureau of Investigation

Website

CSBA District and County Office of Education Legal Services

Website

CSBA

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Cross References

Code

Description

0410

Nondiscrimination In District Programs And Activities

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3-E(1)

Uniform Complaint Procedures

1312.3-E(2)

Uniform Complaint Procedures

1313

Civility

3580

District Records

3580

District Records

3600

Consultants

4030

Nondiscrimination In Employment

4030

Nondiscrimination In Employment

4033

Lactation Accommodation

4117.7

Employment Status Reports

4118

Dismissal/Suspension/Disciplinary Action

4118

Dismissal/Suspension/Disciplinary Action

4119.11

Sex Discrimination and Sex-Based **Sexual** Harassment

4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>

Exhibit 4219.12-E(1): Title IX Sex Discrimination and Sex-Based ~~Sexual~~ Harassment Complaint Procedures Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** 07/06/01/2024/2025 | **Last Reviewed**
Date: 07/06/01/2024/2025

CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.

Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX NONDISCRIMINATION SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district ~~does~~shall not discriminate on the basis of sex and ~~prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district is ~~required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 - Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district ~~has designated and authorized the following employee(s)~~ serves as the district's Title IX Coordinator, ~~to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

(name and/or title/position)

(address)

(telephone number)

(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment~~, or file a formal complaint of sex discrimination, ~~including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~ sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~ sexual harassment, the Title IX Coordinator ~~will~~ shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~ sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~ Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures, on the district's website at _____ (insert website link) _____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~ sexual harassment policies and administrative regulations, please contact: _____: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees~~; the Title IX Coordinator; ~~investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures~~; and any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

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Policy Reference Disclaimer:

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State

Description

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-270 262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	Description
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. DOJ, FBI Publication	National Incident-Based Reporting System
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
<u>Federal Register</u>	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u>
<u>U.S. Department of Justice, Federal Bureau of Investigation Publication</u>	<u>National Incident-Based Reporting System</u> (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>

Policy 4312.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | **Last Revised Date:** 06/01/2024~~2025~~ | **Last Reviewed**
Date: 06/01/2024~~2025~~

CSBA NOTE: The following optional policy may be revised to reflect district practice.

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

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

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use

Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave

Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 51225.25	Student participating in a newcomer program; definition
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12945.8	Accommodations and leave for victims of a qualifying act of violence
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement

Pen. Code 11166.5

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

Unemp. Ins. Code 2613

Disability insurance; notice of rights and benefits

W&I Code 827

Limited exception to juvenile court record

Federal

Description

20 USC 2354

Local application for career and technical education programs

29 CFR 825.300

Family and Medical Leave Act; notice requirement

34 CFR 100

Nondiscrimination under programs receiving federal assistance

34 CFR 104.8

Nondiscrimination

34 CFR 106.9

Severability

34 CFR 84.205-84.210

Drug-free workplace statement

38 USC 4334

Uniformed Services Employment and Reemployment Rights Act; notice requirement

40 CFR 763.84

Asbestos inspections, response actions and post-response actions

40 CFR 763.93

Asbestos management plans

41 USC 8101-8106

Drug-Free Workplace Act

42 USC 11431-11435

McKinney-Vento Homeless Assistance Act

49 CFR 382.113

Controlled substance and alcohol use and testing notifications

49 CFR 382.303

Post-accident information, procedures, and instructions

49 CFR 382.601

Controlled substance and alcohol use and testing notification

Management Resources

Description

Website

CSBA District and County Office of Education Legal Services

Cross References

Code

Description

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Uniform Complaint Procedures

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Uniform Complaint Procedures

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Uniform Complaint Procedures

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Uniform Complaint Procedures

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4161.11	Industrial Accident/Illness Leave
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4161.5	Military Leave
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4212.5	Criminal Record Check
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4212.6	Personnel Files
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4257	Employee Safety
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4258	Employee Security
4261.1	Personal Illness/Injury Leave
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CSBA Sample District Policy Manual
CSBA Sample Manual Site

Exhibit 4312.9-E(1): Employee Notifications**Status:** ADOPTED

Original Adopted Date: 05/01/2016 | **Last Revised Date:** 06/01/2024~~2024~~2025 | **Last Reviewed**
Date: 06/01/2024~~2024~~2025

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

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
 Education or Other Legal Code: Education Code 231.5, Government Code 12950
 Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
 Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
 Education or Other Legal Code: Education Code 17612
 Board Policy/Administrative Regulation #: AR 3514.2
 Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
 Education or Other Legal Code: Education Code 37616
 Board Policy/Administrative Regulation #: BP 6117
 Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
 Education or Other Legal Code: Education Code 46162
 Board Policy/Administrative Regulation #: BP 6112
 Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
 Education or Other Legal Code: Education Code 49013; 5 CCR 4622
 Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
 Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually

Education or Other Legal Code: Education Code 49069.5, 51225.1, [51225.25](#)

Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175

Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and [students participating in a newcomer students program](#)

When/Whom to Notify: Annually

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information

Education or Other Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and ~~other~~, all employees annually, and upon request, in districts with 25 or more employees

Education or Other Legal Code: ~~Labor~~ Government Code ~~230-230.1~~ 12945.8

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2

Subject: Rights pursuant to ~~Labor~~ Government Code ~~230-230.1~~ 12945.8 pertaining to leaves and accommodations for victims of ~~crime or abuse~~ a qualifying act of violence

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees

Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: Post and keep posted in a conspicuous location frequented by employees where the notice may be easily read by employees during the hours of the workday

Education or Other Legal Code: Labor Code 3550

Board Policy/Administrative Regulation #: AR 4157.1

Subject: Current compensation insurance carrier of the employer, or when appropriate, statement that the employer is self-insured, and who is responsible for claims adjustment

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Education or Other Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: ~~Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable~~

~~Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted~~

~~Education or Other Legal Code: Labor Code 6409.6~~

~~Board Policy/Administrative Regulation #: AR 4157/4257/4357~~

~~Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan~~

~~When/Whom to Notify:~~ Prior to beginning employment

~~Education or Other Legal Code: Penal Code 11165.7, 11166.5~~

~~Board Policy/Administrative Regulation #: AR 5141.4~~

~~Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law~~

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury

Education or Other Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs

the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony

or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827
 Board Policy/Administrative Regulation #: AR 4158/4258/4358
 Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
 Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
 Board Policy/Administrative Regulation #: BP 0410, AR 4030
 Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
 Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
 Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
 Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: Post and keep posted on premises or via electronic posting, in conspicuous places where employees are employed
Education or Other Legal Code: 2 CCR 11095
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: A notice explaining the CFRA's provisions and procedures for filing complaints of violations of the Act with the Civil Rights Department.

When/Whom to Notify: To all employees
 Education or Other Legal Code: 8 CCR 3203
 Board Policy/Administrative Regulation #: AR 4157/4257/4357
 Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
 Education or Other Legal Code: 34 CFR 106.8
 Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
 Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
 Education or Other Legal Code: 40 CFR 763.84, 763.93
 Board Policy/Administrative Regulation #: AR 3514
 Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
 Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
 Board Policy/Administrative Regulation #: AR 6178
 Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: Prominently display in location frequented by certificated employees who serve students in any of grades 7-12

Education or Other Legal Code: Education Code 234.1

Board Policy/Administrative Regulation #: BP 5145.3

Subject: Information on existing school site and community resources related to the support of students who may face bias or bullying

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education or Other Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Education or Other Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Education or Other Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Education or Other Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Education or Other Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Education or Other Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter

Education or Other Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15

Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated

Education or Other Legal Code: Education Code 44955.5

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Education or Other Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion

Education or Other Legal Code: Education Code 48201

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Education or Other Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a

nonmerit district

Education or Other Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted

Education or Other Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Education or Other Legal Code: 49 CFR 382.113, 382.601

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus

Education or Other Legal Code: 49 CFR 382.303

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Education or Other Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 2121, BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file

Education or Other Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: New employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim

Education or Other Legal Code: Government Code 12945.8

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of a qualifying act of violence

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return

Education or Other Legal Code: Government Code 20997

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Education or Other Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: ~~When document identifying employee who is victim of domestic violence~~

is disclosed

Education or Other Legal Code: Labor Code 230

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Education or Other Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Education or Other Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five business days of employee's request for family care and

medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness

Education or Other Legal Code: Education Code 48851.3, 42 USC 11432

Board Policy/Administrative Regulation #: AR 6173

Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security

Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Educational Equity: Federal Program Monitoring
Ed. Code 35031	Term of employment
Ed. Code 3550	Insurance carrier notice
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees

Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46160-46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
<u>Ed. Code 51225.25</u>	<u>Student participating in a newcomer program; definition</u>
Gov. Code 1126	Incompatible activities of employees
<u>Gov. Code 12945.8</u>	<u>Accommodations and leave for victims of a qualifying act of violence</u>
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 2800.2	Notification of availability of continuation health coverage

Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
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1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
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3515.3	District Police/Security Department
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4030	Nondiscrimination In Employment
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4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
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4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
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4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
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4121	Temporary/Substitute Personnel
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4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
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4258	Employee Security
4261.1	Personal Illness/Injury Leave
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CSBA Sample District Policy Manual
CSBA Sample Manual Site

Policy 4319.11: Sex Discrimination and Sex-Based Sexual Harassment **Status:** ADOPTED

Original Adopted Date: 12/01/2015 | **Last Revised Date:** 07/06/01/20242025 | **Last Reviewed**

Date: 07/06/01/20242025

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

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

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

Pursuant to 2 CCR 11034, the district may be liable for sex-based harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sex-based harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

CSBA NOTE: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate that districts have a written policy prohibiting sexual harassment against employees. As part of this mandate, the district is also required to adopt a written policy prohibiting sexual harassment against students; see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is investigated and resolved through federal Title IX complaint procedures in accordance with AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, or procedures as specified in AR 4030 – Nondiscrimination in Employment is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. It is recommended that districts with questions about liability for sexual harassment consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

~~The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.~~

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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

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

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

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

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

CSBA NOTE: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating

factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in *Burlington Industries v. Ellerth* held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer. Additionally, in *Faragher v. City of Boca Raton*, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Pursuant to Government Code 12950.1, districts are required to provide sexual harassment training to supervisory and nonsupervisory employees which includes training in regard to sex discrimination.

Additionally, 34 CFR 106.8 requires specified training related to sexual harassment for Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. See the accompanying administrative regulation for timelines and training requirements.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sex discrimination and sex-based~~sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's ~~sex discrimination and sex-based~~sexual harassment policy to employees and others to whom the policy may apply

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

CSBA NOTE: Pursuant to 34 CFR 106.8, districts are required to provide specified notifications to students, parents/guardians, employees, bargaining units, and applicants for admission and employment related to the prohibition of discrimination on the basis of sex, which includes sexual harassment. For more information about the content and publication requirements for such notices, see E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

3. Publicize as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, ~~a~~Exhibit (1) 4119.12/4219.12/4319.12 - Title IX notice of nondiscriminationSexual Harassment Complaint Procedures, the required notifications related to Title IX to

employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), ~~which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments)~~

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

The Superintendent or designee ~~shall~~ may periodically evaluate the effectiveness of the district's strategies to prevent and address ~~sex discrimination and sex-based~~ harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether ~~sex discrimination and/or sex-based~~ harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any ~~other~~ other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

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

CSBA NOTE: 34 CFR 106.8 requires the district to designate at least one employee to serve as the Title IX Coordinator and to coordinate the district's responsibilities under Title IX. See the accompanying administrative regulation.

Pursuant to 34 CFR 106.44, the district is required to respond promptly when there is actual knowledge of sexual harassment and in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, it is recommended that the district train all employees regarding the reporting process.

The district should modify the timeline in this section to reflect district practice.

Any district employee who has experienced ~~sex discrimination or sex-based~~ sexual harassment in the ~~district's~~ district's education program or activity may file a complaint with the ~~district's~~ district's Title IX Coordinator. (34 CFR 106.2, ~~106.44~~ 8)

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

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

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures:

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

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

CSBA NOTE: Pursuant to 34 CFR 106.44, when the Title IX Coordinator is notified of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant. Thus, districts should not wait to respond until a formal complaint is made. Supportive measures are also required to be offered to the respondent as deemed appropriate under the circumstances.

The Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

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

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

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
<u>2 CCR 11034</u>	<u>Terms, conditions, and privileges of employment</u>
5 CCR 201	Admission to high school
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of <u>No requirement to disclose</u> information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
<u>Gov. Code 11135</u>	<u>Prohibition of discrimination</u>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices

Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs <u>or activities</u>
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
<u>Court Decision</u>	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
<u>Court Decision</u>	<u>John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</u>
<u>Court Decision</u>	<u>Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</u>
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u> <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u>

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

U.S. Equal Employment Opportunity
Com. Publication

Promising Practices for Preventing Harassment, November
2017

[U.S. DOE, Office for Civil Rights
Publication](#)

[Dear Colleague Letter: Enforcement of Title IX under the
provisions of the 2020 Title IX Rule, February 4, 2025](#)

<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

Website

CSBA District and County Office of Education Legal Services

Website

California Civil Rights Department

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Website

U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation

4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development

4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

CSBA Sample District Policy Manual
CSBA Sample Manual Site

Regulation 4319.11: Sex Discrimination and Sex-Based Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** 07/06/01/2024/2025 | **Last Reviewed Date:** 07/06/01/2024/2025

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.

For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 – Lactation Accommodation.

For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 – Sex Discrimination and Sex-Based Harassment and AR 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 – Married/Pregnant/Parenting Students.

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

CSBA NOTE: Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2)

"hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.

34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in *Oncale v. Sundowner Offshore Services, Inc.*, the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11) *Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)*

- 1.—Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.

- 2.—Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's

education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. ~~Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

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

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sex Discrimination and Sex-Based Harassment

CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice. Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

- 1.—Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors
- 2.—Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects
- 3.—Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify the following to designate separate district employees to serve these functions. However, if the district

wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 4030 – Nondiscrimination in Employment.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Sexual Harassment Complaint Procedures, and oversee the district's district's response to discrimination sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

(telephone number)

(email)

Training

CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

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

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.

CSBA NOTE: Government Code 12950.1 requires districts to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

In addition, 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.

The following section reflects sexual harassment training required for employees under both state and federal law.

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based ~~sexual~~ harassment in accordance with state and federal law.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment,

discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and ~~other~~others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. ~~The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity~~
2. ~~The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment~~
3. ~~The notification and information requirements specified in 34 CFR 106.40 and 106.44~~

The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators; decisionmakers; and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

~~The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)~~

The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable,

and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provide notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website.

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of ~~sex-based~~sexual harassment
2. The definition of ~~sex-based~~sexual harassment under applicable state and federal law
3. A description of ~~sex-based~~sexual harassment, with examples
4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of ~~sex-based~~sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

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

CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall

review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment; retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
<u>2 CCR 11034</u>	<u>Terms, conditions, and privileges of employment</u>
5 CCR 201	Admission to high school
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200- 270 <u>262.4</u>	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of <u>No requirement to disclose</u> information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
<u>Gov. Code 11135</u>	<u>Prohibition of discrimination</u>

Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896 Nondiscrimination on the Basis of Sex in Education

Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

(<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>)

~~U.S. Equal Employment Opportunity Com. Publication~~

~~Promising Practices for Preventing Harassment, November 2017~~

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025

(<https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>)

Website

CSBA District and County Office of Education Legal Services

Website

California Civil Rights Department

Website

California Department of Education

Website

U.S. Department of Education, Office for Civil Rights

Website

U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment

4033	Lactation Accommodation
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming

4231	Staff Development
4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Harassment Sexual Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students

Regulation 4319.12: Title IX Sex Discrimination and Sex-Based ~~Sexual~~ Harassment Complaint Procedures Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** 07/06/01/2024 2025 | **Last Reviewed**
Date: 07/06/01/2024 2025

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.

See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not “deliberately indifferent.” 34 CFR 106.30 defines “actual knowledge” as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is “deliberately indifferent” only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

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

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. ~~Treat complainants and respondents equitably~~
2. ~~Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

3. ~~Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~
4. ~~Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~
5. ~~Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.

Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so; when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX

Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the district
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person; or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for

implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.

The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.

In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.

Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or

informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.

The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX NONDISCRIMINATION SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district ~~does~~shall not discriminate on the basis of sex and ~~prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district is ~~required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 - Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district ~~has designated and authorized the following employee(s)~~ serves as the district's Title IX Coordinator, ~~to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

(name and/or title/position)

(address)

(telephone number)

(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment~~, or file a formal complaint of sex discrimination, ~~including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~ sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~ sexual harassment, the Title IX Coordinator ~~will~~ shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~ sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~ Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures, on the district's website at _____ (insert website link) _____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~ sexual harassment policies and administrative regulations, please contact: _____: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees~~; the Title IX Coordinator; ~~investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures~~; and any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Description

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-270 [262.4](#)

Ed. Code 48900

Ed. Code 48900.2

Ed. Code 48985

Gov. Code 12950.1

Federal

20 USC 1092

20 USC 1221

[20 USC 1232g](#)

20 USC 1681-1688

34 CFR 106.1-106.82

34 CFR 99.1-99.67

34 USC 12291

42 USC 1983

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

U.S. DOJ, FBI Publication

Management Resources

[Court Decision](#)

Court Decision

Court Decision

Court Decision

Court Decision

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Liability of parent or guardian for act of willful misconduct by a minor

Liability for sexual harassment; business, service and professional relationships

Prohibition of discrimination

Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment

Notices to parents in language other than English

Sexual harassment training

Description

Definition of sexual assault

Application of laws

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs

Family Educational Rights and Privacy

Definition of dating violence, domestic violence, and stalking

Civil action for deprivation of rights

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

[National Incident-Based Reporting System](#)

Description

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
<u>Federal Register</u>	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u>
<u>U.S. Department of Justice, Federal Bureau of Investigation Publication</u>	<u>National Incident-Based Reporting System</u> (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4219.11	Sex Discrimination and Sex-Based Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
4319.11	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
5145.7	Sex Discrimination and Sex-Based Sexual Harassment
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>

Policy 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2001 | Last Revised Date: 07/06/01/2005 2025 | Last Reviewed
Date: 07/06/01/2005 2025

CSBA NOTE: The following mandated policy and accompanying administrative regulation reflect the requirements of Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g), which require districts to adopt a policy identifying those categories of student records considered to be "directory information" and that may generally be released, unless a student's parent/guardian notifies the district of a refusal.

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/hera determination of the best interests of district students. (Education Code 49073)

CSBA NOTE: Pursuant to Education Code 49073.2, the district is prohibited from including in the Governing Board's meeting minutes a student's directory information, when the student or parent/guardian requests that such information be excluded. For further information about the Board's minutes, see BB 9324 – Minutes and Recordings.

A student's directory information shall only be included in the minutes of the Board's meeting in accordance with Board Bylaw 9324 – Minutes and Recordings.

CSBA NOTE: The options below are for use only by districts maintaining grades 9–12.

20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with access to student names, addresses and telephone numbers, except when the parent/guardian requests that the information not be released. See the accompanying administrative regulation. According to Guidance issued by the U.S. Department of Education and Department of Defense, even if a district does not disclose directory information to any third party, such as employers or colleges, 20 USC 7908 provides that military recruiters must still be provided access to student names, addresses, and telephone numbers, except when the parent/guardian requests that the information not be released. Districts that do not grant access may lose their ESEA funds.

10 USC 503 requires districts that do not receive ESEA funds to grant the same access to directory information to military recruiters and employers. Pursuant to 10 USC 503, districts may refuse

Exhibit 5145.71-E(1): Title IX Sex Discrimination and Sex-Based Sexual Harassment Complaint Procedures **Status:** ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** 07/06/01/2024 2025 | **Last Reviewed Date:** 07/06/01/2024 2025

CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to students, parents/guardians, or other authorized legal representatives of elementary and secondary school students, that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education, Office of Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment; the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements:

Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to students, parents/guardians, or other authorized legal representative of students. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.

Additionally, state law, Education Code 231.5, 231.6, 234.6, and 48980, require distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for employees, bargaining units, and applicants for employment, see E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook for students or parents/guardians.

Additionally, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative:

The district ~~does~~ shall not discriminate on the basis of sex and ~~prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The district is ~~required, as specified in Title IX, to~~ shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - Sex Discrimination and Sex-Based Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the Compliance Officer specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district has designated and authorized the following employee(s) serves as the district's Title IX Coordinator to address and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~ sexual harassment:

(name and/or title/position)

(address)

(telephone number)

(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, ~~or other authorized legal representatives of students,~~ employees, bargaining units, and applicants for admission and employment of the district's grievance procedures and process, including how to report conduct that may constitute sex discrimination, including ~~sex-based harassment,~~ or file a formal complaint of sex discrimination; ~~including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~ sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex harassment,~~ including ~~sex-based~~ sexual harassment, the Title IX Coordinator ~~will~~ shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination,~~ including ~~sex-based~~ sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 5145.7 - ~~Sex Discrimination and Sex-Based~~ Sexual Harassment and Administrative Regulation 5145.71 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures on the district's website at _____ (insert website link) _____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~ sexual harassment policies and administrative regulations, please contact: _____ (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator; ~~investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures;~~ decisionmakers, and any person(s) who facilitates an informal resolution process; are also publicly available on the district's website or at the district office upon request.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-270 262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	Description
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. DOJ, FBI Publication	<u>National Incident-Based Reporting System</u>
Management Resources	Description
<u>Court Decision</u>	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 ^{988/1104}
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (2000 2000 <u>2001</u> , 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	<u>Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</u>
CSBA Publication	<u>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</u>
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u>
<u>Federal Register</u>	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
<u>U.S. Department of Justice, Federal Bureau of Investigation Publication</u>	<u>National Incident-Based Reporting System</u> (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Sexual Harassment: It's Not Academic, September 2008</u>
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
<u>U.S. DOE, Office for Civil Rights Publication</u>	<u>Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001</u>

Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Justice, Federal Bureau of Investigation

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination in Employment
4030	Nondiscrimination In Employment
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.11	Sex Discrimination and Sex-Based Harassment Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action

4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
4219.11	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
<u>4219.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
4319.11	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
<u>4319.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
5145.7	Sex Discrimination and Sex-Based Harassment <u>Sexual Harassment</u>
5145.9	Hate-Motivated Behavior
5146	<u>Married/Pregnant/Parenting Students</u>
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6159	Individualized Education Program

6164.5

Student Success Teams

991/1104

6164.5

Student Success Teams

6164.6

Identification And Education Under Section 504

6164.6

Identification And Education Under Section 504

Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: 12/01/2013 | Last Revised Date: 07/06/01/2024/2025 | Last Reviewed
Date: 07/06/01/2024/2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474 effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Pursuant to Education Code 48410, students may be exempted from compulsory attendance in continuing education classes if they must render personal services to a dependent. See AR 5112.1 - Exemptions from Attendance.

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

CSBA NOTE: Pursuant to Education Code 221.51, districts are prohibited from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex, or from excluding or denying any student from any educational program or activity, including extracurricular activity, solely on the basis of a ~~student's~~student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from such conditions.

Additionally, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, 40 prohibits ~~discrimination districts from applying any rule concerning a student's actual or potential parental, family, or marital status which treats students differently~~ on the basis of sex in , which includes the district's education program or activity, including current, potential, or past prohibition to discriminate on the basis of a student's pregnancy, childbirth, false pregnancy, or termination of pregnancy, ~~or lactation, or recovery therefrom. For more information regarding the prohibition of discrimination against students in educational programs~~ and related ~~medical conditions or recovery, and parental, marital, and family status;activities,~~ see BP/AR 5145.7 - Sex Discrimination and Sex-Based 3 - Nondiscrimination/Harassment.

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's ~~current,~~actual or potential, ~~or past~~ pregnancy, childbirth, false pregnancy, termination of pregnancy, ~~lactation,~~ or related ~~medical~~ conditions or recovery. In addition, the district shall not adopt any rule concerning a

student's actual; or potential; ~~or past~~ parental, family, or marital status that discriminates against and/or treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

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

The In accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

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

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

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

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

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

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

2. ~~To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the district administers, operates, offers, or participates in with respect to students~~

3. Informing the student that the district may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

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

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

Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 - Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 - Work Permits, and access to student records as specified in Administrative Regulation 5125 - Student Records.

Education and Support Services for Pregnant and Parenting Students

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

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

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

~~CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. However, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, prohibits districts from requiring a student who is pregnant or has related conditions to provide~~

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

CSBA NOTE: Education Code 221.51 authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. Additionally, 34 CFR 106.40 authorizes districts to require such certification of a physician, so long as the certification is required of all students for other physical or emotional conditions requiring the attention of a physician. In addition, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery be treated in the same manner as any other temporary disabling condition. Thus, the district may not require a student who is pregnant or has related conditions to provide a physician's note to participate in physical education classes unless required of all students with temporary medical conditions, but a pregnant student who cannot accomplish the requirements of the regular physical education curriculum may be offered an alternative physical education curriculum. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 - Home and Hospital Instruction.

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

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

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

CSBA NOTE: The district may choose to offer child care and development services as an incentive to encourage the school attendance of parenting students, as provided in Item #1 below. For more

information about child care and development services, see BP/AR 5148 - Child Care and Development.

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during ~~school~~ district-sponsored activities
2. Parenting education and life skills instruction

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

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care

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

5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

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

Absences

~~Pregnant~~ Students who are pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR Board Policy/Administrative Regulation 5113 - Absences and Excuses.

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

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

Parental Leave

CSBA NOTE: Education Code 46015 provides that a pregnant or parenting student is entitled to eight weeks of parental leave, or longer if deemed medically necessary by the student's physician. Pursuant to Education Code 46015, the student's failure to notify the school as required below does not abridge the student's rights. Additionally, 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, requires the district to allow a student who is pregnant or who has related conditions to voluntarily take a leave of absence to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the district has a leave policy that allows for a greater period of time than the medically necessary period, and the student qualifies for leave under such policy, the district is required to permit the student to take leave under that policy. CSBA NOTE: The following paragraph is in regard to the length of time of parental leave. Districts that have an applicable leave policy should revise the following paragraph accordingly.

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

The student, if age 18 years of age or older, or the student's ~~parent/guardian~~ educational rights holder shall notify the ~~school~~ district of the student's intent to take parental leave: , although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

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

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

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

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

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

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

Accommodations

CSBA NOTE: Pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the district is required to provide reasonable accommodations for students who are pregnant or parenting, or have related conditions, as specified below. Additionally, pursuant to 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, the school is CSBA NOTE: When necessary to ensure a pregnant student's access to the educational program, the district is required to make adjustments to the regular program that are reasonable and responsive to the student's pregnancy status. Examples include providing a larger desk, allowing frequent trips to the restroom, or permitting temporary access to elevators as necessary. Pursuant to 34 CFR 106.40, the district is also required to provide any services to pregnant students that it provides to other students with temporary medical conditions, such as at-home instruction or tutoring for students who miss school because of such medical conditions.

When necessary, the district shall provide ~~reasonable~~ accommodations to enable a student who is pregnant or parenting, ~~or with related conditions,~~ to access the educational program. The district shall ~~consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the district's education program or activity shall not be implemented.~~ (34 CFR 106.40)

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

- ~~1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom~~
-
- ~~2. Intermittent absences to attend medical appointments~~
-
- ~~3. Access to online or homebound education~~
-
- ~~4. Changes in schedule or course sequence~~
-
- ~~5. Extensions of time for coursework and rescheduling of tests and examinations~~
-
- ~~6. Allowing a student to sit or stand, or carry or keep water nearby~~
-
- ~~7. Counseling~~
-
- ~~8. Changes in physical space or supplies, such as access to a larger desk or a footrest~~
-
- ~~9. Elevator access~~
-
- ~~10. Any other change to policies, practices, or procedures~~

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

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

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

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

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

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

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

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

CSBA NOTE: Education Code 46015 authorizes the use of the district's uniform complaint procedures established pursuant to 5 CCR 4600-4670 for complaints alleging the district's noncompliance with requirements related to the provision of parental leave or other requirements of Education Code 46015.

Any complaint alleging discrimination on the basis of a ~~student's current,~~ student's actual or potential, ~~or past pregnancy, family, or marital,~~ or parental status,; district noncompliance with the requirements of Education Code 46015 ~~or 34 CFR 106.40;~~ or district noncompliance with the requirement to provide reasonable accommodations for lactating students; shall be investigated and resolved in accordance with the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and Board Policy/Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment 1312.3 - Uniform Complaint Procedures. (~~Education Code 222, 46015; 5 CCR 4600- 4670; 34 CFR 106.44, 106.45~~)

Program Evaluation

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

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~ board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101351-101439.1	Infant care centers
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4950	Nondiscrimination; marital and parental status

Civ. Code 51**Unruh Civil Rights Act**

Ed. Code 221.51

Nondiscrimination; married, pregnant, and parenting students

Ed. Code 222

Reasonable accommodations; lactating students

Ed. Code 222.5

Pregnant and parenting students; notification of rights

Ed. Code 230

Sex discrimination

Ed. Code 46015

Parental leave

Ed. Code 48050

Residents of adjoining states

Ed. Code 48205

Excused absences

Ed. Code 48206.3

Temporary disability; definition

Ed. Code 48220

Compulsory education requirement

Ed. Code 48410

Persons exempted from continuation classes

Ed. Code 48980

Parent/Guardian notifications

Ed. Code 49553

Nutrition supplements for pregnant/lactating students

Ed. Code 51220.5

Parenting skills and education

Ed. Code 51745

Independent study

Ed. Code 52610.5

Enrollment of pregnant and parenting students in adult education

Ed. Code 8200-8490

Child Care and Development Services Act

Fam. Code 7002

Description of emancipated minor

H&S Code 104460

Tobacco prevention services for pregnant and parenting students

Federal**Description**

20 USC 1681-1688

Title IX of the Education Amendments of 1972; discrimination based on sex

34 CFR 106.1-106.82

Discrimination on the basis of sex; effectuating Title IX

34 CFR 106.40

Marital or parental status

42 USC 1786

Special supplemental nutrition program for women, infants, and children

7 CFR 246.1-246.28

Special supplemental nutrition program for women, infants, and children

Management Resources**Description**[Court Decision](#)[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

Attorney General Opinion

87 Ops.Cal.Atty.Gen. 168 (2004)

California Women's Law Center
PublicationPregnant Students and Confidential Medical Services, 2013
[\(https://www.cwlc.org/dev2019/download/pregnant-students-and-confidential-medical-services/\)](https://www.cwlc.org/dev2019/download/pregnant-students-and-confidential-medical-services/)

California Women's Law Center Publication	<u>The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002</u>
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
U.S. Department of Education, Office for Civil Rights Publication	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</u>
<u>U.S. Department of Education, Office for Civil Rights Publication</u>	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the Title IX Rule, February 4, 2025</u> <u>(https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)</u>
U.S. Department of Education Publication	<u>Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013</u>
<u>Federal Register</u>	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> <u>(https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)</u>
Website	CSBA District and County Office of Education Legal Services
Website	California Women's Law Center
Website	U.S. Department of Agriculture, Women, Infants, and Children Program
Website	U.S. Department of Education
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
4119.11	<u>Sex Discrimination and Sex-Based Harassment</u>

Administrative Regulation: Use of Artificial Intelligence (AI) by Students and Staff

Regulation No.: 6161.X (or suitable number)

Effective Date: [Date of Adoption]

Supersedes: N/A (or previous AI-related policies)

I. Purpose and Scope

This administrative regulation outlines the acceptable and unacceptable uses of Artificial Intelligence (AI) tools and applications by students and staff within the Pacific Grove Unified School District (the "District"). As AI technologies rapidly evolve and become increasingly integrated into daily life, this regulation aims to provide clear guidance to ensure the safe, ethical, responsible, and effective use of AI in supporting learning, teaching, and administrative functions. The District recognizes the transformative potential of AI to enhance educational experiences and operational efficiency while also acknowledging the need to address potential risks related to academic integrity, data privacy, security, and bias.

This regulation applies to all students and staff members while using District-owned devices, networks, and software, as well as personal devices and networks when engaged in school-related activities.

II. Definition of Artificial Intelligence (AI)

For this regulation, Artificial Intelligence (AI) refers to computer systems that are able to perform tasks which normally require human intelligence, such as visual perception, speech recognition, learning, decision-making, and natural language processing. (from IEEE <https://globalpolicy.ieee.org/wp-content/uploads/2017/10/IEEE17003.pdf>)

The U.S. Department of Education views Artificial Intelligence (AI) in schools as a shift from simply collecting data to finding patterns in it, and from simply providing resources to automating teaching and learning decisions.

III. The Changing Landscape of AI in Education

The District acknowledges that AI is a dynamic and rapidly evolving field. We embrace the potential of AI to assist the teacher in delivering:

- **Personalize learning:** AI can adapt to individual student needs, providing tailored instruction and feedback.
- **Enhance instructional materials:** AI can assist educators in creating diverse and engaging learning resources.
- **Streamline administrative tasks:** AI can improve efficiency in school operations, freeing up time for educators to focus on student support.
- **Foster critical thinking and digital literacy:** Engaging with AI tools provides opportunities for students to develop essential skills for the future.

However, the District also recognizes the challenges presented by this rapid evolution, including the need for continuous evaluation of AI tools, ongoing professional development for staff, and regular review of this policy to ensure its relevance and effectiveness.

IV. AI Bias and Critical Evaluation

AI systems are trained on vast datasets, and as a result, they can reflect and perpetuate existing societal biases, stereotypes, and inaccuracies present in that data. Users must be aware of the potential for AI bias and exercise critical thinking when interpreting AI-generated content.

- **Understanding Bias:** AI outputs may contain biases related to race, gender, socioeconomic status, and other demographics. Users should be aware that AI may "hallucinate" or generate false information, and that its information may not always be factually accurate or representative of diverse perspectives.
- **Critical Evaluation:** Students and staff are expected to critically evaluate all AI-generated content for accuracy, fairness, and potential biases. AI outputs should not be accepted without verification, especially when used for academic assignments or critical decision-making.
- **Human Oversight:** AI tools should augment, not replace, human judgment and expertise. Decisions that significantly impact individuals, particularly students, must always involve human review and consideration.

V. Security and Data Privacy

The security and privacy of student and staff data are paramount. Users must exercise extreme caution when inputting information into any AI tool.

- **Prohibited Submissions:**
 - **Personally Identifiable Information (PII):** Do not input any person's (especially PGUSD student or staff) PII into public or unapproved AI tools. This includes names, addresses, student IDs, birthdates, health information, disciplinary records, or any other information that could be used to identify an individual.

- **Confidential or Proprietary District Data:** Do not submit any confidential, proprietary, or sensitive District data, including financial information, unreleased curriculum materials, internal communications, or sensitive operational details.
- **Copyrighted Material (without permission):** Do not upload or input copyrighted materials into AI tools without explicit permission or proper licensing, as this may violate intellectual property rights.
- **Passwords or Account Information:** Never input passwords, login credentials, or other sensitive account information into AI tools.
- **Approved Tools and Vetting:** Only AI tools that comply with federal and state privacy laws (e.g., FERPA, COPPA, CIPA) and the District's data security protocols will be sanctioned for use.
- **User Responsibility:** AI users must comply with the platform's user agreement and terms of use or service.
- **Transparency and Consent:** When District-approved AI tools collect student data, the District will provide transparent information to students and parents/guardians about what data is collected, how it is used, and what protections are in place. Parental consent will be obtained where legally required.
- **Responsible Interaction:** Students and staff should be mindful that information submitted to public AI models may be used to train those models and could become publicly accessible or influence future AI outputs.

VI. Acceptable and Unacceptable Uses of AI

A. Student Use of AI:

Student use of AI must be guided by both District policy and the specific instructions provided by their teachers for each class and/or assignment. The teacher's guidance will delineate the acceptable level of AI integration, recognizing that appropriate use may vary significantly depending on the subject matter, learning objectives, and individual assignment.

Teacher's Authority in Guiding AI Use:

Teachers are empowered to determine when and how AI tools can be utilized in their classrooms, for specific assignments, or in support of the learning goals. This flexibility is crucial to ensure that AI supports teaching and learning. Teachers are responsible for communicating their expectations of AI use in their classroom.

This communication should include:

- **Explicit Permission:** For any assignment or activity where AI use is permitted, teachers will explicitly state this, indicating the type of AI tool(s) allowed (e.g., text generator, image creator, grammar checker) and the specific ways in which they may be used.
- **Scope of Use:** Teachers will define the scope of AI use permitted.

- **Prohibited Uses for Specific Assignments:** Teachers will clearly articulate when the use of AI is strictly prohibited. This is particularly important for assignments designed to assess students' original thought, writing, problem-solving skills, or deep understanding of concepts. Examples include:
- **Attribution Requirements:** Teachers will specify how students must attribute AI use for each assignment.
- **Consequences for Misuse:** Teachers will remind students of the academic integrity policies and the consequences of using AI unpermitted, including plagiarism.

Attribution and Disclosure for Students: When AI is used as a tool to assist with assignments, students must:

- Clearly disclose the use of AI.
- Describe how AI was used in the creation of the work.
- Properly cite AI tools as sources, following guidelines provided by the teacher.
- Acknowledge that they are ultimately responsible for the accuracy and integrity of their submitted work, regardless of AI assistance.

B. Staff Use of AI:

Staff members are encouraged to explore and responsibly integrate AI tools to enhance their professional practice and improve efficiency, always adhering to ethical guidelines, data privacy regulations, and District policies.

VII. Training and Professional Development

The District is committed to providing training resources and professional development opportunities for staff on the ethical, safe, and effective use of AI tools. This will include:

- **AI Literacy:** Education on what AI is, how it works, its capabilities, and its limitations.
- **Ethical Considerations:** Discussions on AI bias, responsible use, and academic integrity.
- **Data Privacy and Security:** Training on best practices for protecting sensitive information when using AI.
- **Curriculum Integration:** Guidance for teachers on how to thoughtfully and effectively incorporate AI into their instruction and assignments.

VIII. Monitoring and Enforcement

The District reserves the right to monitor the use of AI tools on District networks and devices to ensure compliance with this regulation.

Violations of this administrative regulation may result in disciplinary action, including but not limited to:

- **Students:** Academic penalties (e.g., reduced grade, resubmission), suspension of access to District technology resources, and other disciplinary measures as outlined in the student handbook.
- **Staff:** Disciplinary action as outlined in the employee handbook.

Serious violations, particularly those involving illegal activities or significant data breaches, may also be reported to appropriate law enforcement agencies.

IX. Review and Revision

This administrative regulation will be reviewed annually, or more frequently as deemed necessary by the Superintendent or designee, to ensure it remains current with technological advancements, educational best practices, and legal requirements. Input from students, staff, parents, and community stakeholders will be considered during the review process.

Pacific Grove Unified School District
Dr. Linda Adamson
[Date of Adoption]

Policy 4119.11: Sexual Harassment**Status:** ADOPTED**Original Adopted Date:** 12/01/2015 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Publicize as specified in Exhibit (1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, the required notifications related to Title IX to employees, applicants for employment, and bargaining units
4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s)

The Superintendent or designee may periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

Any district employee who has experienced sexual harassment in the district's education program or activity may file a complaint with the district's Title IX Coordinator. (34 CFR 106.8)

Any employee with knowledge of conduct that reasonably may constitute sexual harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and the respondent, as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

Management Resources

Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	California Civil Rights Department
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action

Cross References**Description**

4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4231	Staff Development
4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures

Regulation 4119.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

Definitions

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

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

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

Title IX Coordinator/Compliance Officer

The district designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, and oversee the district's response to sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

(telephone number)

(email)

Training

The Superintendent or designee shall ensure that employees receive training regarding sexual harassment in accordance with state and federal law.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a

single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees

State

Lab. Code 1102.1

Lab. Code 1197.5

Federal

20 USC 1681-1688

29 CFR 1636

34 CFR 106.1-106.82

42 USC 2000e-2000e-17

42 USC 2000gg-2000gg-6

Management Resources

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Federal Register

U.S. DOE, Office for Civil Rights Publication

Website

Website

Website

Website

Website

Cross References

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1312.3-E(1)

1312.3-E(2)

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Description

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Title IX of the Education Amendments of 1972; discrimination based on sex

[Implementation of the Pregnant Workers Fairness Act](#)

[Nondiscrimination on the basis of sex in education programs or activities](#)

Title VII, Civil Rights Act of 1964, as amended

[Pregnant Workers Fairness Act](#)

Description

Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581

John T. D. v. River Delta Joint Unified School District (2021) WL 5176356

[Burlington Industries v. Ellreth \(1998\) 118 S.Ct. 2257](#)

[Department of Health Services v. Superior Court of California \(2003\) 31 Cal.4th 1026](#)

[Faragher v. City of Boca Raton \(1998\) 118 S.Ct. 2275](#)

[Gebser v. Lago Vista Independent School District \(1998\) 118 S.Ct. 1989](#)

[Meritor Savings Bank, FSB v. Vinson et al. \(1986\) 447 U.S. 57](#)

[Oncale v. Sundowner Offshore Serv. Inc. \(1998\) 118 S.Ct. 998](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)

[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)

[CSBA District and County Office of Education Legal Services](#)

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[U.S. Equal Employment Opportunity Commission](#)

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Policy 4219.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2015 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Publicize as specified in Exhibit (1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, the required notifications related to Title IX to employees, applicants for employment, and bargaining units
4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s)

The Superintendent or designee may periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

Any district employee who has experienced sexual harassment in the district's education program or activity may file a complaint with the district's Title IX Coordinator. (34 CFR 106.8)

Any employee with knowledge of conduct that reasonably may constitute sexual harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and the respondent, as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act

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Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
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Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
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Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	California Civil Rights Department
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

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0450	Comprehensive Safety Plan
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1312.3	Uniform Complaint Procedures
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Cross References**Description**

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5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures

Regulation 4219.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 12/01/2016 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

Definitions

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district

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

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

Title IX Coordinator/Compliance Officer

The district designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, and oversee the district's response to sexual harassment complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

(telephone number)

(email)

Training

The Superintendent or designee shall ensure that employees receive training regarding sexual harassment in accordance with state and federal law.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a

single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the district's Title IX sexual harassment training shall include additional training for investigators and decisionmakers. (34 CFR 106.45)

The Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website, or, if the district does not maintain a website make these materials available upon request, to members of the public.

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the accompanying Board policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment.

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

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2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
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Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees

State

Lab. Code 1102.1

Lab. Code 1197.5

Federal

20 USC 1681-1688

29 CFR 1636

34 CFR 106.1-106.82

42 USC 2000e-2000e-17

42 USC 2000gg-2000gg-6

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[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)

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Regulation 4119.12: Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

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

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 - Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, or decisionmaker, any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and

the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the

extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 - Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the

investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal

20 USC 1092
 20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 34 CFR 106.1-106.82
 34 CFR 99.1-99.67
 34 USC 12291
 42 USC 1983
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17

Management Resources

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision

Federal Register

U.S. DOE, Office for Civil Rights Publication

U.S. DOJ, FBI Publication

Website

Website

Website

Website

Website

Cross References

0410
 1312.3
 1312.3
 1312.3-E(1)
 1312.3-E(2)
 1313
 3580
 3580
 3600

Description

[Definition of sexual assault](#)
[Application of laws](#)
[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
 Title IX of the Education Amendments of 1972; discrimination based on sex
[Nondiscrimination on the basis of sex in education programs or activities](#)
[Family Educational Rights and Privacy](#)
[Definition of dating violence, domestic violence, and stalking](#)
[Civil action for deprivation of rights](#)
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended

Description

Tennessee v. Cardona (2024) 737 F.Supp.3d 510
[Reese v. Jefferson School District \(2001, 9th Cir.\) 208 F.3d 736](#)
[Davis v. Monroe County Board of Education \(1999\) 526 U.S. 629](#)
[Gebser v. Lago Vista Independent School District \(1998\) 524 U.S. 274](#)
[Oona by Kate S. v. McCaffrey \(1998, 9th Cir.\) 143 F.3d 473](#)
[Doe v. Petaluma City School District \(1995, 9th Cir.\) 54 F.3d 1447](#)
[Donovan v. Poway Unified School District \(2008\) 167 Cal.App.4th 567](#)
[Flores v. Morgan Hill Unified School District \(2003, 9th Cir.\) 324 F.3d 1130](#)
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)
[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)
[National Incident-Based Reporting System](#)
[U.S. Department of Justice, Federal Bureau of Investigation](#)
[CSBA District and County Office of Education Legal Services](#)
[CSBA](#)
[California Department of Education](#)
[U.S. Department of Education, Office for Civil Rights](#)

Description

[Nondiscrimination In District Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Civility](#)
[District Records](#)
[District Records](#)
[Consultants](#)

Cross References**Description**

4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures

Regulation 4219.12: Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

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

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 - Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 - Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, or decisionmaker, any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and

the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

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extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

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Any such removal may not constitute discipline for student record purposes or Board Policy 5144 - Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the

investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal

20 USC 1092
 20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 34 CFR 106.1-106.82
 34 CFR 99.1-99.67
 34 USC 12291
 42 USC 1983
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17

Management Resources

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision

Federal Register

U.S. DOE, Office for Civil Rights Publication

U.S. DOJ, FBI Publication

Website

Website

Website

Website

Website

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0410
 1312.3
 1312.3
 1312.3-E(1)
 1312.3-E(2)
 1313
 3580
 3580
 3600

Description

[Definition of sexual assault](#)
[Application of laws](#)
[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
 Title IX of the Education Amendments of 1972; discrimination based on sex
[Nondiscrimination on the basis of sex in education programs or activities](#)
[Family Educational Rights and Privacy](#)
[Definition of dating violence, domestic violence, and stalking](#)
[Civil action for deprivation of rights](#)
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended

Description

Tennessee v. Cardona (2024) 737 F.Supp.3d 510
[Reese v. Jefferson School District \(2001, 9th Cir.\) 208 F.3d 736](#)
[Davis v. Monroe County Board of Education \(1999\) 526 U.S. 629](#)
[Gebser v. Lago Vista Independent School District \(1998\) 524 U.S. 274](#)
[Oona by Kate S. v. McCaffrey \(1998, 9th Cir.\) 143 F.3d 473](#)
[Doe v. Petaluma City School District \(1995, 9th Cir.\) 54 F.3d 1447](#)
[Donovan v. Poway Unified School District \(2008\) 167 Cal.App.4th 567](#)
[Flores v. Morgan Hill Unified School District \(2003, 9th Cir.\) 324 F.3d 1130](#)
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)
[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)
[National Incident-Based Reporting System](#)
[U.S. Department of Justice, Federal Bureau of Investigation](#)
[CSBA District and County Office of Education Legal Services](#)
[CSBA](#)
[California Department of Education](#)
[U.S. Department of Education, Office for Civil Rights](#)

Description

[Nondiscrimination In District Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Civility](#)
[District Records](#)
[District Records](#)
[Consultants](#)

Cross References**Description**

4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures

Exhibit 4219.12-E(1): Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The district shall not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The following employee serves as the district's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment:

(name and/or title/position)

(address)

(telephone number)

(email address)

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, on the district's website at (insert website link) _____.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: (insert location/phone/email of contact person) _____.

Materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
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Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.4	Prohibition of discrimination

State

Ed. Code 48900
 Ed. Code 48900.2
 Ed. Code 48985
 Gov. Code 12950.1

Description

[Grounds for suspension or expulsion](#)
[Additional grounds for suspension or expulsion; sexual harassment](#)
[Notices to parents in language other than English](#)
[Sexual harassment training](#)

Federal

20 USC 1092
 20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 34 CFR 106.1-106.82
 34 CFR 99.1-99.67
 34 USC 12291
 42 USC 1983
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17

Description

[Definition of sexual assault](#)
[Application of laws](#)
[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
 Title IX of the Education Amendments of 1972; discrimination based on sex
[Nondiscrimination on the basis of sex in education programs or activities](#)
[Family Educational Rights and Privacy](#)
[Definition of dating violence, domestic violence, and stalking](#)
[Civil action for deprivation of rights](#)
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Federal Register

Description

Tennessee v. Cardona (2024) 737 F.Supp.3d 510
[Reese v. Jefferson School District \(2001, 9th Cir.\) 208 F.3d 736](#)
[Davis v. Monroe County Board of Education \(1999\) 526 U.S. 629](#)
[Gebser v. Lago Vista Independent School District \(1998\) 524 U.S. 274](#)
[Oona by Kate S. v. McCaffrey \(1998, 9th Cir.\) 143 F.3d 473](#)
[Doe v. Petaluma City School District \(1995, 9th Cir.\) 54 F.3d 1447](#)
[Donovan v. Poway Unified School District \(2008\) 167 Cal.App.4th 567](#)
[Flores v. Morgan Hill Unified School District \(2003, 9th Cir.\) 324 F.3d 1130](#)
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)
[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)
[National Incident-Based Reporting System](#)
[U.S. Department of Justice, Federal Bureau of Investigation](#)
[CSBA District and County Office of Education Legal Services](#)
[CSBA](#)
[California Department of Education](#)
[U.S. Department of Education, Office for Civil Rights](#)

U.S. DOE, Office for Civil Rights Publication

U.S. DOJ, FBI Publication

Website

Website

Website

Website

Website

Cross References

0410
 1312.3
 1312.3

Description

[Nondiscrimination In District Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)

Cross References**Description**

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
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4319.11	Sexual Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures

Policy 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: 12/01/1988 | **Last Revised Date:** 03/08/01/2024/2025 | **Last Reviewed Date:** 03/08/01/2024/2025

CSBA NOTE: In May 2023, the U.S. Department of Education issued guidance on constitutionally protected prayer and religious expression in public schools, which includes the extent to which prayer in public schools is legally protected, constitutional principles that relate to religious expression in general, and requirements under federal and state laws relevant to prayer and religious expression. The guidance reaffirms that, pursuant to 20 USC 7904, districts must annually certify to the California Department of Education (CDE) that they do not have a policy that prevents, or otherwise denies participation in, constitutionally protected school prayer. While the guidance provides general direction to districts regarding issues surrounding religion in public schools, it may not reflect 9th Circuit Court of Appeals (of which California is a part) and state court decisions which are based on the California Constitution.

CSBA NOTE: The following optional policy should be carefully reviewed and modified to reflect district practice. Because constitutionally protected prayer, religious expression, and the right of parents/guardians to determine the religious development of their children in schools can involve complex legal issues, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

Additionally, Appendix F of CDE's In implementing its instructional program, a district is required by law to respect the religious beliefs and practices of individual students and their parents/guardians. Appendix F of the California Department of Education's History and Social Science Framework, adopted in July 2016, offers guidance and support for educators regarding the recognition of religious beliefs and customs, with concepts from the Appendix reflected below.

Use of school facilities by student religious clubs and other religious groups is governed by the Equal Access Act (20 USC 4071-4074) and Civic Center Act (Education Code 38130-38138), respectively; see BP/AR 1330 - Use of School Facilities and BP/AR 6145.5 - Student Organizations and Equal Access. For policy regarding distribution of flyers, including flyers containing religious materials, see BP/AR 1325 - Advertising and Promotion. For policy regarding absences for religious instruction or exercises pursuant to Education Code 46014, see BP/AR 5113 - Absences and Excuses. For policy regarding invocation at graduation ceremonies, see BP 5127 - Graduation Ceremonies and Activities. For policy regarding religious attire in relation to school dress codes, see BP 5132 - Dress and Grooming.

The following optional policy should be carefully reviewed and modified to reflect district practice. Because constitutionally protected prayer and religious expression in schools can involve complex legal issues, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world and be consistent with the adopted instructional materials and state standards, as applicable.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is forbidden in public schools. The Superintendent or designee shall ensure that instruction about religion does not promote or denigrate the beliefs or customs of any particular religion or sect, nor that a preference be shown for one religious viewpoint over another. ~~Staff members~~ Teachers and other district staff shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces, and treat all religions and religious ~~conviction~~ convictions, including nonbelief, with fairness and respect.

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students during class time.

CSBA NOTE: In *Kennedy v. Bremerton School District*, the U.S. Supreme Court found that the employee, a football coach, did not coerce students to pray when the employee knelt at midfield after games to offer a quiet personal prayer and rejected the district's argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students. The court concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district when the prayer was offered during a time when school employees were free to attend to personal matters.

Staff shall not coerce students in prayer or other religious activities as part of their official duties. However, ~~Staff~~ staff are not prohibited, when acting in their private capacity, from encouraging students' participation in personal prayer or other religious activity. Additionally, staff shall not prohibit or discourage any student from praying or otherwise expressing the student's religious belief so long as this does not disrupt the classroom or other ~~school~~ district-sponsored activity.

Students may express their beliefs about religion in their homework, artwork, and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, relevance, and other legitimate pedagogical objectives.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the district. ~~School~~ District-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and temporary in nature.

Classroom methods in instruction about religion shall not include religious role-playing activities or simulated religious devotional acts.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school district-sponsored activities and programs if presented in an objective manner and as a traditional part of cultural and religious heritage.

CSBA NOTE: In *Fellowship of Christian Athletes v. San Jose Unified School District*, the Ninth Circuit U.S. Court of Appeals held that it would be discrimination for a district to fail to recognize a student club with religiously -based leadership requirements. The court found given that multiple student other non-religiously-based clubs imposed certain requirements for membership or leadership positions - i.e., discriminated against certain students - but that the district only objected were not held to the Fellowship of Christian Athletes' requirements because of the religious basis of the requirements same standard.

District schools shall not prohibit religious activities if the same or similar non-religious activities are permitted.

CSBA NOTE: In June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. However, the court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. Additionally, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive.

State law requires districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis. Additionally, in at least one instance, districts are required to provide such students with an alternative educational activity and are prohibited from subjecting such students to disciplinary action, academic penalty, or other sanction. The following paragraph extends this requirement and prohibition to all opt-outs based on religious beliefs and should be modified to reflect district practice.

In light of *Mahmoud* and the existence of some statutorily required opt-outs, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

When required by law, the district shall notify parents/guardians that they may, via written request, opt their students out of instruction on the basis of their religious beliefs as specified in the accompanying administrative regulation. Students whose parents/guardians opt them out of such instruction may be offered an alternative activity of similar educational value. Additionally, a student shall not be subject to disciplinary action, academic penalty, or other sanction on the grounds that the student was opted out of such instruction.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State	Description
Ed. Code 38130-38139	Civic Center Act
Ed. Code 46014	Absences for religious purposes
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 51938	Right of parent/guardian to excuse from sexual health instruction
Federal	Description
20 USC 4071-4074	Equal Access Act
20 USC 6061	School prayer
20 USC 7904	School prayer
Management Resources	Description
California Department of Education Publication	Appendix F history social science framework for California public schools
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)
Court Decision	Florey v. Sioux Falls (1980) 619 F.2d 1311
Court Decision	Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092
Court Decision	Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979
Court Decision	Lemon v. Kurtzman (1971) 403 U.S. 602
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
5113	Absences And Excuses
5113	Absences And Excuses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5127	Graduation Ceremonies And Activities
5132	Dress And Grooming
5132	Dress And Grooming
5141.31	Immunizations
5141.31	Immunizations
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.5	Student Organizations And Equal Access

6145.5	Student Organizations And Equal Access	1056/1104
6145.8	Assemblies And Special Events	
6154	Homework/Makeup Work	
6161.11	Supplementary Instructional Materials	
6176	Weekend/Saturday Classes	

Regulation 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: 05/01/1985 | Last Revised Date: 03/08/01/2024/2025 | Last Reviewed
Date: 03/08/01/2024/2025

CSBA NOTE: The following administrative regulation is optional and should be modified to reflect district practice. Because constitutionally protected prayer, religious expression, and the right of parents/guardians to determine the religious development of their children in schools can involve complex legal issues, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

In implementing its instructional program, a district is required by law to respect the religious beliefs and practices of individual students and their parents/guardians. Appendix F of the California Department of Education's History and Social Science Framework, adopted in July 2016, offers guidance and support for educators regarding the recognition of religious beliefs and customs; concepts from the Appendix are reflected in the following section below.

The Superintendent or designee shall ensure the following for the recognition of religious beliefs and customs in district schools:

1. The approach to religion is academic and not devotional
2. The goal is for student awareness of religion in historical and contemporary societies
3. The students may not be pressed to accept any one religion
4. The school may include the study of religion as part of the history-social science curriculum, but the practice of religions may not be sponsored
5. The students may be exposed to and educated about a diversity of religious views and beliefs, but a particular view or belief may not be imposed, nor may any one religion be promoted or denigrated

Staff shall make every effort to schedule one-time events, such as examinations, ~~school~~district-sponsored trips, special laboratories, picture-taking days, and class parties, to minimize conflicts with major religious holidays of all faiths such that no one faith is disproportionately impacted.

Programs and Exhibits

When ~~school~~district programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that ~~school~~district-sponsored programs are presented in an objective manner, consistent with the accompanying Board policy.
2. The principal or designee shall be kept informed of the program's development.

3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body, and staff.

Opt-Outs

CSBA NOTE: In June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. However, the court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. Additionally, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive.

State law requires districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis. Additionally, in at least one instance, districts are required to provide such students with an alternative educational activity and are prohibited from subjecting a student to disciplinary action, academic penalty, or other sanction if the student's parent/guardian opts their students out. The following paragraph extends this requirement and prohibition to all opt-outs based on religious beliefs and should be modified to reflect district practice.

To provide the necessary facts to make this determination based on *Mahmoud*, districts may want to consider requiring opt-out requests that (1) identify, with specificity, the instructional content of which the student should be opted out, (2) describe the specific religious beliefs, customs, and/or practices with which the specific instructional content substantially interferes, and (3) explain how the specific instructional content substantially interferes with the specific religious beliefs, customs, and/or practices and include any grade level or individual characteristics relevant to the opt-out request. The following section reflects these three items and should be modified to reflect district practice.

Regardless of what information is required to be included in an opt-out request, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

When a parent/guardian submits a written request to opt the parent's/guardian's student out of instruction based on religious beliefs, customs, or practices, the request shall include the following:

1. The specific instructional content of which the student should be opted out
2. The specific religious belief(s), custom(s), and/or practice(s) with which the specific instructional content substantially interferes
3. How the specific instructional content substantially interferes with the specific religious belief(s), custom(s), and/or practice(s), including any grade level or individual student characteristics relevant to the opt-out request

As necessary, the Superintendent or designee may work with district legal counsel to evaluate each opt-out request and determine whether it shall be granted.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 38130-38139	Civic Center Act
Ed. Code 46014	Absences for religious purposes
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 51938	Right of parent/guardian to excuse from sexual health instruction
Federal	Description
20 USC 4071-4074	Equal Access Act
20 USC 6061	School prayer
20 USC 7904	School prayer
Management Resources	Description
California Department of Education Publication	Appendix F history social science framework for California public schools
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)
Court Decision	Florey v. Sioux Falls (1980) 619 F.2d 1311
Court Decision	Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092
Court Decision	Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979
Court Decision	Lemon v. Kurtzman (1971) 403 U.S. 602
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
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6142.8	Comprehensive Health Education
6142.93	Science Instruction
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6143	Courses Of Study

6143	Courses Of Study
6144	Controversial Issues
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6154	Homework/Makeup Work
6161.11	Supplementary Instructional Materials
6176	Weekend/Saturday Classes

Policy 6142.1: Sexual Health And HIV/AIDS Prevention Instruction

Status: ADOPTED

Original Adopted Date: 07/01/2008 | Last Revised Date: 05/08/01/2019/2025 | Last Reviewed
Date: 05/08/01/2019/2025

CSBA NOTE: The following policy is for use by districts that offer any of grades 7-12. Education Code 51934 requires districts to provide comprehensive sexual health education and HIV prevention education to students in grades 7-12. See the accompanying administrative regulation for definitions and program requirements.

Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly.

Sexual health education taught at any grade level must comply with the requirements of Education Code 51933.

CSBA NOTE: Education Code 51934 requires districts to provide comprehensive sexual health and human immunodeficiency virus (HIV) prevention education to students in grades 7-12. The following optional policy is for use by districts that maintain any of grades 7-12, or that choose to provide age-appropriate sexual health education prior to grade 7 as authorized by Education Code 51934, and may be revised to reflect district practice. Sexual health education taught at any grade level is required to comply with the requirements of Education Code 51933. See the accompanying administrative regulation for definitions and program requirements.

Pursuant to Education Code 51938, there is a statutory requirement to give parents/guardians notice about planned comprehensive sexual health and HIV prevention education and the opportunity to opt their students out of such instruction. Additionally, in June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

The court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. Additionally, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether notice and an opportunity to opt out is necessary beyond, or in addition to, what is required by Education Code 51938.

Pursuant to Education Code 33546.2, as added by AB 2932 (Ch. 118, Statutes of 2024), the

Instructional Quality Commission is required to consider incorporating content on “sextortion” into the health curriculum framework. “Sextortion” means a threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on in comprehensive sexual health and human immunodeficiency virus (HIV) prevention.

The district's educational program district shall address respect the goals rights of parents/guardians to supervise their students' education on these subjects and to impart values to their children regarding human sexuality.

As specified in the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing accompanying administrative regulation, the district shall strive to provide students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and; to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote students' understanding of: to understand sexuality as a normal part of human development; and their development of to develop healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children. (Education Code 51930-51939)

CSBA NOTE: The following paragraph may should be revised to reflect the grade levels offered by the district.

~~Comprehensive~~ Each student in grades 7-12 shall receive comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12 at least once in junior high or middle school and at least once in high school. unless the student's parent(s)/guardian(s) opt the student out of such instruction as specified in “Parent/Guardian Notification and Opt-Out” in the accompanying administrative regulation. (Education Code 51934)

General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention education and the associated materials: (Education Code 51930, 51933)

CSBA NOTE: The following paragraph is for use by districts that require completion of a health education course for graduation from high school, and may be adapted for use by other districts. Pursuant to Education Code 51225.36, any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6146.1 - High School Graduation Requirements.

1. Are age appropriate
2. Are medically accurate and objective
3. Are aligned with and support the following purposes:
 - a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
 - b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
 - c. To promote understanding of sexuality as a normal part of human development
 - d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education and provide educators with clear tools and guidance to accomplish that end
 - e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
4. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds
5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code
6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220
8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so
11. Teach the value of and prepare students to have and maintain committed relationships such as marriage
12. Provide students with the knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation

13. Provide students with the knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities

14. Do not teach or promote religious doctrine

CSBA NOTE: The following paragraph is for use by districts that require completion of a health education course for graduation from high school, and may be adapted for use by other districts. Pursuant to Education Code 51225.36, any district that has a health education course requirement for graduation from high school is required to include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6146.1 - High School Graduation Requirements.

Additionally, the district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

CSBA NOTE: Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods by January 1, 2020. The following paragraph is for use by districts that maintain grades 6-12 and may be modified for districts that serve students in grades K-5.

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades 6-12 and may be modified for districts that serve students in grades kindergarten-5.

The Superintendent or designee shall identify appropriate methods for informing the school community parents/guardians about subjects related to the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

Parent/Guardian Consent

CSBA NOTE: Education Code 51938 requires districts to notify parents/guardians about instruction in sexual health and HIV prevention and of their right to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice.

Pursuant to Education Code 51938, districts must use a "passive consent" or "opt-out" process regarding sexual health and HIV prevention education and any assessments related to that instruction. Thus, each student must receive the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction.

In addition, Education Code 51938 requires districts to use a passive consent or opt-out process to obtain parent/guardian consent when administering an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test, questionnaire, or survey containing age-appropriate questions about sexual attitudes or practices. However, for any such research and evaluation tool administered prior to grade 7, Education Code

51513 requires that parents/guardians give permission before the instrument is administered to their child (i.e., "active consent").

20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered to any student, regardless of their grade level. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement.

Parent/Guardian Notification and Opt-Out

CSBA NOTE: Pursuant to Education Code 51938, districts are required to use a "passive consent" or "opt-out" process regarding sexual health and HIV prevention education and any assessments related to that instruction. Thus, each student is required to receive the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction.

Additionally, Education Code 51938 requires districts to use a passive consent or opt-out process to obtain parent/guardian consent when administering an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test, questionnaire, or survey containing age-appropriate questions about sexual attitudes or practices. However, for any such research and evaluation tool administered prior to grade 7, Education Code 51513 requires that parents/guardians give permission before the instrument is administered to their students (i.e., "active consent").

20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered to any student, regardless of their grade level. For language implementing this requirement see BP/AR 5022 - Student and Family Privacy Rights.

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the accompanying administrative regulation, that they may request in writing that ~~to opt~~ their child be excused from ~~students out of~~ participating in comprehensive sexual health and HIV prevention education. Students so excused ~~by their parents/guardians~~ shall be given an alternative educational activity. (~~Education Code 51240, 51938, 51939~~) A ~~Additionally, a~~ student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian ~~declines to permit~~ opts the student to ~~receive the~~ out of such instruction. (Education Code 51240, 51938, 51939)

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Policy Reference Disclaimer:

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State

Ed. Code 220

Ed. Code 231.7

Description

Prohibition of discrimination

Resources on abuse and teen dating violence; local and national hotlines

Ed. Code 232.7

Ed. Code 33544

Ed. Code 33546.2

Ed. Code 48980

Ed. Code 49381

Ed. Code 51202

Ed. Code 51210.8

Ed. Code 51225.36

Ed. Code 51240

Ed. Code 51513

Ed. Code 51930-51939

Ed. Code 51950

Ed. Code 67386

H&S Code 1255.7

Pen. Code 243.4

Pen. Code 261.5

Pen. Code 271.5

Federal

20 USC 1232h

20 USC 7906

Management ResourcesCourt DecisionCalifornia Department of Education
PublicationCalifornia Department of Education
PublicationCalifornia Department of Education
PublicationModel policy and resources; body shamingInclusion of sexual harassment and violence in health
curriculum frameworkHealth framework; sextortion

Parent/Guardian notifications

Human trafficking prevention resources

Instruction in personal and public health and safety

Health education curriculum

Instruction in sexual harassment and violence; districts that
require health education for graduation

Excuse from instruction due to religious beliefs

Test, questionnaire, survey, or examination containing
questions about beliefs or practices

California Healthy Youth Act

Abuse, sexual abuse, and human trafficking prevention
education

Student safety; affirmative consent standard

Parents surrendering physical custody of a baby

Sexual battery

Unlawful sexual intercourse

Parents voluntarily surrendering custody of a baby

Description

Privacy rights

Sex education requirements and prohibited use of funds

DescriptionMahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)Health Education Content Standards for California Public
Schools: Kindergarten Through Grade Twelve, 2008Health Framework for California Public Schools:
Kindergarten through Grade 12, 2003Health Education Framework for California Public Schools:
Kindergarten through Grade 12, May 2019
(<https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf>)

CSBA Publication

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014
(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201408_GBHealthyRelationships.ashx?la=en&rev=c7eca3dd0da24d4293ce675bb6463f8d)

Human Rights Campaign Foundation
Publication

California LGBTQ Youth Report, January 2019

Website

CSBA District and County Office of Education Legal Services

Website

Human Rights Campaign

Website

U.S. Food and Drug Administration

Website

California Partnership to End Domestic Violence

Website

California Safe Schools Coalition

Website

California Department of Education, Sex Education and HIV/AIDS/STD Instruction

Website

California Department of Public Health

Website

California Healthy Kids Resource Center

Website

Centers for Disease Control and Prevention

Website

CSBA

Cross References

Code

Description

0410

Nondiscrimination In District Programs And Activities

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3-E(1)

Uniform Complaint Procedures

1312.3-E(2)

Uniform Complaint Procedures

4131

Staff Development

5022

Student And Family Privacy Rights

5022

Student And Family Privacy Rights

5030

Student Wellness

5141.22

Infectious Diseases

5141.22

Infectious Diseases

5141.25	Availability Of Condoms
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5146	Married/Pregnant/Parenting Students
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.93	Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.8	Assemblies And Special Events
6146.1	High School Graduation Requirements
6159	Individualized Education Program
6159	Individualized Education Program
6161.11	Supplementary Instructional Materials
6174	Education For English Learners
6174	Education For English Learners

Regulation 6142.1: Sexual Health And HIV/AIDS Prevention Instruction Status: ADOPTED

Original Adopted Date: 07/01/2008 | **Last Revised Date:** 05/08/01/2019/2025 | **Last Reviewed Date:** 05/08/01/2019/2025

CSBA NOTE: The following administrative regulation is for use by districts that maintain any of grades 7-12. Education Code 51934 requires districts to provide comprehensive sexual health education and HIV prevention education to students in grades 7-12.

If the district chooses to provide age-appropriate sexual health education prior to grade 7 as authorized by Education Code 51934, it may revise the following administrative regulation accordingly.

CSBA NOTE: Education Code 51934 requires districts to provide instruction in comprehensive sexual health and human immunodeficiency virus (HIV) prevention to students in grades 7-12. The following optional administrative regulation is for use by districts that maintain any of grades 7-12, or that choose to provide age-appropriate sexual health instruction prior to grade 7 as authorized by Education Code 51934, and may be revised to reflect district practice. Sexual health instruction taught at any grade level is required to comply with the requirements of Education Code 51933.

Pursuant to Education Code 51938, there is a statutory requirement to give parents/guardians notice about planned instruction in comprehensive sexual health and HIV prevention and the opportunity to opt their students out of such instruction. Additionally, in June 2025, the U.S. Supreme Court, in Mahmoud v. Taylor, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

The court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. Additionally, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether notice and an opportunity to opt out is necessary beyond, or in addition to, what is required by Education Code 51938.

Definitions

CSBA NOTE: Pursuant to Education Code 51931, as amended by AB 2229 (Ch. 706, Statutes of 2024), "comprehensive sexual health education" includes the topic of menstrual health.

Comprehensive sexual health education means education regarding human development and sexuality, including education on menstrual health, pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933) (Education Code 51931)

- 1.—Are age appropriate
- 2.—Are medically accurate and objective
- 3.—Are aligned with and support the following purposes as specified in Education Code 51930:
 - a.—To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
 - b.—To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
 - c.—To promote understanding of sexuality as a normal part of human development
 - d.—To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
 - e.—To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
- 4.—Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds
- 5.—Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code

6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220
8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so
11. Teach the value of and prepare students to have and maintain committed relationships such as marriage
12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation
13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
14. Do not teach or promote religious doctrine

Components of Sexual Health and HIV Prevention Education

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," in the accompanying Board policy, the district's comprehensive sexual health and HIV prevention education for students in grades 7-12 shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body
2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use
3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy

The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other

sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention

5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing
6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others
7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV

This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and testing is the only way to know if one is HIV-positive.

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence
9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception:

9. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

- a. Parenting, adoption, and abortion
- b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5
- c. The importance of prenatal care

CSBA NOTE: Pursuant to Education Code 51934, comprehensive sexual health education must include information about sexual harassment, sexual assault, sexual abuse, and human trafficking. AB 1861 (Ch. 807, Statutes of 2018) amended Education Code 51934 to require that the information on human trafficking include the components specified in items #10a and b below.

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

10. Information about sexual harassment, sexual assault, sexual abuse, and human trafficking, including:
 - a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking
 - b. Information on how social media and mobile device applications are used for human trafficking

CSBA NOTE: Education Code 51934 requires that the comprehensive sexual health instruction include information about adolescent relationship abuse, as provided below. For further information about adolescent dating abuse, see CSBA's governance brief [Promoting Healthy Relationships for Adolescents: Board Policy Considerations](#).

CSBA NOTE: Education Code 51934, as amended by AB 2053 (Ch. 695, Statutes of 2024), requires that comprehensive sexual health education includes information about adolescent relationship abuse, including available resources such as the National Domestic Violence Hotline and local domestic violence hotlines, as provided below. For further information about adolescent dating abuse, see CSBA's governance brief, "Promoting Healthy Relationships for Adolescents: Board Policy Considerations."

11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each, and the resources available to students related to adolescent relationship abuse and intimate partner violence, including the National Domestic Violence Hotline and local domestic violence hotlines that provide confidential support services for students that have experienced domestic violence or stalking

CSBA NOTE: Education Code 51934, as amended by AB 1868 (Ch. 428, Statutes of 2018), authorizes districts to provide the instruction described below. The following paragraph may be revised to reflect district practice.

CSBA NOTE: Education Code 51934 authorizes districts to provide the instruction described below. The following optional paragraph should be included for districts that opt to include such instruction.

The district's comprehensive sexual health ~~education~~ and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking ~~web sites~~ websites, computer networks, or other digital media. (Education Code 51934)

Professional Development

The district's comprehensive sexual health ~~education~~ and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for personnel who have demonstrated expertise or received in-service training from ~~the~~ CDE or the Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking, and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

Use of Consultants or Guest Speakers

CSBA NOTE: Pursuant to Education Code 51933, 51934, and 51936, the district's comprehensive sexual health and HIV prevention education may be taught by outside consultants or delivered by guest speakers at an assembly. Any such instruction must comply with the same requirements as instruction provided by the district and in accordance with Education Code 51930-51939. If the district elects to use outside consultants or guest speakers, parents/guardians must be provided additional notice about the speaker and the speaker's organization; see item #4 in the section below entitled "Parent/Guardian Notification."

CSBA NOTE: Pursuant to Education Code 51933, 51934, and 51936, the district's comprehensive sexual health and HIV prevention education may be taught by outside consultants or delivered by guest speakers at an assembly. Any such instruction is required to comply with the same requirements as instruction provided by the district and in accordance with Education Code 51930-51939. If the district elects to use outside consultants or guest speakers, parents/guardians are required to be provided additional notice about the speaker and the speaker's organization; see Item #4 in "Parent/Guardian Notification and Opt-Out," below.

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

Parent/Guardian Notification and Opt-Out

CSBA NOTE: Education Code 51938 requires the district to provide parents/guardians the following notification. A sample notification letter is available on the California Department of Education's web site:

In addition, Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods by January 1, 2020; see the accompanying Board policy. Districts

that combine such information with the annual notification required pursuant to Education Code 51938 may revise the following section accordingly.

CSBA NOTE: A sample notification and opt-out letter regarding student participation in comprehensive sexual health or HIV prevention education and how parents/guardians can opt their students out is available on CDE's website.

Education Code 49381 requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods. Districts that combine such information with the annual notification required pursuant to Education Code 51938 may revise the following section accordingly.

At the beginning of each school year or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians about ~~instruction in~~ comprehensive sexual health education and HIV prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection
2. That parents/guardians have a right to ~~excuse~~opt their child from ~~students out of~~ comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:
 - a. The date of the instruction
 - b. The name of the organization or affiliation of each guest speaker
 - c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given.

Nonapplicability to Certain Instruction or Materials

CSBA NOTE: Given the uncertainty in Mahmoud as explained above, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine whether Mahmoud limits Items #1 and 2 below by requiring notice and the opportunity to opt out in certain circumstances.

The Except as required by law, the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and ~~parental~~parent/guardian notification and ~~consent~~opt-out shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education as defined in Education Code 51931
2. Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 220

[Ed. Code 231.7](#)

[Ed. Code 232.7](#)

Ed. Code 33544

[Ed. Code 33546.2](#)

Ed. Code 48980

Ed. Code 49381

Ed. Code 51202

Ed. Code 51210.8

Ed. Code 51225.36

Ed. Code 51240

Ed. Code 51513

Ed. Code 51930-51939

Ed. Code 51950

Ed. Code 67386

H&S Code 1255.7

Pen. Code 243.4

Description

[Prohibition of discrimination](#)

[Resources on abuse and teen dating violence; local and national hotlines](#)

[Model policy and resources; body shaming](#)

[Inclusion of sexual harassment and violence in health curriculum framework](#)

[Health framework; sextortion](#)

Parent/Guardian notifications

Human trafficking prevention resources

Instruction in personal and public health and safety

Health education curriculum

Instruction in sexual harassment and violence; districts that require health education for graduation

Excuse from instruction due to religious beliefs

Test, questionnaire, survey, or examination containing questions about beliefs or practices

California Healthy Youth Act

Abuse, sexual abuse, and human trafficking prevention education

Student safety; affirmative consent standard

Parents surrendering physical custody of a baby

Sexual battery

Pen. Code 261.5

Unlawful sexual intercourse

Pen. Code 271.5

Parents voluntarily surrendering custody of a baby

Federal

Description

20 USC 1232h

Privacy rights

20 USC 7906

Sex education requirements and prohibited use of funds

Management Resources

Description

Court Decision

Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)

California Department of Education
Publication

Health Education Content Standards for California Public
Schools: Kindergarten Through Grade Twelve, 2008

California Department of Education
Publication

Health Framework for California Public Schools:
Kindergarten through Grade 12, 2003

California Department of Education
Publication

Health Education Framework for California Public Schools:
Kindergarten through Grade 12, May 2019
(<https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf>)

California Department of Education
Publication

Body Shaming Model Policy & Resources
(<https://www.cde.ca.gov/ls/mh/bodyshaming.asp>)

CSBA Publication

Promoting Healthy Relationships for Adolescents: Board
Policy Considerations, Governance Brief, August 2014
(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201408_GBHealthyRelationships.ashx?la=en&rev=c7eca3dd0da24d4293ce675bb6463f8d)

Human Rights Campaign Foundation
Publication

California LGBTQ Youth Report, January 2019

Website

CSBA District and County Office of Education Legal Services

Website

Human Rights Campaign

Website

U.S. Food and Drug Administration

Website

California Partnership to End Domestic Violence

Website

California Safe Schools Coalition

Website

California Department of Education, Sex Education and
HIV/AIDS/STD Instruction

Website

California Department of Public Health

Website

California Healthy Kids Resource Center

Website

Centers for Disease Control and Prevention

Website

CSBA

Cross References

Code	Description	1079/1104
0410	Nondiscrimination In District Programs And Activities	
1312.3	Uniform Complaint Procedures	
1312.3	Uniform Complaint Procedures	
1312.3-E(1)	Uniform Complaint Procedures	
1312.3-E(2)	Uniform Complaint Procedures	
4131	Staff Development	
5022	Student And Family Privacy Rights	
5022	Student And Family Privacy Rights	
5030	Student Wellness	
5141.22	Infectious Diseases	
5141.22	Infectious Diseases	
5141.25	Availability Of Condoms	
5145.3	Nondiscrimination/Harassment	
5145.3	Nondiscrimination/Harassment	
5145.6	Parent/Guardian Notifications	
5145.6-E(1)	Parent/Guardian Notifications	
5145.7	Sex Discrimination and Sex-Based Harassment	
5145.7	Sex Discrimination and Sex-Based Harassment	
5146	Married/Pregnant/Parenting Students	
6141	Curriculum Development And Evaluation	
6141	Curriculum Development And Evaluation	
6142.8	Comprehensive Health Education	
6142.8	Comprehensive Health Education	
6142.93	Science Instruction	
6143	Courses Of Study	
6143	Courses Of Study	
6144	Controversial Issues	
6145.8	Assemblies And Special Events	
6146.1	High School Graduation Requirements	
6159	Individualized Education Program	
6159	Individualized Education Program	

6161.11

Supplementary Instructional Materials

1080/1104

6174

Education For English Learners

6174

Education For English Learners

Policy 6142.8: Comprehensive Health Education

Status: ADOPTED

Original Adopted Date: 11/01/2003 | **Last Revised Date:** 12/08/01/2023/2025 | **Last Reviewed Date:** 12/08/01/2023/2025

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The U.S. Surgeon General's 2023 advisory, "Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community," emphasizes the critical role that social connection plays in individual and societal health and well-being, and provides recommendations for how to address the consequences when there is a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, which include (1) developing a strategic plan for school connectedness and social skills with benchmark tracking, (2) building social connection into the health curriculum, (3) implementing socially based educational techniques, and (4) creating a supportive school environment.

In its 2023 advisory, "Social Media and Youth Mental Health," the U.S. Surgeon General describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors, and that creating a safe, supportive, inclusive, and nonjudgmental environment is crucial ~~in~~to promoting healthy development for all students. The district's health education program shall be part of a coordinated ~~school~~school approach to student health ~~system~~ which recognizes that mental health and social connection are critical to ~~student's~~ overall health, well-being, and academic success; ~~it~~ supports the physical, mental, and social well-being of students; ~~it~~ reflects the importance of digital and media literacy; ~~it~~ and is linked to district and community services and resources.

CSBA NOTE: 42 USC 1758b requires each district participating in the National School Lunch program (42 USC 1751-1769j) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1793), including the School Breakfast Program, to adopt a districtwide ~~school~~ wellness policy, which includes goals for nutrition promotion and education, physical activity, and other ~~school~~district-based activities that promote student wellness. See BP 5030 - Student Wellness for language fulfilling this mandate.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition promotion and education, physical activity, and other ~~school~~district-based activities that promote student well-being.

CSBA NOTE: Education Code 51925 requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. For more information on

the requirements of mental health instruction, see the accompanying administrative regulation and AR 6143 - Courses of Study.

Any health education course offered to middle or high school students shall include instruction in mental health that meets the requirements of Education Code 51925-51926, and as specified in Administrative Regulation 6143 - Courses of Study.

CSBA NOTE: The following optional paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health. Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, as determined by the district.

Education Code 51934 requires that districts provide comprehensive sexual health ~~education and HIV prevention instruction~~education, at least once in middle school or junior high school and at least once in high school, by instructors trained in the appropriate courses. Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

Additionally, Education Code 51900.6 authorizes districts to provide age-appropriate instruction to students in grades ~~K~~kindergarten-12 in sexual abuse and sexual assault awareness and prevention pursuant to content standards developed by the State Board of Education (SBE), ~~provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians.~~although SBE has not yet adopted content standards~~done so. For more information~~ regarding ~~sexual~~child abuse and sexual assault awareness and prevention. ~~Also, see BP 5141.4 - Child Abuse Prevention and Reporting.~~

The California Department of Education's ~~publication~~, "Health Education Framework for California Public Schools, Kindergarten through Grade Twelve," provides nonprescriptive instructional guidance and support to ~~California~~ teachers, administrators, curriculum specialists, other educators, and ~~school~~governing boards for implementation of the voluntary health education standards, which include the following six content areas: nutrition and physical activity; growth, development, and sexual health; injury prevention and safety; alcohol, tobacco, and other drugs; mental, emotional, and social health; and personal and community health.

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades ~~K~~kindergarten-12 ~~which~~that is aligned with the state's content standards and curriculum framework and integrated with other content areas of the district's curriculum. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 51890 defines a "comprehensive health education program" as one that includes community participation in the teaching of health, including classroom participation by practicing professional health and safety personnel in the community. Education Code 51891 defines "community participation" as active participation in the planning, implementation, and evaluation of

comprehensive health education by parents/guardians, practicing health care and public safety personnel, and public and private health care and service agencies.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards, the state curriculum framework, and effective instructional methodologies.

CSBA NOTE: The following optional paragraph should be revised to reflect indicators agreed upon by the ~~Governing~~ Board and Superintendent for evaluating the district's health education program.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district's health education program, which may include, but not be limited to, a description of the district's program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, student achievement of district standards for health education, and the manner in which the district's health education program supports the physical, mental, and social well-being of students.

Parent/Guardian Notification and Opt-Out

CSBA NOTE: State law requires districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious belief and in other instances for any basis. Additionally, in at least one instance, districts are required to provide such students with an alternative educational activity and are prohibited from subjecting a student to disciplinary action, academic penalty, or other sanction if the student's parent/guardian opts the student out. The following paragraph applies this requirement and prohibition to all opt-out options and should be modified to reflect district practice.

In June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

The court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. Additionally, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether notice and an opportunity to opt out is necessary beyond, or in addition to, what is statutorily required.

Parents/guardians shall be notified that they may request in writing to opt their students out of

participating in instruction and assessments, including anonymous and confidential tests, questionnaires, and surveys, as specified in the accompanying administrative regulation. Students so excused shall be given an alternative educational activity. Additionally, a student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian opts the student out of such instruction. (Education Code 51240, 51900.6, 51938, 51939)

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State	Description
5 CCR 11800-11801	District health education plan
Ed. Code 35183.5	Sun protection
Ed. Code 49413	First aid and cardiopulmonary resuscitation training
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.8	Health education curriculum
Ed. Code 51220.5	Parenting skills; areas of instruction
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
<u>Ed. Code 51225.38</u>	<u>Instruction in the dangers associated with fentanyl use</u>
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
<u>Ed. Code 51240</u>	<u>Excuse from instruction due to religious beliefs</u>
Ed. Code 51260-51269	Drug education
Ed. Code 51513	Personal beliefs
Ed. Code 51880-51881.5	Health education; legislative findings and intent
Ed. Code 51890-51891	Comprehensive health education programs and community participation; definitions

Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention instruction
Ed. Code 51913	District health education plan
Ed. Code 51920	Inservice training; health education
Ed. Code 51925-51929	Mandatory mental health education and in-service training
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 67386	Student safety; affirmative consent standard
Ed. Code 8850.5	Family relationships and parenting education
Federal	Description
42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1793	Child Nutrition Act
Management Resources	Description
<u>Court Decision</u>	<u>Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)</u>
California Department of Education Publication	Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2019
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
CSBA Publication	Integrating Oral Health into School Health Programs and Policies, May 2010
CSBA Publication	Promoting Healthy Relationships for Adolescents: Board Policy Considerations, August 2014
CSBA Publication	Integrating Physical Activity into the School Day, April 2016
CSBA Publication	Preventing Catastrophic Health Illness, Governance Brief, July 2018
CSBA Publication	The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018
CSBA Publication	Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019
CSBA Publication	Sun Safety in Schools, Policy Brief, July 2006
CSBA Publication	Asthma Management in the Schools, Policy Brief, March 2008
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

CSBA Publication	Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, November 2008
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
Society of Health & Physical Educators Publication	National Health Education Standards: Achieving Excellence, rev. November 2012
US Department of Health and Human Services Pub.	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
Website	SHAPE America, Society of Health and Physical Educators
Website	CSBA District and County Office of Education Legal Services
Website	Human Rights Campaign Foundation
Website	U.S. Department of Health and Human Services
Website	American School Health Association
Website	California Association of School Health Educators
Website	California Department of Education, Health Education
Website	California Subject Matter Project, Physical Education-Health Project
Website	Center for Injury Prevention Policy and Practice
Website	National Center for Health Education
Website	National Hearing Conservation Association
Website	Centers for Disease Control and Prevention
Website	CSBA
Website	California Department of Public Health
Website	California Healthy Kids Resource Center

Cross References

Code	Description
0200	Goals For The School District
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan

0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1325	Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3554	Other Food Sales
3554	Other Food Sales
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs

5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5141.7	Sun Safety
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program

5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.5	Environmental Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6146.1	High School Graduation Requirements
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.8	Research

6162.8	Research	1090/1104
6163.4	Student Use Of Technology	
6163.4-E(1)	Student Use Of Technology	
6164.2	Guidance/Counseling Services	
6172	Gifted And Talented Student Program	
6172	Gifted And Talented Student Program	
6190	Evaluation Of The Instructional Program	

Regulation 6142.8: Comprehensive Health Education

Status: ADOPTED

Original Adopted Date: 11/01/2003 | **Last Revised Date:** 12/08/01/2023/2025 | **Last Reviewed Date:** 12/08/01/2023/2025

Content of Instruction

CSBA NOTE: Education Code 51202 requires districts to teach certain health-related topics at the "appropriate elementary and secondary grade levels." Items #1-6 below reflect six content areas delineated in the voluntary content standards for health education adopted by the State Board of Education (SBE) in March 2008, and included in the publication, "Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve." The district may revise the following list to reflect the topics to be addressed in the district's program.

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

CSBA NOTE: Education Code 51203 requires districts to provide instruction on the nature of alcohol, narcotics, restricted dangerous drugs, and other dangerous substances and, as amended by AB 2865 (Ch. 314, Statutes of 2024), to include information about excessive alcohol use and the short- and long-term health risks of excessive alcohol use.

1. Alcohol, tobacco, and other drugs

CSBA NOTE: Education Code 51934 requires that districts provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention instruction, at least once in middle school or junior high school and at least once in high school, by instructors trained in the appropriate courses. Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

Education Code 51900.6 authorizes districts to provide age-appropriate instruction to students in grades ~~K~~kindergarten-12 in sexual abuse and sexual assault awareness and prevention pursuant to content standards developed by SBE, ~~provided that students are allowed to be excused from such instruction upon~~although the written request of their parents/guardians. SBE has not yet adopted content standards done so. For more information regarding sexual child abuse and sexual assault awareness and prevention. Also, see BP 5141.4 - Child Abuse Prevention and Reporting.

2. Human growth, development, and sexual health

CSBA NOTE: The optional paragraph under Item #3 below includes examples of topics that are addressed in the state content standards within the content area of injury prevention and safety.

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, violence prevention, topics related to bullying and harassment, emergency procedures, and Internet safety; and as required by law.

CSBA NOTE: Education Code 51925 requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. For more information on the requirements of mental health instruction see 6143 - Courses of Study.

4. Mental, emotional, and social health

Health education courses offered to middle and/or high school students shall include mental health instruction that meets the requirements of Education Code 51925-51927, as specified in Administrative Regulation 6143 - Courses of Study.

5. Nutrition and physical activity

CSBA NOTE: The optional paragraph under Item #6 below includes examples of topics that are addressed in the state content standards within the content area of personal and community health.

6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, vision and hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases, and the effect of behavior on the environment; and as required by law.

CSBA NOTE: Items #1-6 below combine eight "overarching standards" described in the state content standards as essential concepts and skills to be taught to students. Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services
4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

High School Health Education

CSBA NOTE: The following section is for use by districts that serve students in grades 9-12 and require a course in health education as a requirement for graduation from high school. Pursuant to Education Code 51225.36, districts that require a course in health education for graduation from high school ~~must~~ are required to include instruction in sexual harassment and violence, including, but not limited to, the affirmative consent standard as defined in Education Code 67386. ~~In addition~~ Additionally, pursuant to Education Code 51225.6, districts that require a course in health education for graduation from high school ~~must~~ are required to include instruction in performing compression-only cardiopulmonary resuscitation, as specified. Whenever the Governing Board

requires a course in health education for graduation from high school, the district's high school health education course(s) shall include instruction in:

1. Sexual harassment and violence, including, but not limited to, the affirmative consent standard as defined in Education Code 67386- ([Education Code 51225.36](#))

When delivering such instruction, teachers shall consult information related to sexual harassment and violence in the Health Education Framework for California Public Schools. (Education Code 51225.36)

2. Compression-only cardiopulmonary resuscitation (CPR), which is based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR and includes instruction relative to the psychomotor skills necessary to perform compression-only CPR- (Education Code 51225.6)

CSBA NOTE: Education Code 51225.38, as added by AB 2429 (Ch. 37, Statutes of 2024), requires a district that includes a course in health education as a high school graduation requirement to include instruction in the dangers associated with fentanyl use beginning with the 2026-27 school year.

3. Starting with the 2026-27 school year, the dangers associated with fentanyl use (Education Code 51225.38)

Students Excused from Health Instruction

Upon written request from a parent/guardian, a student shall be excused from any part of health instruction that conflicts with the student's religious training and beliefs, including personal moral convictions. (Education Code 51240)

CSBA NOTE: Pursuant to Education Code 51938, a student's parent/guardian has the right to excuse the student from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. The district may not require active parental consent ("opt-in") for such purpose. The district's notice to parents/guardians regarding planned instruction for the school year in the area of comprehensive sexual health education and HIV prevention education must include notification of the right to excuse a student from such education by written request to the district. See BP/E 5145.6 - Parental Notifications and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

The "opt-out" right described above only applies to comprehensive sexual health education, HIV prevention education, and related assessments; and does not apply to instruction, materials, presentations, and programming that discuss the topics specified in Education Code 51932.

The district shall excuse a student from instruction in comprehensive sexual health education and HIV prevention education if the student's parent/guardian requests in writing that the student be excused. However, pursuant to Education Code 51932, such parental request shall not excuse a student from instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions. (Education Code 51938)

Parent/Guardian Notification and Opt-Out

CSBA NOTE: Pursuant to Education Code 51938, the district is required to give parents/guardians notice and the opportunity to opt their students out of comprehensive sexual health and HIV prevention education. Additionally, Education Code 51240 and 51900.6, respectively, require districts to permit parents/guardians to opt their students out of any instruction in health and out of any instruction in sexual abuse and sexual assault awareness and prevention. While neither Education Code 51240 nor 51900.6 explicitly require notification, it is recommended that districts provide notification. In addition, in June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

The court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. Additionally, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether notice and an opportunity to opt out is necessary beyond, or in addition to, what is statutorily required.

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified that they may request in writing to opt their students out of participating in the following:

1. Anonymous, voluntary, and confidential tests, questionnaires, and surveys containing age-appropriate questions about students' attitudes concerning or practices relating to sex (Education Code 51938, 51939)
2. Any instruction in health that conflicts with the student's religious training and beliefs, including personal moral convictions (Education Code 51240)

CSBA NOTE: Pursuant to Education Code 51900.6, districts that provide 3. Any instruction in sexual abuse and/or sexual assault awareness and prevention are required to excuse students whose parent/guardian has made a written request. The following paragraph is for districts that provide instruction in sexual abuse and/or sexual assault awareness and prevention. (Education Code 51900.6)

4. In addition, the district shall excuse a student from Any instruction in comprehensive sexual abuse health and/or sexual assault awareness and human immunodeficiency virus (HIV) prevention if the student's parent/guardian requests in writing that the student be excused. (Education Code 51900.6) 51938, 51939)

CSBA NOTE: Pursuant to Education Code 51513, districts may not administer exams, surveys, or questionnaires containing questions about a student's or a student's family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian is notified in

1095/1104
writing of such administration and has provided prior written consent. See AR 5022 - Student and Family Privacy Rights.

5. Any other instruction as permitted by law

Additionally, ~~the~~ district shall not administer any exam, survey, or questionnaire ~~which~~that contains questions about the student's or the student's family's personal beliefs or practices in sex, family life, morality, or religion unless the student's parent/guardian has given written permission. (Education Code 51513)

CSBA NOTE: Notwithstanding Education Code 51513, Education Code 51938 authorizes anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes concerning or practices relating to sex, to students in grades 7-12. Parents/guardians have the right to excuse their child from such research and evaluations through a passive ("opt-out") process and may not be required to provide active ("opt-in") consent. The district is required to notify parents/guardians of the test, questionnaire, or survey to be administered, given the opportunity to review such research or evaluation tool, and notified of their right to excuse their child by making such request in writing to the district. The following paragraph is for use by districts that serve students in any of grades 7-12 and should be deleted by districts that do not serve such students.

However, the district may administer anonymous, voluntary, and confidential tests, questionnaires, and surveys containing age-appropriate questions about students' attitudes concerning or practices relating to sex, as long as parents/guardians are notified of the right to request in writing that the student be excused from participation. A student shall be excused from participating in any such research or evaluation tools if the student's parent/guardian requests in writing to excuse the student from participation. (Education Code 51938)

Involvement of Health Professionals

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs if the activities are conducted in compliance with the statutory, regulatory, and programmatic guidelines applicable to those programs

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11800-11801	District health education plan
Ed. Code 35183.5	Sun protection
Ed. Code 49413	First aid and cardiopulmonary resuscitation training
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.8	Health education curriculum
Ed. Code 51220.5	Parenting skills; areas of instruction
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
<u>Ed. Code 51225.38</u>	<u>Instruction in the dangers associated with fentanyl use</u>
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
<u>Ed. Code 51240</u>	<u>Excuse from instruction due to religious beliefs</u>
Ed. Code 51260-51269	Drug education
Ed. Code 51513	Personal beliefs
Ed. Code 51880-51881.5	Health education; legislative findings and intent
Ed. Code 51890-51891	Comprehensive health education programs and community participation; definitions
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention instruction
Ed. Code 51913	District health education plan
Ed. Code 51920	Inservice training; health education
Ed. Code 51925-51929	Mandatory mental health education and in-service training
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 67386	Student safety; affirmative consent standard
Ed. Code 8850.5	Family relationships and parenting education

Federal	Description
42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1793	Child Nutrition Act
Management Resources	Description
<u>Court Decision</u>	<u>Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)</u>
California Department of Education Publication	Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2019
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
CSBA Publication	Integrating Oral Health into School Health Programs and Policies, May 2010
CSBA Publication	Promoting Healthy Relationships for Adolescents: Board Policy Considerations, August 2014
CSBA Publication	Integrating Physical Activity into the School Day, April 2016
CSBA Publication	Preventing Catastrophic Health Illness, Governance Brief, July 2018
CSBA Publication	The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018
CSBA Publication	Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019
CSBA Publication	Sun Safety in Schools, Policy Brief, July 2006
CSBA Publication	Asthma Management in the Schools, Policy Brief, March 2008
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
CSBA Publication	Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, November 2008
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
Society of Health & Physical Educators Publication	National Health Education Standards: Achieving Excellence, rev. November 2012
US Department of Health and Human Services Pub.	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023

US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
Website	SHAPE America, Society of Health and Physical Educators
Website	CSBA District and County Office of Education Legal Services
Website	Human Rights Campaign Foundation
Website	U.S. Department of Health and Human Services
Website	American School Health Association
Website	California Association of School Health Educators
Website	California Department of Education, Health Education
Website	California Subject Matter Project, Physical Education-Health Project
Website	Center for Injury Prevention Policy and Practice
Website	National Center for Health Education
Website	National Hearing Conservation Association
Website	Centers for Disease Control and Prevention
Website	CSBA
Website	California Department of Public Health
Website	California Healthy Kids Resource Center

Cross References

Code	Description
0200	Goals For The School District
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1325	Advertising And Promotion

1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3514	Environmental Safety
3514	Environmental Safety
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3554	Other Food Sales
3554	Other Food Sales
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation

5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
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6164.2	Guidance/Counseling Services
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program

Board Cover Sheet

Information/Discussion

- ☒ Credibility & Communication
- ☒ Student Learning & Achievement
- ☒ Health & Safety of Students & Schools
- ☒ Fiscal Solvency, Accountability & Integrity

Meeting Date

Sep 4, 2025

Presenter(s)

Dr. Linda Adamson
Superintendent

Item

Future Agenda Items

Recommendation

The District Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

Background

[Board Bylaw 9323: Meeting Conduct](#) states:

“...the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2).”

Information

The Future Agenda Items chart is a new ongoing Information/Discussion document that will be presented to the Board during every Regular Board Meeting with revisions and/or updates.

Fiscal Impact

N/A

2025/26 ▾

(None) No Fiscal Impact

Program/Grant

N/A

Future Agenda Items				
Date Requested	Item	Note(s)	Plan(s)/Action(s)	Presented /Resolved
Dec 12, 2024	Career Technical Education	Future Agenda Item		<input type="checkbox"/>
Jan 30, 2025	District Reserves Policy		Will be discussed at first Budget Committee Meeting	<input type="checkbox"/>
Mar 20, 2025	Board Policy (BP)/(AR) Revisions: <ul style="list-style-type: none"> Complaints Concerning District Employees (BP 1312.1 & AR 1312.1) Student Use of Technology (BP 6163.4 & E(1) 6163.4) Mobile Communication Devices (AR 5131.8) 	August 12th Policy Committee Meeting: <ul style="list-style-type: none"> → BP 1312.1 → AR 1312.1 → BP 6163.4 → E(1) 6163.4 → AR 5131.8 	Present First Batch @ Sep 4, 2025 Board Meeting	<input checked="" type="checkbox"/>
Jun 5, 2025	<ul style="list-style-type: none"> School Safety Plan – Update 		Present updates & addressing any potential gaps in school safety plan – Sep 4, 2025 Board Meeting	<input checked="" type="checkbox"/>
	Next Policy Committee Meeting: <ul style="list-style-type: none"> New Program Evaluations Animals on Campus 		Review – Oct 28, 2025 Policy Committee Meeting	<input type="checkbox"/>
Jun 26, 2025	<ul style="list-style-type: none"> TK-12 Programming (VAPA, Spanish, etc.) 		Present – Aug 7, 2025 Board Meeting	<input checked="" type="checkbox"/>
	<ul style="list-style-type: none"> Facilities Master Plan 		Present – Sep 4, 2025 Board Meeting	<input checked="" type="checkbox"/>

Updated: Aug 28, 2025