



# EdenAreaROP

## GOVERNING BOARD MEETING AGENDA

26316 Hesperian Blvd. Hayward, CA 94545 • (510) 293-2971 • [www.edenrop.org](http://www.edenrop.org)

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**Thursday, February 1, 2024**  
**5:45 pm**

### GOVERNING BOARD MEMBERS

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Gary Howard, President

Penny Peck, Member

Joe Ramos, Member

James Aguilar, Member

Castro Valley Unified School District

San Lorenzo Unified School District

Hayward Unified School District

San Leandro Unified School District

### MISSION STATEMENT

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The mission of the Eden Area ROP is to build a foundation for students that prepare them academically, technically, and professionally to meet challenging opportunities of the 21st Century with confidence and purpose.



## Regular Meeting of the ROP Governing Board

Date: Thursday, February 1, 2024  
Time: 5:45 p.m.  
In-Person (limited seating): Eden Area ROP Board Room (Building A), 26316 Hesperian Blvd., Hayward, CA 94545  
Virtual via Zoom: <https://zoom.us/j/99397978944?pwd=anVST3pGRDF4MjRjOHJMOUJNR3NyUT09>

### **Attend Zoom Meeting Instructions:**

- **To observe the meeting by video conference**, please click on [LINK](#) or go <https://zoom.us/j/99397978944?pwd=anVST3pGRDF4MjRjOHJMOUJNR3NyUT09> to at the noticed meeting time.

Meeting ID: **993 9797 8944**

Passcode: **EAROP23**

Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>.

**To listen to the meeting by phone**, please call at the noticed meeting time **1-669-900-6833**, then enter ID **993 9797 8944**, then press "#". Passcode: **8908035**

Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>.

### **Public Comment Instructions:**

The Board respects and encourages the public to comment on matters on the Board agenda and within the Board's jurisdiction. The Board fully supports civil discourse and requests that everyone respect each other and their point of view. We strive to model respectful communication for our students in all of our interactions. According to the Brown Act, the Board may not comment or take action on items not on the agenda.

- **To comment by video conference**, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- **To comment by phone**, you will be prompted to "Raise Your Hand" by pressing "\*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>.
- **To comment in-person**, individuals who would like to address the Board in-person must complete a "Request to Address ROP Governing Board" card, available at the entrance to the meeting room, and submit it to the Governing Board's President prior to the start of the agenda item. Once called on speakers are requested to go to the podium and begin by stating his/her/their name, and whether the statement is being made as an individual or as a representative of an organization.

## AGENDA

Welcome to the Eden Area Regional Occupational Program Governing Board Meeting. The purpose of the meeting is to consider matters of policy and business necessary for the operation of the Regional Occupational Program.

Any member of the audience may speak on any agenda item by following this process, or upon recognition by the President by identifying himself/herself/themselves and his/her/their organization affiliation prior to any action taken by the Governing Board. Such presentations may be limited. If there is a desire to address the Governing Board on a matter relating to the Eden Area ROP that does not appear on the agenda, this may be done during the "Public Comment" section.

State law prohibits the ROP Governing Board from taking any action on or discussing items that are not on the posted agenda except to A) briefly respond to statements made or questions posed by the public in attendance; B) ask questions for clarification; C) provide a reference to a staff member or other resource for factual information in response to the inquiry; or D) ask a staff member to report back on the matter at the next meeting and/or place it on a future agenda. (Government Code Section 54954.2 (a))

This meeting is being recorded. These recordings are maintained by the Eden Area ROP for 30 days and are available for review to the public upon request.

**I. Call to Order**

**II. Roll Call**

**III. Pledge of Allegiance**

**IV. Mission Statement**

**V. Core Values**

**VI. Approval of Agenda**

**VII. Public Comment for Agenda items and matters that are related to the Eden Area ROP**

(According to the Brown Act, the Board may not comment or take action on items not on the agenda.)

The Board respects and encourages the public to comment on matters on the Board agenda and within the Board's jurisdiction. The Board fully supports civil discourse and requests that everyone respect each other and their point of view.

**Public Comment Instructions:**

- When it is time for the speakers to address the Board, your name will be called and you will then be unmuted (if attending virtually) or asked to come to the podium (if attending in-person) and allowed to make public comments.
- Speakers via Zoom should rename their Zoom profile names to their real names to expedite this process.
- If attending virtually, after the comment, the microphone for the speaker's Zoom profile will be muted.

With Board consensus, the President may increase or decrease the time allowed. This meeting is being recorded to prepare the official minutes.

**VIII. Student of the Month**

- A. Presentation of ROP Student of the Month Awards (page 5)

**IX. Consent Calendar**

Action by the Eden Area ROP Governing Board of the Eden Area Regional Occupational Program means that all items listed under the Consent Calendar are adopted by one single motion, unless a member of the Governing Board, the Superintendent, or a member of the public requests that any such item be removed from the Consent Calendar and voted upon separately.

- A. Request the Governing Board to approve the Minutes of the Regular Governing Board Meeting of December 7, 2023 (pages 6-11)
- B. Request the Governing Board to approve the Bill Warrants (pages 12-20)
- C. Request the Governing Board to approve the Listed Donation-Chilton Auto Body, INC. (page 21)

- D. Request the Governing Board to approve the Listed Donation-Diablo Valley Industrial Claims Association (DVICA) (page 22)
- E. Request the Governing Board to approve the Listed Donation-Evan Goldberg (page 23)
- F. Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions (pages 24-25)
- G. Request the Governing Board to approve the Budget Development Calendar for the 2024-2025 School Year (pages 26-27)
- H. Request the Governing Board to approve the Agreement with American Fidelity to Provide Section 125 Flexible Benefit Plan Services for the 2024 Calendar Year (pages 28-64)
- I. Request the Governing Board to approve the Subaward Agreement with California State University East Bay for the Hayward Promise Neighborhoods Program (HPN) California Department of Social Services Extension Grant for the 2024 and 2025 Fiscal Years (pages 65-85)
- J. Request the Governing Board to approve the MOU with the Northern California College Promise Coalition (NCCPC) for Organization Champion Coalition Membership for the 2023-2024 School Year (pages 86-88)

**X. Information Items**

- A. Midyear Review of the Superintendent's Goals (pages 89-90)
- B. Student Survey Data (page 91)
- C. First Reading of Governing Board Policies, Administrative Regulations, Board Bylaw and Exhibits (pages 92-141)

**XI. Action Items**

- A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policy and Administrative Regulation 1250: Visitors/Outsiders (pages 142-144)
- B. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policy and Exhibits 4040: Employee Use of Technology (pages 145-150)
- C. Request the Governing Board to approve the Adoption of Resolution 5-23/24: Career Technical Education Month (February) (pages 151-152)
- D. Request the Governing Board to approve the Governing Board Reorganization (page 153)

**XII. Communications**

- A. Letter from the Alameda County Office of Education regarding the First Interim (page 154)

**XIII. Superintendent's Report**

**XIV. Governing Board Reports**

**XV. Future Meeting Dates**

- A. Upcoming Eden Area ROP Governing Board Meeting Dates (page 155)

**XVI. Recess to Closed Session**

- A. Personnel (Government Code Section 54957): Public Employee Discipline/Dismissal/Release

**XVII. Reconvene to Open Session and Report Action Taken in Closed Session**

- A. Personnel (Government Code Section 54957): Public Employee Discipline/Dismissal/Release

**XVIII. Adjournment**

# **STUDENT OF THE MONTH**

NAME: \_\_\_\_\_

GRADE: \_\_\_\_\_

TEACHER: \_\_\_\_\_

DATE: \_\_\_\_\_

REASON: \_\_\_\_\_

REMARKS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Presentation of ROP Student of the Month Awards

## **BACKGROUND**

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The Eden Area ROP has developed a student recognition program to acknowledge outstanding efforts and achievements of our students.

## **CURRENT SITUATION**

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The student recognition program has proven to be a successful, motivational tool in the classroom, among the staff and the students of the Eden Area ROP.

The following students were selected as ROP students of the month for February:

<b>STUDENT NAME</b>	<b>HIGH SCHOOL</b>	<b>ROP PROGRAM</b>	<b>INSTRUCTOR</b>
Lawrence Emnace	San Leandro	First Responders	Peters
Leah Ascencio Cortez	San Lorenzo	Careers in Law	O'Connell
Michelle Almaraz	San Leandro	Careers in Education	Emery
Mauricio Rivas Sabillon	San Leandro	Cybersecurity	Kang

## **RECOMMENDATION**

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Information only

# CONSENT CALENDAR

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## CONSENT CALENDAR





## Minutes of the Regular Meeting of the ROP Governing Board December 7, 2023

### I. Call to Order

Gary Howard, Board President, called the meeting to order at 5:45 p.m. on Thursday, December 7, 2023 at the Eden Area Regional Occupational Program Board Room, 26316 Hesperian Blvd., Hayward, CA 94545.

### II. Roll Call

#### Eden Area ROP Governing Board Members Present:

Gary Howard, President	Castro Valley USD
Juan Campos, Vice President	San Lorenzo USD
Evelyn Gonzalez, Member	San Leandro USD
Joe Ramos, Member	Hayward USD

#### Eden Area ROP Superintendent/Clerk of the Board Present:

Blaine Torpey

#### Eden Area ROP Administrators Present:

Mercedes Henderson	Human Resources Administrator
Craig Lang	Director of Adult Programs
Brigitte Luna	Director of Educational Services
Anthony Oum	Fiscal Services Administrator

#### Eden Area ROP Staff Present:

Megan Bello	Merchandising Instructor
David Espinoza	Automotive Technology Instructor
Jessica Fagundes	Career Counselor
Gabriela Juarez	Executive Assistant
Todd O'Leary	Automotive Technology Instructor

### III. Pledge of Allegiance

Anthony Oum led the Pledge of Allegiance.

### IV. Mission Statement

Jessica Fagundes read the Eden Area ROP mission statement.

### V. Core Values

Blaine Torpey read the Eden Area ROP core values.

### VI. Approval of Agenda

Trustee Evelyn Gonzalez moved to approve the agenda. Trustee Joe Ramos seconded the motion. By the following vote, the agenda was approved:

AYES:	4 (Campos, Gonzalez, Howard, Ramos)
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

**VII. Public Comment for Agenda items and matters that are related to the Eden Area ROP**

None

**VIII. Student of the Month Awards**

The following students were honored by their teachers, ROP Staff and the Governing Board as students of the month for December 2023:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Andrea McLean	Lincoln	Automotive Technology	Espinoza
Rigoberto Venegas	San Leandro	Automotive Technology	O'Leary
Arabella Afusia	San Leandro	Merchandising Occupations	Bello

Jessica Fagundes, Career Counselor, introduced the instructors, who presented their students to the Governing Board. A framed certificate of achievement was delivered to each student. Each student was given an opportunity to introduce their family and say a few words.

**IX. Consent Calendar**

Trustee Juan Campos moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of November 2, 2023
- B. Bill Warrants
- C. Personnel Action Items
- D. Agreement with Finalsight for Website Hosting Services for the 2024-2025 through 2028-2029 School Years
- E. MOU with the San Lorenzo Unified School District for Student Transportation for 2023-2024 School Year

Trustee Evelyn Gonzalez seconded the motion.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**X. Information Items**

**A. Fall Advisory Committee Meetings**

Brigitte Luna, Director of Educational Services, shared that on November 8, 2023, the Eden Area ROP held its annual Fall Advisory Committee meetings for our four partner school districts. The Fall Advisory meeting was comprised of business and community members from each sector to discuss the current labor market, emerging trends, and industry needs. This information is used to strengthen Eden Area ROP programs and prepare students with the necessary skills and knowledge to succeed. Mrs. Luna highlighted that there were 19 different pathways meetings happening on the same night.

**B. First Reading of Governing Board Policy and Administrative Regulation 1250: Visitors/Outsiders**

Blaine Torpey, Superintendent, presented to the Governing Board the first reading of Board Policy and Administrative Regulation 1250: Visitors/Outsiders. The Governing Board agreed with the revisions that will be brought for approval at the next Board meeting.

**C. First Reading of Governing Board Policy and Exhibits 4040: Employee Use of Technology**

Blaine Torpey, Superintendent, presented to the Governing Board the first reading of Board Policy and Exhibits 4040: Employee Use of Technology. The Governing Board agreed with the revisions that will be brought for approval at the next Board meeting.

**XI. Action Items**

**A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, and Exhibits**

Upon review of and a motion by Trustee Juan Campos and a second by Trustee Eveyln Gonzalez the Governing Board approved the second reading and adoption of governing board policies, administrative regulations, and exhibits.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**B. Request the Governing Board to approve the First Reading and Adoption of the New Governing Board Policies and Administrative Regulations 4161.9/4261.9/4361.9: Catastrophic Leave Program**

Upon review of and a motion by Trustee Joe Ramos and a second by Trustee Eveyln Gonzalez the Governing Board approved the first reading and adoption of the new Governing Board Policies and Administrative Regulations 4161.9/4261.9/4361.9: Catastrophic Leave Program.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**C. Request the Governing Board to approve the 2023-2024 First Interim Report**

Upon review of and a motion by Trustee Eveyln Gonzalez and a second by Trustee Juan Campos the Governing Board approved the 2023-2024 First Interim Report.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**D. Request the Governing Board to approve the New Job Descriptions for Adult Programs Staff**

Upon review of and a motion by Trustee Eveyln Gonzalez and a second by Trustee Joe Ramos the Governing Board approved the new job descriptions for Adult Programs staff.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**E. Request the Governing Board to approve the Adoption of Resolution 4-23/24: Retirement: Kathleen O'Brien**

Upon review of and a motion by Trustee Juan Campos and a second by Trustee Eveyln Gonzalez the Governing Board approved the adoption of Resolution 4-23/24: Retirement: Kathleen O'Brien.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**XII. Communications**

**A. Letter from the Alameda County Office of Education regarding the Adopted Budget**

A letter from ACOE was received acknowledging the approval of the Adopted Budget.

**XIII. Superintendent's Report**

Blaine Torpey, Superintendent, reported that as Eden Area ROP continues to develop a partnership with AC Transit. AC Transit team was able to tour the Eden Area ROP Center. They were impressed and inspired by our staff and students. This was on the heels of an amazing tour of AC Transit's Zero Emission Bus Depot and Central Maintenance facility.

He reported that November was a big month for advocacy and education. He participated in the annual CTE Conference and the CSBA Conference. An important takeaway from both was the value of developing youth apprenticeships. While Eden Area ROP staff is working on this initiative, it was great to learn so much more about it from the Department of Apprenticeship Standards staff. He attended several local events with elected officials and educational leaders focused on building collaborative relationships between institutions. A particular highlight was working on the Eden Area ROP input for the Governor's Executive Order. Superintendent Torpey worked with ROP colleagues, advocacy groups, and shared input with legislators and the Governor's office.

Superintendent Torpey shared that the Eden Area ROP Automotive Technology Program instructors, David Espinoza and Todd O'Leary, led the program through a rigorous process to achieve the coveted recognition of national accreditation as an ASE Training Program. Being ASE Certified allows Eden Area ROP students to be highly competitive in the labor market.

Superintendent Torpey highlighted that the Eden Area ROP was awarded the STEP Grant, a 4-year, \$1.4 million grant that will enable the Eden Area ROP to expand services to students with disabilities and provide paid summer internships for students. Students with disabilities are over 20% of the Eden Area ROP student population at the Center and it is exciting to know that Eden Area ROP will be providing even more guidance, support, and career preparation for them. The Eden Area ROP was also awarded a CDSS HPN extension grant of \$100,000 to continue South Hayward HPN solutions, and \$60,000 through the Bay Area K16 Collaborative Grant.

Superintendent Torpey reported in regard to Eden Area ROP operations, a state-of-the-art security camera system has been installed which will enhance site safety and security. Staff has also addressed the Center's water quality issue from earlier this year. SLZUSD will begin bussing students in January. Along with HUSD, having district support with transportation will have a dramatic impact on the Eden Area ROP's bottom line this year and in future years.

Superintendent Torpey concluded his report by providing an achievement under each of his goals.

**Goal 1: Strengthen EAROP Culture, Climate and Communication**

- **Strategic Partnerships:** Collaborated with Alameda County Office of Education (ACOE), Alameda County Workforce Development Board (ACWDB), City of Hayward and others on a number of important issues.

**Goal 2: Enhance High Quality CTE Programming and Systems to Support All Students**

- **Program Self-Assessment:** Conducted annual Advisory meetings for program development with over 160 industry partners.

**Goal 3: Guide and Support the Development of EAROP Staff**

- **Recruit, Hire and Retain:** Implemented first iteration of CTE Mentee Surveys

**Goal 4: Fiscal, Resource, and Operational Leadership**

- **Fiscal Stability:** Supporting and providing local and regional input on the Governor's Executive Order for the Master Plan for Career Pathways.

**XIV. Governing Board Reports**

Trustee Evelyn Gonzalez, San Leandro USD representative, announced that she will serve as San Leandro USD's Board President and therefore will likely not return to the Eden Area ROP Board in 2024. The replacement for the Eden Area ROP Board SLUSD representative will likely be someone who has been on the EAROP Board previously to maintain continuity.

Trustee Joe Ramos, Hayward USD representative, also shared that he will find out at the next HUSD board meeting to confirm if he will be returning as a member of the Eden Area ROP Board.

Trustee Juan Campos, San Lorenzo USD representative, was excited to report that San Lorenzo USD was able to fill several bus driver positions which allows for SLzUSD to resume providing transportation to and from the Center to students enrolled in an Eden Area ROP program.

Trustee Campos wished the Eden Area ROP staff a wonderful break.

Trustee Campos shared that it has been an honor to serve on the Eden Area ROP Board. A new SLzUSD representative will be selected to commence the next 2-year appointment to the Eden Area ROP Board.

Trustee Gary Howard, Castro Valley USD representative, also announced that his district's board will be reorganizing as well and a new CVUSD may be selected to represent the district on the Eden Area ROP board.

Blaine Torpey, Superintendent, presented Trustee Juan Campos and Trustee Gary Howard with a plaque honoring their time served on the Eden Area ROP Board.

**XV. Future Meeting Dates**

**A. Upcoming Eden Area ROP Governing Board Meeting Dates**

Blaine Torpey, Superintendent, shared the upcoming board meetings dates through June 2024.

**XVI. Adjournment**

The meeting was adjourned at 6:50 p.m. in memory of the Albertina Bettencourt, Grandmother of Eden Area ROP Career Counselor, Jessica Fagundes

Approved by the Eden Area ROP Governing Board \_\_\_\_\_.

\_\_\_\_\_  
Blaine Torpey, Superintendent/Clerk to the Eden Area ROP Governing Board



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Sabrina Ubhoff, Accounting Technician  
**SUBJECT:** Request the Governing Board to approve the Bill Warrants

## **CURRENT SITUATION**

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The bill warrants submitted for approval are for the period of November 27, 2023 through January 12, 2024 and include test warrant numbers and voided warrants.

## **CONSENT CALENDAR**

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**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Listed Donations-  
Chilton Auto Body, INC.

## **BACKGROUND**

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Occasionally, gifts or monetary items are donated to the Eden Area ROP.

## **CURRENT SITUATION**

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On December 1, 2023, Chris Abraham from Chilton Auto Body, INC. made a monetary donation of \$1000.00 to the Eden Area ROP Automotive Refinishing Program.

A letter of acceptance will be sent to the donor.

## **CONSENT CALENDAR**

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**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Listed Donations-  
Diablo Valley Industrial Claims Association (DVICA)

## **BACKGROUND**

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Occasionally, gifts or monetary items are donated to the Eden Area ROP.

## **CURRENT SITUATION**

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On November 3, 2023, Diablo Valley Industrial Claims Association (DVICA) made a monetary donation of \$860.00 to the Eden Area ROP Medical Careers Program.

A letter of acceptance will be sent to the donor.

## **CONSENT CALENDAR**

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**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Listed Donations-  
Evan Goldberg

## **BACKGROUND**

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Occasionally, gifts or monetary items are donated to the Eden Area ROP.

## **CURRENT SITUATION**

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On December 13, 2023, Evan Goldberg made a monetary donation of \$500.00 to the Eden Area ROP Construction Technology Program.

A letter of acceptance will be sent to the donor.

## **CONSENT CALENDAR**

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**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions

## **BACKGROUND**

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Education Code 35186 (d) requires the following:

A school district shall report summarized data on the nature and resolution of all complaints concerning deficiencies related to instructional materials, emergency or urgent facilities conditions and teacher vacancy or misassignment on a quarterly basis to the county superintendent of schools and the Governing Board of the school district. The summaries shall be publicly reported at a regularly scheduled meeting of the Governing Board of the school district. The report shall include the number of complaints with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

## **CURRENT SITUATION**

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Attached is a report for the complaints and resolutions through January 1, 2024 as specified by Education Code 35186 (d).

## **CONSENT CALENDAR**

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## QUARTERLY REPORT ON WILLIAMS ACT COMPLAINTS

[Education Code 35186 (d)]

Report through: January 1, 2024

District: Eden Area Regional Occupational Program  
Person completing this form: Gabriela Juarez  
Title: Superintendent's Executive Assistant

Quarterly Report Submission (check one) →  
Date: January 1, 2024

- ☒ January  
☐ April  
☐ July  
☐ October

Date for information to be reported publicly at the Governing Board meeting: February 1, 2024

Please check the box that applies:

- ☒ No complaints were filed with any school in the district during the quarter indicated above.
- ☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Number of Complaints	Number of Resolved Complaints	Number of Unresolved Complaints
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Mis-assignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Publicly reported at the Governing Board meeting on: February 1, 2024

\_\_\_\_\_  
Blaine Torpey, Superintendent



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Budget Development Calendar for the 2024-2025 School Year

## **BACKGROUND**

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The Eden Area ROP, as with all elementary and secondary educational institutions, must abide by Education Code 42127, including the responsibility to develop a budget calendar that shall guide the District through the fiscal year.

As a requirement of all Local Educational Agencies (LEAs), Eden Area ROP must adopt a budget by July 1<sup>st</sup> of each year. Per Education Code 42127, it states that county superintendents are required to examine the adopted budget for each school district to “determine whether it complies with standards and criteria adopted by the state board [and] shall identify, if necessary, technical corrections that are required to be made to bring the budget into compliance with those standards and criteria...” and to “determine whether the adopted budget will allow the school district to meet its financial obligations during the fiscal year and is consistent with a financial plan that will enable the school district to satisfy its multiyear financial commitments.” Furthermore, it states that the “county superintendent of schools shall either conditionally approve or disapprove a budget that does not provide adequate assurance that the school district will meet its current and future obligations...”

## **CURRENT SITUATION**

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Therefore, the Eden Area ROP is using Education Code 42127, applying the State's budget cycle, to guide the Budget Development Calendar for the 2024-2025 school year.

## **CONSENT CALENDAR**

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## BUDGET DEVELOPMENT CALENDAR

### Preparation for FY 2024-2025 Budget (in progress during the 2023-2024 School Year)

PHASE I	
Thursday, September 7, 2023	Board approves 2022-2023 Unaudited Actuals Report
Friday, September 15, 2023	Submit 2022-2023 Unaudited Actuals Report and supplementals to ACOE
Thursday, December 7, 2023	Board approves 2023-2024 First Interim Report
Friday, December 15, 2023	Submit 2023-2024 First Interim Report and supplementals to ACOE
Wednesday, January 17, 2024	School Services of California - Governor's Budget Workshop in Sacramento
Monday, January 22, 2024	Define budget priorities
Thursday, February 1, 2024	Board approves the budget development calendar for FY 2024-2025
Monday, February 5, 2024	Intent to return letter sent to staff
Friday, February 16, 2024	Intent to return letters due back to Human Resources
Thursday, March 7, 2024	Board approves 2023-2024 Second Interim Report
Friday, March 8, 2024	Administrators submit proposed budgets to Business Services
Monday, March 11, 2024	Superintendent and Fiscal Services Administrator review all budgets
Friday, March 15, 2024	Submit 2022-2023 Second Interim Report and supplementals to ACOE
Friday, March 29, 2024	Step & column and professional growth calculated and distributed to administrators
Monday, April 15, 2024	Teachers' contracts distributed
Friday, April 26, 2024	Teachers' contracts returned

PHASE II	
Monday, April 15, 2024	Outside contract renewals for FY 2024-2025 may begin
Wednesday, May 1, 2024	Purchase Orders close out process begins for FY 2023-2024
Friday, May 17, 2024	Governor's May Revise Budget
Friday, June 7, 2024	Conduct public hearing and Board approves 2024-2025 Adopted Budget Report
Friday, June 28, 2024	Submit 2024-2025 Adopted Budget Report and supplementals to ACOE

PHASE III	
Thursday, September 5, 2024	Board approves 2023-2024 Unaudited Actuals Report
Friday, September 13, 2024	Submit 2023-2024 Unaudited Actuals Report and supplementals to ACOE
Monday, September 16, 2024	Update beginning fund balance of unrestricted and restricted prior FY carryovers

PHASE IV	
Thursday, December 5, 2024	Board approves 2024-2025 First Interim Report
Friday, December 13, 2024	Submit 2024-2025 First Interim Report and supplementals to ACOE
Thursday, March 13, 2025	Board approves 2024-2025 Second Interim Report
Friday, March 14, 2025	Submit 2024-2025 Second Interim Report and supplementals to ACOE



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Agreement with American Fidelity to provide Section 125 Flexible Benefit Plan Services for the 2024 Calendar Year

## **BACKGROUND**

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The Eden Area ROP uses American Fidelity as its Section 125 Flexible Benefit Plan provider. Annually, said plan is re-serviced to comply with the Internal Revenue Service regulations because it is necessary that the information contained in the plan document be accurate.

## **CURRENT SITUATION**

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Attached is the re-serviced Section 125 Flexible Benefit Plan with an effective date of amendment of 01/01/2024.

## **CONSENT CALENDAR**

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**SAMPLE PLAN DOCUMENT**  
**SECTION 125**  
**FLEXIBLE BENEFIT PLAN**

*The attached plan document and adoption agreement are being provided for illustrative purposes only. Because of differences in facts, circumstances, and the laws of the various states, interested parties should consult their own attorneys. This document is intended as a guide only, for use by local counsel.*





**SECTION 125 FLEXIBLE BENEFIT PLAN  
ADOPTION AGREEMENT**

*The undersigned Employer hereby adopts the Section 125 Flexible Benefit Plan for those Employees who shall qualify as Participants hereunder. The Employer hereby selects the following Plan specifications:*

**A. EMPLOYER INFORMATION**

<b>Name of Employer:</b>	Eden Area Regional Occupational Programs
<b>Address:</b>	26316 Hesperian Blvd HAYWARD, CA 94545
<b>Employer Identification Number:</b>	94-3158083
<b>Nature of Business:</b>	Public School
<b>Name of Plan:</b>	Eden Area Regional Occupational Programs
	Flexible Benefit Plan
<b>Plan Number:</b>	501
	All Employees

**B. EFFECTIVE DATE**

<b>Original effective date of the Plan:</b>	July 1, 1999
<b>If Amendment to existing plan, effective date of amendment:</b>	January 1, 2024

**C. ELIGIBILITY REQUIREMENTS FOR PARTICIPATION**

Eligibility requirements for each component plan under this Section 125 document will be applicable and, if different, will be listed in Item F.

<b>Length of Service:</b>	First day of the month following employment. Eligible employees include active employees and retired persons who receive an early retirement stipend from the District.
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<b>Retiree Wording:</b>	N/A
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<b>Minimum Hours:</b>	All employees with 7.5 hours of service or more each week. An hour of service is each hour for which an employee receives, or is entitled to receive, payment for performance of duties for the Employer.
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<b>Age:</b>	Minimum age of 18 years.
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**D. PLAN YEAR**

The current plan year will begin on January 1, 2024 and end on December 31, 2024.  
Each subsequent plan year will begin on January 1 and end on December 31.

## **E. EMPLOYER CONTRIBUTIONS**

### **Non-Elective Contributions:**

The Employer may at its sole discretion provide a non-elective contribution to provide benefits for each Participant under the Plan. This amount will be set by the Employer each Plan Year in a uniform and non-discriminatory manner. If this non-elective contribution amount exceeds the cost of benefits elected by the Participant, excess amounts will not be paid to the Participant as taxable cash.

### **Elective Contributions (Salary Reduction):**

The maximum amount available to each Participant for the purchase of elected benefits through salary reduction will be:

100% of compensation per entire plan year.

Each Participant may authorize the Employer to reduce his or her compensation by the amount needed for the purchase of benefits elected, less the amount of non-elective contributions. An election for salary reduction will be made on the benefit election form.

**F. AVAILABLE BENEFITS:** Each of the following components should be considered a plan that comprises this Plan.

1. **Group Medical Insurance** -- The terms, conditions, and limitations for the Group Medical Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)  
**American Fidelity Assurance Company | CalPERS |**  
**Eligibility Requirements for Participation, if different than Item C.**
2. **Disability Income Insurance** -- The terms, conditions, and limitations for the Disability Income Insurance will be as set forth in the insurance policy or policies described below: (See Section VI of the Plan Document)  
**American Fidelity Assurance Company |**  
**Eligibility Requirements for Participation, if different than Item C.**
3. **Cancer Coverage** -- The terms, conditions, and limitations for the Cancer Coverage will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)  
**American Fidelity Assurance Company |**  
**Eligibility Requirements for Participation, if different than Item C.**
4. **Dental/Vision Insurance** -- The terms, conditions, and limitations for the Dental/Vision Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)  
**Delta Dental | Vision Service Plan |**  
**Eligibility Requirements for Participation, if different than Item C.**
5. **Group Life Insurance** which will be comprised of Group term life insurance and Individual term life insurance under Section 79 of the Code.  
  
The terms, conditions, and limitations for the Group Life Insurance will be as set forth in the insurance policy or policies described below: (See Section VII of the Plan Document)  
  
**American Fidelity Assurance Company | Life Insurance Company of the SW | Nationwide | U S Life | Western-Southern Life Assurance Company |**  
  
Individual life coverage under Section 79 is available as a benefit, and the face amount when combined with the group-term life, if any, may not exceed \$50,000.  
**Eligibility Requirements for Participation, if different than Item C.**
6. **Dependent Care Assistance Plan** -- The terms, conditions, and limitations for the Dependent Care Assistance Plan will be as set forth in Section IX of the Plan Document and described below:

Minimum Contribution - **\$0.00** per Plan Year

Maximum Contribution - **\$5000.00** per Plan Year

Recordkeeper: American Fidelity Assurance Company

Eligibility Requirements for Participation, if different than Item C.

N/A

7. **Medical Expense Reimbursement Plan** (a.k.a. Healthcare Flexible Spending Account) -- The terms, conditions, and limitations for the Medical Expense Reimbursement Plan will be as set forth in Section VIII of the Plan Document and described below:

Minimum Coverage - **\$0.00** per Plan Year or a Prorated Amount for a Short Plan Year.

Maximum Coverage - **\$3050.00** per Plan Year or a Prorated Amount for a Short Plan Year. In no event can the maximum exceed the limit as indicated by the IRS in accordance with the law.

Recordkeeper: American Fidelity Assurance Company

Restrictions: As outlined in Policy G-905/R1.

**Grace Period:** The Provisions in Section 8.06 of the Plan to permit a Grace Period with respect to the Medical Expense Reimbursement Plan **are not** elected.

**Carryover:** The Provisions in Section 8.07 of the Plan to permit a Carryover with respect to the Medical Expense Reimbursement Plan **are** elected.

Carryover Maximum: **\$610.00** per Plan Year.

**HEART Act:** The provisions in Section 8.08 of the Plan to permit the Qualified Reservist Distribution of the Heroes Earnings Assistance and Relief Tax Act (HEART) **are not** elected.

Eligibility Requirements for Participation, if different than Item C.

8. **Health Savings Accounts** – The Plan permits contributions to be made to a Health Savings Account on a pretax basis in accordance with Section X of the Plan and the following provisions:

HSA Trustee – **N/A**

Maximum Contribution – **N/A**

Limitation on Eligible Medical Expenses – For purposes of the Medical Reimbursement Plan, Eligible Medical Expenses of a Participant that is eligible for and elects to participate in a Health Savings Account shall be limited to expenses for:

N/A

Eligibility Requirements for Participation, if different than Item C.

- a. An Employee must complete a Certification of Health Savings Account Eligibility which confirms that the Participant is an eligible individual who is entitled to establish a Health Savings Account in accordance with Code Section 223(c)(1).
- b. Eligibility for the Health Savings Account shall begin on the later of (i) first day of the month coinciding with or next following the Employee's commencement of coverage under the High Deductible Health Plan, or (ii) the first day following the end of a Grace Period available to the Employee with respect to the Medical Reimbursement Accounts that are not limited to vision and dental expenses (unless the participant has a \$0.00 balance on the last day of the plan year).
- c. An Employee's eligibility for the Health Savings Account shall be determined monthly.

9. **Temporary COVID Relief Amendment**—The Plan permits the following Changes in accordance with Section XIV of the Plan, and as selected by the Employer.

CARES Act Carryover Increase

**The Plan shall be construed, enforced, administered, and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974, (as amended) if applicable, the Internal Revenue Code of 1986 (as amended), and the laws of the State of California. Should any provision be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only, will be deemed not to include the provision determined to be void.**

**This Plan is hereby adopted \_\_\_\_\_.**

**Eden Area Regional Occupational Programs -  
(Name of Employer)**

**Signed By: \_\_\_\_\_**

**Title: \_\_\_\_\_**

**APPENDIX A**

**Related Employers that have adopted this Plan**

**Name(s):**  
N/A

**THIS DOCUMENT IS NOT COMPLETE WITHOUT SECTIONS I THROUGH XIII**  
**PD – 1122 SW Document ID # 161371MCP #38343 Effective Date:01/01/2024 10/20/23 7:08 AM**



## SECTION 125 FLEXIBLE BENEFIT PLAN

### SECTION I

#### PURPOSE

The Employer is establishing this Flexible Benefit Plan in order to make a broader range of benefits available to its Employees and their Beneficiaries. This Plan allows Employees to choose among different types of benefits and select the combination best suited to their individual goals, desires, and needs. These choices include an option to receive certain benefits in lieu of taxable compensation.

In establishing this Plan, the Employer desires to attract, reward, and retain highly qualified, competent Employees, and believes this Plan will help achieve that goal.

It is the intent of the Employer to establish this Plan in conformity with Section 125 of the Internal Revenue Code of 1986, as amended, and in compliance with applicable rules and regulations issued by the Internal Revenue Service. This Plan will grant to eligible Employees an opportunity to purchase qualified benefits which, when purchased alone by the Employer, would not be taxable.

### SECTION II

#### DEFINITIONS

The following words and phrases appear in this Plan and will have the meaning indicated below unless a different meaning is plainly required by the context:

2.01                    **Administrator** The Employer unless another has been designated in writing by the Employer as Administrator within the meaning of Section 3(16) of ERISA (if applicable).

2.02                    **Beneficiary** Any person or persons designated by a participating Employee to receive any benefit payable under the Plan on account of the Employee's death.

2.02a                    **Carryover** The amount equal to the lesser of (a) any unused amounts from the immediately preceding Plan Year or (b) an amount up to \$610, as indexed for inflation, paralleling the indexing applicable to the limit on salary reduction contributions under Code Section 125(i) of the Code, except that in no event may the Carryover be less than five dollars (\$5).

2.03                    **Code** Internal Revenue Code of 1986, as amended.

2.04                    **Dependent** Any of the following:

(a)    Tax Dependent: A Dependent includes a Participant's spouse and any other person who is a Participant's dependent within the meaning of Code Section 152, provided that, with respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Participant's dependent (i) is any person within the meaning of Code Section 152, determined without regard to Subsections (b)(1), (b)(2), and

(d)(1)(B) thereof, and (ii) includes any child of the Participant to whom Code Section 152(e) applies (such child will be treated as a dependent of both divorced parents).

(b) Student on a Medically Necessary Leave of Absence: With respect to any plan that is considered a group health plan under Michelle's Law (and not a HIPAA excepted benefit under Code Sections 9831(b), (c) and 9832(c)) and to the extent the Employer is required by Michelle's Law to provide continuation coverage, a Dependent includes a child who qualifies as a Tax Dependent (defined in Section 2.04(a)) because of his or her full-time student status, is enrolled in a group health plan, and is on a medically necessary leave of absence from school. The child will continue to be a Dependent if the medically necessary leave of absence commences while the child is suffering from a serious illness or injury, is medically necessary, and causes the child to lose student status for purposes of the group health plan's benefits coverage. Written physician certification that the child is suffering from a serious illness or injury and that the leave of absence is medically necessary is required at the Administrator's request. The child will no longer be considered a Dependent as of the earliest date that the child is no longer on a medically necessary leave of absence, the date that is one year after the first day of the medically necessary leave of absence, or the date benefits would otherwise terminate under either the group health plan or this Plan. Terms related to Michelle's Law, and not otherwise defined, will have the meaning provided under the Michelle's Law provisions of Code Section 9813.

(c) Adult Children: With respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Dependent includes a child of a Participant who as of the end of the calendar year has not attained age 27. A 'child' for purpose of this Section 2.04(c) means an individual who is a son, daughter, stepson, or stepdaughter of the Participant, a legally adopted individual of the Participant, an individual who is lawfully placed with the Participant for legal adoption by the Participant, or an eligible foster child who is placed with the Participant by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. An adult child described in this Section 2.04(c) is only a Dependent with respect to benefits provided after March 30, 2010 (subject to any other limitations of the Plan).

Dependent for purposes of the Dependent Care Reimbursement Plan is defined in Section 9.04(a).

2.05                      **Effective Date**                      The effective date of this Plan as shown in Item B of the Adoption Agreement.

2.06                      **Elective Contribution**                      The amount the Participant authorizes the Employer to reduce compensation for the purchase of benefits elected.

2.07	<b>Eligible Employee</b>	Employee meeting the eligibility requirements for participation as shown in Item C of the Adoption Agreement.
2.08	<b>Employee</b>	Any person employed by the Employer on or after the Effective Date.
2.09	<b>Employer</b>	The entity shown in Item A of the Adoption Agreement, and any Related Employers authorized to participate in the Plan with the approval of the Employer. Related Employers who participate in this Plan are listed in Appendix A to the Adoption Agreement. For the purposes of Section 11.01 and 11.02, only the Employer as shown in Item A of the Adoption Agreement may amend or terminate the Plan.
2.10	<b>Employer Contributions</b>	Amounts that have not been actually received by the Participant and are available to the Participant for the purpose of selecting benefits under the Plan. This term includes Non-Elective Contributions and Elective Contributions through salary reduction.
2.11	<b>Entry Date</b>	The date that an Employee is eligible to participate in the Plan.
2.12	<b>ERISA</b>	The Employee Retirement Income Security Act of 1974, Public Law 93-406 and all regulations and rulings issued thereunder, as amended (if applicable).
2.13	<b>Fiduciary</b>	The named fiduciary shall mean the Employer, the Administrator and other parties designated as such, but only with respect to any specific duties of each for the Plan as may be set forth in a written agreement.
2.14	<b>Health Savings Account</b>	A "health savings account" as defined in Section 223(d) of the Internal Revenue Code of 1986, as amended established by the Participant with the HSA Trustee.
2.15	<b>HSA Trustee</b>	The Trustee of the Health Savings Account which is designated in Section F.8 of the Adoption Agreement.
2.16	<b>Highly Compensated</b>	Any Employee who at any time during the Plan Year is a "highly compensated employee" as defined in Section 414(q) of the Code.
2.17	<b>High Deductible Health Plan</b>	A health plan that meets the statutory requirements for annual deductibles and out-of-pocket expenses set forth in Code section 223(c)(2).
2.18	<b>HIPAA</b>	The Health Insurance Portability and Accountability Act of 1996, as amended.



Eligible Employee may elect coverage under this Plan with respect to such Dependent. Notwithstanding the foregoing, life insurance coverage on the life of a Dependent may not be elected under this Plan.

- 3.02 ENROLLMENT: An eligible Employee may enroll (or re-enroll) in the Plan by submitting to the Employer, during an enrollment period, an Election Form which specifies his or her benefit elections for the Plan Year and which meets such standards for completeness and accuracy as the Employer may establish. A Participant's Election Form shall be completed prior to the beginning of the Plan Year, and shall not be effective prior to the date such form is submitted to the Employer. Any Election Form submitted by a Participant in accordance with this Section shall remain in effect until the earlier of the following dates: the date the Participant terminates participation in the Plan; or, the effective date of a subsequently filed Election Form.

A Participant's right to elect certain benefit coverage shall be limited hereunder to the extent such rights are limited in the Policy. Furthermore, a Participant will not be entitled to revoke an election after a period of coverage has commenced and to make a new election with respect to the remainder of the period of coverage unless both the revocation and the new election are on account of and consistent with a change in status, or other allowable events, as determined by Section 125 of the Internal Revenue Code and the regulations thereunder.

- 3.03 TERMINATION OF PARTICIPATION: A Participant shall continue to participate in the Plan until the earlier of the following dates:

- a. The date the Participant terminates employment by death, disability, retirement or other separation from service; or
- b. The date the Participant ceases to work for the Employer as an eligible Employee; or
- c. The date of termination of the Plan; or
- d. The first date a Participant fails to pay required contributions while on a leave of absence.

- 3.04 SEPARATION FROM SERVICE: The existing elections of an Employee who separates from the employment service of the Employer shall be deemed to be automatically terminated and the Employee will not receive benefits for the remaining portion of the Plan Year.

- 3.05 QUALIFYING LEAVE UNDER FAMILY LEAVE ACT: Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying unpaid leave under the Family and Medical Leave Act of 1993 (FMLA), to the extent required by the FMLA, the Employer will continue to maintain the Participant's existing coverage under the Plan with respect to benefits under Section V and Section VIII of the Plan on the same terms and conditions as though he were still an active Employee. If the Employee opts to continue his coverage, the Employee may pay his Elective Contribution with after-tax dollars while on leave (or pre-tax dollars to the extent he receives compensation during the leave), or the Employee may be given the option to pre-pay all or a portion of his Elective Contribution for the expected duration of the leave on a pre-tax salary reduction basis out of his pre-leave compensation (including unused sick days or vacation) by making a special election to that effect prior to the date such compensation would normally be made available to him (provided, however, that pre-tax dollars may not be utilized to fund coverage during the next plan year), or via other arrangements agreed upon between the Employee and the Administrator (e.g., the Administrator may fund coverage during the leave and withhold amounts upon the Employee's return). Upon return from such leave, the Employee will be permitted to reenter the Plan on the same basis the Employee was participating in the Plan prior to his leave, or as otherwise required by the FMLA.

## SECTION IV

## CONTRIBUTIONS

4.01 EMPLOYER CONTRIBUTIONS: The Employer may pay the costs of the benefits elected under the Plan with funds from the sources indicated in Item E of the Adoption Agreement. The Employer Contribution may be made up of Non-Elective Contributions and/or Elective Contributions authorized by each Participant on a salary reduction basis.

4.02 IRREVOCABILITY OF ELECTIONS: A Participant may file a written election form with the Administrator before the end of the current Plan Year revising the rate of his contributions or discontinuing such contributions effective as of the first day of the next following Plan Year. The Participant's Elective Contributions will automatically terminate as of the date his employment terminates. Except as provided in this Section 4.02 and Section 4.03, a Participant's election under the Plan is irrevocable for the duration of the plan year to which it relates. The exceptions to the irrevocability requirement which would permit a mid-year election change in benefits and the salary reduction amount elected are set out in the Treasury regulations promulgated under Code Section 125, which include the following:

(a) Change in Status. A Participant may change or revoke his election under the Plan upon the occurrence of a valid change in status, but only if such change or termination is made on account of, and is consistent with, the change in status in accordance with the Treasury regulations promulgated under Section 125. The Employer, in its sole discretion as Administrator, shall determine whether a requested change is on account of and consistent with a change in status, as follows:

- (1) Change in Employee's legal marital status, including marriage, divorce, death of spouse, legal separation, and annulment;
- (2) Change in number of Dependents, including birth, adoption, placement for adoption, and death;
- (3) Change in employment status, including any employment status change affecting benefit eligibility of the Employee, spouse or Dependent, such as termination or commencement of employment, change in hours, strike or lockout, a commencement or return from an unpaid leave of absence, and a change in work site. If the eligibility for either the cafeteria Plan or any underlying benefit plans of the Employer of the Employee, spouse or Dependent relies on the employment status of that individual, and there is a change in that individual's employment status resulting in gaining or losing eligibility under the Plan, this constitutes a valid change in status. This category only applies if benefit eligibility is lost or gained as a result of the event. If an Employee terminates and is rehired within 30 days, the Employee is required to step back into his previous election. If the Employee terminates and is rehired after 30 days, the Employee may either step back into the previous election or make a new election;
- (4) Dependent satisfies, or ceases to satisfy, Dependent eligibility requirements due to attainment of age, gain or loss of student status, marriage or any similar circumstances; and
- (5) Residence change of Employee, spouse or Dependent, affecting the Employee's eligibility for coverage.

(b) Special Enrollment Rights. If a Participant or his or her spouse or Dependent is entitled to special enrollment rights under a group health plan (other than an excepted benefit), as required by HIPAA under Code Section 9801(f), then a Participant may revoke a prior election for group health plan coverage and make a new election, provided that the election change corresponds with such HIPAA special enrollment right. As required by HIPAA, a special enrollment right will arise in the following circumstances: (i) a Participant or his or her spouse or Dependent declined to enroll in group health plan coverage because he or she had coverage, and eligibility for such coverage is subsequently lost because the coverage was provided under COBRA and the COBRA coverage was exhausted, or the

coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated; (ii) a new Dependent is acquired as a result of marriage, birth, adoption, or placement for adoption; (iii) the Participant's or his or her spouse's or Dependent's coverage under a Medicaid plan or under a children's health insurance program (CHIP) is terminated as a result of loss of eligibility for such coverage and the Participant requests coverage under the group health plan not later than 60 days after the date of termination of such coverage; or (iv) the Participant, his or her spouse or Dependent becomes eligible for a state premium assistance subsidy from a Medicaid plan or through a state children's insurance program with respect to coverage under the group health plan and the Participant requests coverage under the group health plan not later than 60 days after the date the Participant, his or her spouse or Dependent is determined to be eligible for such assistance. An election change under (iii) or (iv) of this provision must be requested within 60 days after the termination of Medicaid or state health plan coverage or the determination of eligibility for a state premium assistance subsidy, as applicable. Special enrollment rights under the health insurance plan will be determined by the terms of the health insurance plan.

- (c) Certain Judgments, Decrees or Orders. If a judgment, decree or order resulting from a divorce, legal separation, annulment or change in legal custody (including a qualified medical child support order [QMCSO]) requires accident or health coverage for a Participant's child or for a foster child who is a dependent of the Participant, the Participant may have a mid-year election change to add or drop coverage consistent with the Order.
- (d) Entitlement to Medicare or Medicaid. If a Participant, Participant's spouse or Participant's Dependent who is enrolled in an accident or health plan of the Employer becomes entitled to Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), the Participant may cancel or reduce health coverage under the Employer's Plan. Loss of Medicare or Medicaid entitlement would allow the Participant to add health coverage under the Employer's Plan.
- (e) Family Medical Leave Act. If an Employee is taking leave under the rules of the Family Medical Leave Act, the Employee may revoke previous elections and re-elect benefits upon return to work.
- (f) COBRA Qualifying Event. If an Employee has a COBRA qualifying event (a reduction in hours of the Employee, or a Dependent ceases eligibility), the Employee may increase his pre-tax contributions for coverage under the Employer's Plan if a COBRA event occurs with respect to the Employee, the Employee's spouse or Dependent. The COBRA rule does not apply to COBRA coverage under another Employer's Plan.
- (g) Changes in Eligibility for Adult Children. To the extent the Employer amends a plan listed in Item F of the Adoption Agreement that provides benefits that are excluded from an Employee's income under Code Section 105 to provide that Adult Children (as defined in Section 2.04(c)) are eligible to receive benefits under the plan, an Eligible Employee may make or change an election under this Plan to add coverage for the Adult Child and to make any corresponding change to the Eligible Employee's coverage that is consistent with adding coverage for the Adult Child.
- (h) Cancellation due to reduction in hours of service. A Participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
  - (i) The Participant has been in an employment status under which the Participant was reasonably expected to average at least 30 hours of service per week and there is a change

in that Participant's status so that the Participant will reasonably be expected to average less than 30 hours of service per week after the change, even if that reduction does not result in the Participant ceasing to be eligible under the group health plan; and

- (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant, and any related individuals who cease coverage due to the cancellation, in another plan that provides minimum essential coverage with the new coverage effective no later than the first day of the second month following the month that includes the date the original coverage is cancelled.
- (i) Cancellation due to enrollment in a Qualified Health Plan. A participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
- (i) The Participant is eligible for a Special Enrollment Period (as defined in Code Section 9801(f)) to enroll in a Qualified Health Plan (as described in section 1311 of the Patient Protection and Affordable Care Act (PPACA)) through a competitive marketplace established under section 1311(c) of PPACA (Marketplace), pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or the Participant seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and
  - (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant and any related individuals who cease coverage due to the cancellation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day immediately following the last day of the original coverage that is cancelled.
- (j) Cancellation due to related individuals' enrollment in a Qualified Health Plan. For elections effective on or after January 1, 2023, a participant may cancel an election of family coverage under a group health plan (as that term is defined in Code Section 9832(a)), except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
- (i) One or more related individuals are eligible for a Special Enrollment Period (as defined in Code Section 9801(f)) to enroll in a Qualified Health Plan (as described in section 1311 of the Patient Protection and Affordable Care Act (PPACA)) through a competitive marketplace established under section 1311(c) of PPACA (Marketplace), pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or one or more already-covered related individuals seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and
  - (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the related individual or related individuals who cease coverage due to the cancellation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day



immediately following the last day of the original coverage that is cancelled. If the employee does not enroll in a Qualified Health Plan through an Exchange as set forth in Notice 2014-55, the employee must elect self-only coverage (or family coverage including one or more already-covered related individuals) under the group health plan.

Notwithstanding anything to the contrary in this Section 4.02, the change in election rules in this Section 4.02 do not apply to the Medical Expense Reimbursement Plan, or may not be modified with respect to the Medical Expense Reimbursement Plan if the Plan is being administered by a Recordkeeper other than the Employer, unless the Employer and the Recordkeeper otherwise agree in writing.

4.03 OTHER EXCEPTIONS TO IRREVOCABILITY OF ELECTIONS. Other exceptions to the irrevocability of election requirement permit mid-year election changes and apply to all qualified benefits except for Medical Expense Reimbursement Plans, as follows:

- (a) Change in Cost. If the cost of a benefit package option under the Plan significantly increases during the plan year, Participants may (i) make a corresponding increase in their salary reduction amount, (ii) revoke their elections and make a prospective election under another benefit option offering similar coverage, or (iii) revoke election completely if no similar coverage is available, including in spouse or dependent's plan. If the cost significantly decreases, employees may elect coverage even if they had not previously participated and may drop their previous election for a similar coverage option in order to elect the benefit package option that has decreased in cost during the year. If the increased or decreased cost of a benefit package option under the Plan is insignificant, the participant's salary reduction amount shall be automatically adjusted.
- (b) Significant curtailment of coverage.
  - (i) With no loss of coverage. If the coverage under a benefit package option is significantly curtailed or ceases during the Plan Year, affected Participants may revoke their elections for the curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage.
  - (ii) With loss of coverage. If there is a significant curtailment of coverage with loss of coverage, affected Participants may revoke election for curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage, or drop coverage if no similar benefit package option is available.
- (c) Addition or Significant Improvement of Benefit Package Option. If during the Plan Year a new benefit package option is added or significantly improved, eligible employees, whether currently participating or not, may revoke their existing election and elect the newly added or newly improved option.
- (d) Change in Coverage of a Spouse or Dependent Under Another Employer's Plan. If there is a change in coverage of a spouse, former spouse, or Dependent under another employer's plan, a Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of the spouse or Dependent. This rule applies if (1) mandatory changes in coverage are initiated by either the insurer of spouse's plan or by the spouse's employer, or (2) optional changes are initiated by the spouse's employer or by the spouse through open enrollment.
- (e) Loss of coverage under other group health coverage. If during the Plan Year coverage is lost under any group health coverage sponsored by a governmental or educational institution, a Participant may

prospectively change his or her election to add group health coverage for the affected Participant or his or her spouse or dependent.

- 4.04 CASH BENEFIT: Available amounts not used for the purchase of benefits under this Plan may be considered a cash benefit under the Plan payable to the Participant as taxable income to the extent indicated in Item E of the Adoption Agreement.
- 4.05 PAYMENT FROM EMPLOYER'S GENERAL ASSETS: Payment of benefits under this Plan shall be made by the Employer from Elective Contributions which shall be held as a part of its general assets.
- 4.06 EMPLOYER MAY HOLD ELECTIVE CONTRIBUTIONS: Pending payment of benefits in accordance with the terms of this Plan, Elective Contributions may be retained by the Employer in a separate account or, if elected by the Employer and as permitted or required by regulations of the Internal Revenue Service, Department of Labor or other governmental agency, such amounts of Elective Contributions may be held in a trust pending payment.
- 4.07 MAXIMUM EMPLOYER CONTRIBUTIONS: With respect to each Participant, the maximum amount made available to pay benefits for any Plan Year shall not exceed the Employer's Contribution specified in the Adoption Agreement and as provided in this Plan.

## **SECTION V**

### **GROUP MEDICAL INSURANCE BENEFIT PLAN**

- 5.01 PURPOSE: These benefits provide the group medical insurance benefits to Participants.
- 5.02 ELIGIBILITY: Eligibility will be as required in Items F(1), F(3), and F(4) of the Adoption Agreement.
- 5.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Items F(1), F(3), and F(4) of the Adoption Agreement.
- 5.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.
- 5.05 COBRA: To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA, Participants and Dependents shall be entitled to continued participation in this Group Medical Insurance Benefit Plan by contributing monthly (from their personal assets previously subject to taxation) 102% of the amount of the premium for the desired benefit during the period that such individual is entitled to elect continuation coverage, provided, however, in the event the continuation period is extended to 29 months due to disability, the premium to be paid for continuation coverage for the 11 month extension period shall be 150% of the applicable premium.
- 5.06 SECTION 105 AND 106 PLAN: It is the intention of the Employer that these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 105 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention. It is also the intention of the Employer to comply with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 as outlined in the policies identified in the Adoption Agreement.
- 5.07 CONTRIBUTIONS: Contributions for these benefits will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.
- 5.08 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT: Notwithstanding anything to the contrary herein, the Group Medical Insurance Benefit Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).

## **SECTION VI**

### **DISABILITY INCOME BENEFIT PLAN**

- 6.01 PURPOSE: This benefit provides disability insurance designated to provide income to Participants during periods of absence from employment because of disability.
- 6.02 ELIGIBILITY: Eligibility will be as required in Item F(2) of the Adoption Agreement.
- 6.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(2) of the Adoption Agreement.

- 6.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the Disability Income Benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.
- 6.05 SECTION 104 AND 106 PLAN: It is the intention of the Employer that the premiums paid for these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 104 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.
- 6.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.

## **SECTION VII**

### **GROUP AND INDIVIDUAL LIFE INSURANCE PLAN**

- 7.01 PURPOSE: This benefit provides group life insurance benefits to Participants and may provide certain individual policies as provided for in Item F(5) of the Adoption Agreement.
- 7.02 ELIGIBILITY: Eligibility will be as required in Item F(5) of the Adoption Agreement.
- 7.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(5) of the Adoption Agreement.
- 7.04 TERMS, CONDITIONS, AND LIMITATIONS: The terms, conditions, and limitations of the group life insurance are specifically described in the Policy identified in the Adoption Agreement.
- 7.05 SECTION 79 PLAN: It is the intention of the Employer that the premiums paid for the benefits described in Item F(5) of the Adoption Agreement shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan to the extent provided in Code Section 79, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.
- 7.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement. Any individual policies purchased by the Employer for the Participant will be owned by the Participant.

## **SECTION VIII**

### **MEDICAL EXPENSE REIMBURSEMENT PLAN**

- 8.01 PURPOSE: The Medical Expense Reimbursement Plan is designed to provide for reimbursement of Eligible Medical Expenses (as defined in Section 8.04) that are not reimbursed under an insurance plan, through damages, or from any other source. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Sections 105 and 106, for Participants who elect this benefit and all provisions of this Section VIII shall be construed in a manner consistent with that intention.
- 8.02 ELIGIBILITY: The eligibility provisions are set forth in Item F(7) of the Adoption Agreement.

### 8.03 TERMS, CONDITIONS, AND LIMITATIONS:

- a. Accounts. The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Medical Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.
- b. Maximum benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's Elective Contribution allocated to the program during the Plan Year, not to exceed the maximum amount set forth in Item F(7) of the Adoption Agreement.
- c. Claim Procedure. In order to be reimbursed for any medical expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of expense as determined by the Reimbursement Recordkeeper. Forms for reimbursement of Eligible Medical Expenses must be submitted no later than the last day of the third month following the last day of the Plan Year during which the Eligible Medical Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.
- d. Funding. The funding of the Medical Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administrative expenses become due and payable under this Medical Expense Reimbursement Plan.
- e. Forfeiture. Subject to Section 8.06 and 8.07, any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Medical Expenses incurred during the Participant's participation during the Plan Year shall be forfeited and shall remain assets of the Plan. With respect to a Participant who terminates employment with the Employer and who has not elected to continue coverage under this Plan pursuant to COBRA rights referenced under Section 8.03(f) herein, such Participant shall not be entitled to reimbursement for Eligible Medical Expenses incurred after his termination date regardless if such Participant has any amounts of Employer Contributions remaining to his credit. Upon the death of any Participant who has any amounts of Employer Contributions remaining to his credit, a dependent of the Participant may elect to continue to claim reimbursement for Eligible Medical Expenses in the same manner as the Participant could have for the balance of the Plan Year.
- f. COBRA. To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA ("COBRA"), a Participant and a Participant's Dependents shall be entitled to elect continued participation in this Medical Expense Reimbursement Plan only through the end of the plan year in which the qualifying event occurs, by contributing monthly (from their personal assets previously subject to taxation) to the Employer/Administrator, 102% of the amount of desired reimbursement through the end of the Plan Year in which the qualifying event occurs. Specifically, such individuals will be eligible for COBRA continuation coverage only if they have a positive Medical Expense Reimbursement Account balance on the date of the qualifying event. Participants who have a deficit balance in their Medical Expense Reimbursement Account on the

date of their qualifying event shall not be entitled to elect COBRA coverage. In lieu of COBRA, Participants may continue their coverage through the end of the current Plan Year by paying those premiums out of their last paycheck on a pre-tax basis.

- g. Nondiscrimination. Benefits provided under this Medical Expense Reimbursement Plan shall not be provided in a manner that discriminates in favor of Employees or Dependents who are highly compensated individuals, as provided under Section 105(h) of the Code and regulations promulgated thereunder.
- h. Uniform Coverage Rule. Notwithstanding that a Participant has not had withheld and credited to his account all of his contributions elected with respect to a particular Plan Year, the entire aggregate annual amount elected with respect to this Medical Expense Reimbursement Plan (increased by any Carryover to the Plan Year), shall be available at all times during such Plan Year to reimburse the participant for Eligible Medical Expenses with respect to this Medical Expense Reimbursement Plan. To the extent contributions with respect to this Medical Expense Reimbursement Plan are insufficient to pay such Eligible Medical Expenses, it shall be the Employer's obligation to provide adequate funds to cover any short fall for such Eligible Medical Expenses for a Participant; provided subsequent contributions with respect to this Medical Expense Reimbursement Plan by the Participant shall be available to reimburse the Employer for funds advanced to cover a previous short fall.
- i. Uniformed Services Employment and Reemployment Rights Act. Notwithstanding anything to the contrary herein, this Medical Expense Reimbursement Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).
- j. Proration of Limit. In the event that the Employer has purchased a uniform coverage risk policy from the Recordkeeper, then the Maximum Coverage amount specified in Section F.7 of the Adoption Agreement shall be pro rated with respect to (i) an Employee who becomes a Participant and enters the Plan during the Plan Year, and (ii) short plan years initiated by the Employer. Such Maximum Coverage amount will be pro rated by dividing the annual Maximum Coverage amount by 12, and multiplying the quotient by the number of remaining months in the Plan Year for the new Participant or the number of months in the short Plan Year, as applicable.
- k. Continuation Coverage for Certain Dependent Children. In the event that benefits under the Medical Expense Reimbursement Plan does not qualify for the exception from the portability rules of HIPAA, then, effective for Plan Years beginning on or after October 9, 2009, notwithstanding the foregoing provisions, coverage for a Dependent child who is enrolled in the Medical Expense Reimbursement Plan as a student at a post-secondary educational institution will not terminate due to a medically necessary leave of absence before a date that is the earlier of:
  - the date that is one year after the first day of the medically necessary leave of absence; or
  - the date on which such coverage would otherwise terminate under the terms of the Plan.

For purposes of this paragraph, “medically necessary leave of absence” means a leave of absence of the child from a post-secondary educational institution, or any other change in enrollment of the child at the institution, that: (i) commences while the child is suffering from a serious illness or injury; (ii) is medically necessary; and (iii) causes the child to lose student status for purposes of coverage under the terms of the Plan. A written certification must be provided by a treating physician of the dependent child to the Plan in order for the continuation coverage requirement to

apply. The physician's certification must state that the child is suffering from a serious illness or injury and that the leave of absence (or other change in enrollment) is medically necessary.

#### 8.04 ELIGIBLE MEDICAL EXPENSES:

- a. Eligible Medical Expense in General. The phrase 'Eligible Medical Expense' means any expense incurred by a Participant or any of his Dependents (subject to the restrictions in Sections 8.04(b) and (c)) during a Plan Year that (i) qualifies as an expense incurred by the Participant or Dependents for medical care as defined in Code Section 213(d) and meets the requirements outlined in Code Section 125, (ii) is excluded from gross income of the Participant under Code Section 105(b), and (iii) has not been and will not be paid or reimbursed by any other insurance plan, through damages, or from any other source. Notwithstanding the above, capital expenditures are not Eligible Medical Expenses under this Plan.
- b. Expenses Incurred After Commencement of Participation. Only medical care expenses incurred by a Participant or the Participant's Dependent(s) on or after the date such Participant commenced participation in the Medical Expense Reimbursement Plan shall constitute an Eligible Medical Expense.
- c. Eligible Expenses Incurred by Dependents. For purposes of this Section, Eligible Medical Expenses incurred by Dependents defined in Section 2.04(c) are eligible for reimbursement if incurred after March 30, 2010; Eligible Medical Expenses incurred by Dependents defined in Sections 2.04(a) and (b) are eligible for reimbursement if incurred either before or after March 30, 2010 (subject to the restrictions of Section 8.04(b)).
- d. Health Savings Accounts. If the Employer has elected in Item F.8 of the Adoption Agreement to allow Eligible Employees to contribute to Health Savings Accounts under the Plan, then for a Participant who is eligible for and elects to contribute to a Health Savings Accounts, Eligible Medical Expenses shall be limited as set forth in Item F.8 of the Adoption Agreement.

#### 8.05 USE OF DEBIT CARD: In the event that the Employer elects to allow the use of debit cards ("Debit Cards") for reimbursement of Eligible Medical Expenses under the Medical Expense Reimbursement Plan, the provisions described in this Section shall apply.

- a. Substantiation. The following procedures shall be applied for purposes of substantiating claimed Eligible Medical Expenses after the use of a Debit Card to pay the claimed Eligible Medical Expense:
  - (i) If the dollar amount of the transaction at a health care provider equals the dollar amount of the co-payment for that service under the Employer's major medical plan of the specific employee-cardholder, the charge is fully substantiated without the need for submission of a receipt or further review.
  - (ii) If the merchant, service provider, or other independent third-party (e.g., pharmacy benefit manager), at the time and point of sale, provides information to verify to the Recordkeeper (including electronically by e-mail, the internet, intranet, or telephone) that the charge is for a medical expense, the charge is fully substantiated without the need for submission of a receipt or further review.

- b. Status of Charges. All charges to a Debit Card, other than co-payments and real-time substantiation as described in Subsection (a) above, are treated as conditional pending confirmation of the charge, and additional third-party information, such as merchant or service provider receipts, describing the service or product, the date of the service or sale, and the amount, must be submitted for review and substantiation.
- c. Correction Procedures for Improper Payments. In the event that a claim has been reimbursed and is subsequently identified as not qualifying for reimbursement, one or all of the following procedures shall apply:
  - (i) First, upon the Recordkeeper's identification of the improper payment, the Eligible Employee will be required to pay back to the Plan an amount equal to the improper payment.
  - (ii) Second, where the Eligible Employee does not pay back to the Plan the amount of the improper payment, the Employer will have the amount of the improper payment withheld from the Eligible Employee's wages or other compensation to the extent consistent with applicable law.
  - (iii) Third, if the improper payment still remains outstanding, the Plan may utilize a claim substitution or offset approach to resolve improper claims payments.
  - (iv) If the above correction efforts prove unsuccessful, or are otherwise unavailable, the Eligible Employee will remain indebted to the Employer for the amount of the improper payment. In that event and consistent with its business practices, the Employer may treat the payment as it would any other business indebtedness.
  - (v) In addition to the above, the Employer and the Plan may take other actions they may deem necessary, in their sole discretion, to ensure that further violations of the terms of the Debit Card do not occur, including, but not limited to, denial of access to the Debit Card until the indebtedness is repaid by the Eligible Employee.
- d. Intent to Comply with Rev. Rul. 2003-43. It is the Employer's intent that any use of Debit Cards to pay Eligible Medical Expenses shall comply with the guidelines for use of such cards set forth in Rev. Rul. 2003-43, and this Section 8.05 shall be construed and interpreted in a manner necessary to comply with such guidelines.

8.06 GRACE PERIOD: If the Employer elects in Section F.7 of the Adoption Agreement to permit a Grace Period with respect to the Medical Reimbursement Plan, the provisions of this Section 8.06 shall apply. Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2005-42, a Participant who has unused contributions relating to the Medical Reimbursement Plan from the immediately preceding Plan Year, and who incurs Eligible Medical Expenses for such qualified benefit during the Grace Period, may be paid or reimbursed for those Eligible Medical Expenses from the unused contributions as if the expenses had been incurred in the immediately preceding Plan Year. For purposes of this Section, 'Grace Period' shall mean the period extending to the 15<sup>th</sup> day of the third calendar month after the end of the immediately preceding Plan Year to which it relates. Eligible Medical Expenses incurred during the Grace Period shall be reimbursed first from unused contributions allocated to the Medical Reimbursement Plan for the prior Plan Year, and then from unused contributions for the current Plan Year, if participant is enrolled in current Plan Year.

8.07 CARRYOVER: If the Employer elects in Section F.7 of the Adoption Agreement to permit a Carryover with respect to the Medical Reimbursement Plan, the provisions of this Section 8.07 shall apply.



Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2013-71, the Carryover for a Participant who has an amount remaining unused as of the end of the run-off period for the Plan Year, may be used to pay or reimburse Eligible Medical Expenses during the following entire Plan Year. The Carryover does not count against or otherwise affect the Maximum benefit set forth in Section 8.03 (b). Eligible Medical Expenses incurred during a Plan Year shall be reimbursed first from unused contributions for the current Plan Year, and then from any Carryover carried over from the preceding Plan Year. Any unused amounts from the prior Plan Year that are used to reimburse a current Plan Year expense (a) reduce the amounts available to pay prior Plan Year expenses during the run-off period, (b) must be counted against any Carryover amount from the prior Plan Year, and (c) cannot exceed the maximum Carryover from the prior Plan Year. If the Employer elects to apply Section 8.06 in Section F.7 of the Adoption Agreement, this Section 8.07 shall not apply.

- 8.08 QUALIFIED RESERVIST DISTRIBUTIONS: Notwithstanding anything in the Plan to the contrary, an individual who, by reason of being a member of a reserve component (as defined in 37 U.S.C. § 101), is ordered or called to active duty for a period in excess of 179 days or for an indefinite period may elect to receive a distribution of all or a portion of the unused Elective Contributions in his or her Account relating to the Medical Expense Reimbursement Plan if the distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under the Plan for the Plan Year that includes the date of such order or call. If the distribution is for the entire amount of unused Elective Contributions available in the Medical Expense Reimbursement Plan, then no additional reimbursement requests will be processed for the remainder of the Plan Year.

## SECTION IX

### DEPENDENT CARE REIMBURSEMENT PLAN

- 9.01 PURPOSE: The Dependent Care Reimbursement Plan is designed to provide for reimbursement of certain employment-related dependent care expenses of the Participant. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Section 129, for Participants who elect this benefit, and all provisions of this Section IX shall be construed in a manner consistent with that intention.
- 9.02 ELIGIBILITY: The eligibility provisions are set forth in Item F(6) of the Adoption Agreement.
- 9.03 TERMS, CONDITIONS, AND LIMITATIONS:
- a. Accounts. The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Dependent Care Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.
  - b. Maximum Benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's allocation to the program during the Plan Year not to exceed the maximum amount set forth in Item F(6) of the adoption agreement.

For purpose of this Section IX, the phrase "earned income" shall mean wages, salaries, tips and other employee compensation, but only if such amounts are includible in gross income for the taxable year. A Participant's spouse who is physically or mentally incapable of self-care as described in Section 9.04(a)(ii) or a spouse who is a full-time student within the meaning of Code Section 21(e)(7) shall be deemed to have earned income for each month in which such spouse is so disabled (or a full-time student). The amount of such deemed earned income shall be \$250 per month in the case of one Dependent and \$500 per month in the case of two or more Dependents.

- c. Claim Procedure. In order to be reimbursed for any dependent care expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense from an independent third party acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of the expense as determined by the Reimbursement Recordkeeper. Claims for reimbursement of Eligible Dependent Care Expenses must be submitted no later than the last day of the third month following the last day of the Plan Year during which the Eligible Dependent Care Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of the incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.
- d. Funding. The funding of the Dependent Care Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administration expenses become due and payable under this Dependent Care Expense Reimbursement Plan.
- e. Forfeiture. Any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Dependent Care Expenses incurred during the Plan Year shall be forfeited and remain assets of the Plan.
- f. Nondiscrimination. Benefits provided under this Dependent Care Reimbursement Plan shall not be provided in a manner that discriminates in favor of Highly Compensated Employees (as defined in Code Section 414(q)) or their dependents, as provided in Code Section 129. In addition, no more than 25 percent of the aggregate Eligible Dependent Care Expenses shall be reimbursed during a Plan Year to five percent owners, as provided in Code Section 129.

#### 9.04 DEFINITIONS:

- a. "Dependent" (for purposes of this Section IX) means any individual who is:
  - (i) a Participant's qualifying child (as defined in Code Section 152 (c)) who has not attained the age of 13; or
  - (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively) or the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the taxpayer for more than half of the taxable year. For purposes of this Dependent Care Reimbursement Plan, an individual shall be considered physically or mentally incapable of self-care if, as a result of a physical or mental defect, the individual is incapable of caring for his or her hygienic or nutritional needs, or requires full-time attention of another person for his or her own safety or the safety of others.

- b. "Dependent Care Center" (for purposes of this Section IX) shall be a facility which:
  - (i) provides care for more than six individuals (other than individuals who reside at the facility);
  - (ii) receives a fee, payment, or grant for providing services for any of the individuals (regardless of whether such facility is operated for profit); and
  - (iii) satisfies all applicable laws and regulations of a state or unit of local government.
  
- c. "Eligible Dependent Care Expenses" (for purposes of this Section IX) shall mean expenses incurred by a Participant which are:
  - (i) incurred for the care of a Dependent of the Participant or for related household services;
  - (ii) paid or payable to a Dependent Care Service Provider; and
  - (iii) incurred to enable the Participant to be gainfully employed for any period for which there are one or more Dependents with respect to the Participant.

"Eligible Dependent Care Expenses" shall not include expenses incurred for services outside the Participant's household for the care of a Dependent unless such Dependent is (i) a qualifying child (as defined in Code Section 152 (c)) under the age of 13, or (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively)), who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year, or (iii) the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year. Eligible Dependent Care Expenses shall be deemed to be incurred at the time the services to which the expenses relate are rendered.
  
- d. "Dependent Care Service Provider" (for purposes of this Section IX) means:
  - (i) a Dependent Care Center, or
  - (ii) a person who provides care or other services described in Section 9.04(b) and who is not a related individual described in Section 129(c) of the Code.

## SECTION X

### HEALTH SAVINGS ACCOUNTS

- 10.01 PURPOSE: If elected by the Employer in Section F.8 of the Adoption Agreement, the Plan will permit pre-tax contributions to the Health Savings Account, and the provisions of this Article X shall apply.
  
- 10.02 BENEFITS: A Participant can elect benefits under the Health Savings Accounts portion of this Plan by electing to pay his or her Health Savings Account contributions on a pre-tax salary reduction basis. In addition, the Employer may make contributions to the Health Savings Account for the benefit of the Participant.
  
- 10.03 TERMS, CONDITIONS AND LIMITATION:
  - a. Maximum Benefit. The maximum annual contributions that may be made to a Participant's Health Savings Account under this Plan is set forth in Section F.8 of the Adoption Agreement.

- b. Mid-Year Election Changes. Notwithstanding any to the contrary herein, a Participant election with respect to contributions for the Health Savings Account shall be revocable during the duration of the Plan Year to which the election relates. Consequently, a Participant may change his or her election with respect to contributions for the Health Savings Account at any time.

10.04 RESTRICTIONS ON MEDICAL REIMBURSEMENT PLAN: If the Employer has elected in Section F.8 of the Adoption Agreement both Health Savings Accounts under this Plan and the Medical Expense Reimbursement Plan, then the Eligible Medical Expenses that may be reimbursed under the Medical Reimbursement Plan for Participants who are eligible for and elect to participate in Health Savings Accounts shall be limited as set forth in Section F.8 of the Adoption Agreement.

10.05 NO ESTABLISHMENT OF ERISA PLAN: It is the intent of the Employer that the establishment of Health Savings Accounts are completely voluntary on the part of Participants, and that, in accordance with Department of Labor Field Assistance Bulletin 2004-1, the Health Savings Accounts are not “employee welfare benefit plans” for purposes of Title I of ERISA.

## **SECTION XI**

### **AMENDMENT AND TERMINATION**

11.01 AMENDMENT: The Employer shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of this Plan, provided that no such amendment shall change the terms and conditions of payment of any benefits to which Participants and covered dependents otherwise have become entitled to under the provisions of the Plan, unless such amendment is made to comply with federal or local laws or regulations. The Employer also shall have the right to make any amendment retroactively which is necessary to bring the Plan into conformity with the Code. In addition, the Employer may amend any provisions or any supplements to the Plan and may merge or combine supplements or add additional supplements to the Plan, or separate existing supplements into an additional number of supplements.

11.02 TERMINATION: The Employer shall have the right at any time to terminate this Plan, provided that such termination shall not eliminate any obligations of the Employer which therefore have arisen under the Plan.

## **SECTION XII**

### **ADMINISTRATION**

12.01 NAMED FIDUCIARIES: The Administrator shall be the fiduciary of the Plan.

12.02 APPOINTMENT OF RECORDKEEPER: The Employer may appoint a Reimbursement Recordkeeper which shall have the power and responsibility of performing recordkeeping and other ministerial duties arising under the Medical Expense Reimbursement Plan and the Dependent Care Reimbursement Plan provisions of this Plan. The Reimbursement Recordkeeper shall serve at the pleasure of, and may be removed by, the Employer without cause. The Recordkeeper shall receive reasonable compensation for its services as shall be agreed upon from time to time between the Administrator and the Recordkeeper.

12.03 POWERS AND RESPONSIBILITIES OF ADMINISTRATOR:

- a. General. The Administrator shall be vested with all powers and authority necessary in order to amend and administer the Plan, and is authorized to make such rules and regulations as it may deem necessary to carry out the provisions of the Plan. The Administrator shall determine any questions arising in the administration (including all questions of eligibility and determination of amount, time and manner of payments of benefits), construction, interpretation and application of the Plan, and the decision of the Administrator shall be final and binding on all persons.
- b. Recordkeeping. The Administrator shall keep full and complete records of the administration of the Plan. The Administrator shall prepare such reports and such information concerning the Plan and the administration thereof by the Administrator as may be required under the Code or ERISA and the regulations promulgated thereunder.
- c. Inspection of Records. The Administrator shall, during normal business hours, make available to each Participant for examination by the Participant at the principal office of the Administrator a copy of the Plan and such records of the Administrator as may pertain to such Participant. No Participant shall have the right to inquire as to or inspect the accounts or records with respect to other Participants.

12.04 COMPENSATION AND EXPENSES OF ADMINISTRATOR: The Administrator shall serve without compensation for services as such. All expenses of the Administrator shall be paid by the Employer. Such expenses shall include any expense incident to the functioning of the Plan, including, but not limited to, attorneys' fees, accounting and clerical charges, actuary fees and other costs of administering the Plan.

12.05 LIABILITY OF ADMINISTRATOR: Except as prohibited by law, the Administrator shall not be liable personally for any loss or damage or depreciation which may result in connection with the exercise of duties or of discretion hereunder or upon any other act or omission hereunder except when due to willful misconduct. In the event the Administrator is not covered by fiduciary liability insurance or similar insurance arrangements, the Employer shall indemnify and hold harmless the Administrator from any and all claims, losses, damages, expenses (including reasonable counsel fees approved by the Administrator) and liability (including any reasonable amounts paid in settlement with the Employer's approval) arising from any act or omission of the Administrator, except when the same is determined to be due to the willful misconduct of the Administrator by a court of competent jurisdiction.

12.06 DELEGATIONS OF RESPONSIBILITY: The Administrator shall have the authority to delegate, from time to time, all or any part of its responsibilities under the Plan to such person or persons as it may deem advisable and in the same manner to revoke any such delegation of responsibilities which shall have the same force and effect for all purposes hereunder as if such action had been taken by the Administrator. The Administrator shall not be liable for any acts or omissions of any such delegate. The delegate shall report periodically to the Administrator concerning the discharge of the delegated responsibilities.

12.07 RIGHT TO RECEIVE AND RELEASE NECESSARY INFORMATION: The Administrator may release or obtain any information necessary for the application, implementation and determination of this Plan or other Plans without consent or notice to any person. This information may be released to or obtained from any insurance company, organization, or person subject to applicable law. Any individual claiming benefits under this Plan shall furnish to the Administrator such information as may be necessary to implement this provision.

12.08 CLAIM FOR BENEFITS: To obtain payment of any benefits under the Plan a Participant must comply with the rules and procedures of the particular benefit program elected pursuant to this Plan under which the Participant claims a benefit.

12.09 GENERAL CLAIMS REVIEW PROCEDURE: This provision shall apply only to the extent that a claim for benefits is not governed by a similar provision of a benefit program available under this Plan or is not governed by Section 12.10.

- a. Initial Claim for Benefits. Each Participant may submit a claim for benefits to the Administrator as provided in Section 12.08. A Participant shall have no right to seek review of a denial of benefits, or to bring any action in any court to enforce a claim for benefits prior to his filing a claim for benefits and exhausting his rights to review under this section.

When a claim for benefits has been filed properly, such claim for benefits shall be evaluated and the claimant shall be notified of the approval or the denial within (90) days after the receipt of such claim unless special circumstances require an extension of time for processing the claim. If such an extension of time for processing is required, written notice of the extension shall be furnished to the claimant prior to the termination of the initial ninety (90) day period which shall specify the special circumstances requiring an extension and the date by which a final decision will be reached (which date shall not be later than one hundred and eighty (180) days after the date on which the claim was filed.) A claimant shall be given a written notice in which the claimant shall be advised as to whether the claim is granted or denied, in whole or in part. If a claim is denied, in whole or in part, the claimant shall be given written notice which shall contain (a) the specific reasons for the denial, (b) references to pertinent plan provisions upon which the denial is based, (c) a description of any additional material or information necessary to perfect the claim and an explanation of why such material or information is necessary, and (d) the claimant's rights to seek review of the denial.

- b. Review of Claim Denial. If a claim is denied, in whole or in part, the claimant shall have the right to request that the Administrator review the denial, provided that the claimant files a written request for review with the Administrator within sixty (60) days after the date on which the claimant received written notification of the denial. A claimant (or his duly authorized representative) may review pertinent documents and submit issues and comments in writing to the Administrator. Within sixty (60) days after a request is received, the review shall be made and the claimant shall be advised in writing of the decision on review, unless special circumstances require an extension of time for processing the review, in which case the claimant shall be given a written notification within such initial sixty (60) day period specifying the reasons for the extension and when such review shall be completed (provided that such review shall be completed within one hundred and twenty (120) days after the date on which the request for review was filed.) The decision on review shall be forwarded to the claimant in writing and shall include specific reasons for the decision and references to plan provisions upon which the decision is based. A decision on review shall be final and binding on all persons.

- c. Exhaustion of Remedies. If a claimant fails to file a request for review in accordance with the procedures herein outlined, such claimant shall have no rights to review and shall have no right to bring action in any court and the denial of the claim shall become final and binding on all persons for all purposes.

12.10 SPECIAL CLAIMS REVIEW PROCEDURE: The provisions of this Section 12.10 shall be applicable to claims under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan, effective on the first day of the first Plan Year beginning on or after July 1, 2002, but in no event later than January 1, 2003, provided such plans are subject to ERISA.

- a. Benefit Denials: The Administrator is responsible for evaluating all claims for reimbursement under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan.

The Administrator will decide a Participant's claim within a reasonable time not longer than 30 days after it is received. This time period may be extended for an additional 15 days for matters beyond the control of the Administrator, including in cases where a claim is incomplete. The Participant will receive written notice of any extension, including the reasons for the extension and information on the date by which a decision by the Administrator is expected to be made. The Participant will be given 45 days in which to complete an incomplete claim. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the claim.

If the Administrator denies the claim, in whole or in part, the Participant will be furnished with a written notice of adverse benefit determination setting forth:

1. the specific reason or reasons for the denial;
  2. reference to the specific Plan provision on which the denial is issued;
  3. a description of any additional material or information necessary for the Participant to complete his claim and an explanation of why such material or information is necessary, and
  4. appropriate information as to the steps to be taken if the Participant wishes to appeal the Administrator's determination, including the participant's right to submit written comments and have them considered, his right to review (on request and at no charge) relevant documents and other information, and his right to file suit under ERISA with respect to any adverse determination after appeal of his claim.
- b. Appealing Denied Claims: If the Participant's claim is denied in whole or in part, he may appeal to the Administrator for a review of the denied claim. The appeal must be made in writing within 180 days of the Administrator's initial notice of adverse benefit determination, or else the participant will lose the right to appeal the denial. If the Participant does not appeal on time, he will also lose his right to file suit in court, as he will have failed to exhaust his internal administrative appeal rights, which is generally a prerequisite to bringing suit.

A Participant's written appeal should state the reasons that he feels his claim should not have been denied. It should include any additional facts and/or documents that the Participant feels support his claim. The Participant may also ask additional questions and make written comments, and may review (on request and at no charge) documents and other information relevant to his appeal. The Administrator will review all written comment the Participant submits with his appeal.

- c. Review of Appeal: The Administrator will review and decide the Participant's appeal within a reasonable time not longer than 60 days after it is submitted and will notify the Participant of its decision in writing. The individual who decides the appeal will not be the same individual who decided the initial claim denial and will not be that individual's subordinate. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the appeal, except that any medical expert consulted in connection with the appeal will be different from any expert consulted in connection with the initial claim. (The identity of a medical expert consulted in connection with the Participant's appeal will be provided.) If the decision on appeal affirms the initial denial of the Participant's claim, the Participant will be furnished with a notice of adverse benefit determination on review setting forth:

1. The specific reason(s) for the denial,
2. The specific Plan provision(s) on which the decision is based,
3. A statement of the Participant's right to review (on request and at no charge) relevant documents and other information,
4. If the Administrator relied on an "internal rule, guideline, protocol, or other similar criterion" in making the decision, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge to the Participant upon request," and
5. A statement of the Participant's right to bring suit under ERISA § 502(a).

12.11 PAYMENT TO REPRESENTATIVE: In the event that a guardian, conservator or other legal representative has been duly appointed for a Participant entitled to any payment under the Plan, any such payment due may be made to the legal representative making claim therefor, and such payment so made shall be in complete discharge of the liabilities of the Plan therefor and the obligations of the Administrator and the Employer.

12.12 PROTECTED HEALTH INFORMATION. The provisions of this Section will apply only to those portions of the Plan that are considered a group health plan for purposes of 45 CFR Parts 160 and 164. The Plan may disclose PHI to employees of the Employer, or to other persons, only to the extent such disclosure is required or permitted pursuant to 45 CFR Parts 160 and 164. The Plan has implemented administrative, physical, and technical safeguards to reasonably and appropriately protect, and restrict access to and use of, electronic PHI, in accordance with Subpart C of 45 CFR Part 164. The applicable claims procedures under the Plan shall be used to resolve any issues of non-compliance by such individuals. The Employer will:

- not use or disclose PHI other than as permitted or required by the plan documents and permitted or required by law;
- reasonably and appropriately safeguard electronic PHI created, received, maintained, or transmitted to or by the it on behalf of the Plan, in accordance with Subpart C of 45 CFR Part 164;
- implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI that it creates, receives, maintains, or transmits on behalf of the Plan;
- ensure that any agents including a subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Employer with respect to such information;
- not use or disclose PHI for employment-related actions and decisions or in connection with any other employee benefit plan of the Employer;
- report to the Plan any use or disclosure of the information that is inconsistent with the permitted uses or disclosures provided for of which it becomes aware;
- make available PHI in accordance with 45 CFR Section 164.524;
- make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR Section 164.526;



- make available the information required to provide an accounting of disclosures in accordance with 45 CFR Section 164.528;
- make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services or his designee upon request for purposes of determining compliance with 45 CFR Section 164.504(f);
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purposes for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and,
- ensure that the adequate separation required in paragraph (f)(2)(iii) of 45 CFR Section 164.504 is established.

For purposes of this Section, “PHI” is “Protected Health Information” as defined in 45 CFR Section 160.103, which means individually identifiable health information, except as provided in paragraph (2) of the definition of “Protected Health Information” in 45 CFR Section 160.103, that is transmitted by electronic media; maintained in electronic media; or transmitted or maintained in any other form or medium by a covered entity, as defined in 45 CFR Section 164.104.

### **SECTION XIII**

#### **MISCELLANEOUS PROVISIONS**

- 13.01 INABILITY TO LOCATE PAYEE: If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date any such payment first became due.
- 13.02 FORMS AND PROOFS: Each Participant or Participant's Beneficiary eligible to receive any benefit hereunder shall complete such forms and furnish such proofs, receipts, and releases as shall be required by the Administrator.
- 13.03 NO GUARANTEE OF TAX CONSEQUENCES: Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant or a Dependent under the Plan will be excludable from the Participant's or Dependent's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant or Dependent.
- 13.04 PLAN NOT CONTRACT OF EMPLOYMENT: The Plan will not be deemed to constitute a contract of employment between the Employer and any Participant nor will the Plan be considered an inducement for the employment of any Participant or employee. Nothing contained in the Plan will be deemed to give any Participant or employee the right to be retained in the service of the Employer nor to interfere with the right of the Employer to discharge any Participant or employee at any time regardless of the effect such discharge may have upon that individual as a Participant in the Plan.
- 13.05 NON-ASSIGNABILITY: No benefit under the Plan shall be liable for any debt, liability, contract, engagement or tort of any Participant or his Beneficiary, nor be subject to charge, anticipation, sale, assignment, transfer, encumbrance, pledge, attachment, garnishment, execution or other voluntary or involuntary alienation or other legal or equitable process, nor transferability by operation of law.

13.06 SEVERABILITY: If any provision of the Plan will be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof will continue to be fully effective.

13.07 CONSTRUCTION:

- a. Words used herein in the masculine or feminine gender shall be construed as the feminine or masculine gender, respectively where appropriate.
- b. Words used herein in the singular or plural shall be construed as the plural or singular, respectively, where appropriate.

13.08 NONDISCRIMINATION: In accordance with Code Section 125(b)(1), (2), and (3), this Plan is intended not to discriminate in favor of Highly Compensated Participants (as defined in Code Section 125(e)(1)) as to contributions and benefits nor to provide more than 25% of all qualified benefits to Key Employees. If, in the judgment of the Administrator, more than 25% of the total nontaxable benefits are provided to Key Employees, or the Plan discriminates in any other manner (or is at risk of possible discrimination), then, notwithstanding any other provision contained herein to the contrary, and, in accordance with the applicable provisions of the Code, the Administrator shall, after written notification to affected Participants, reduce or adjust such contributions and benefits under the Plan as shall be necessary to insure that, in the judgment of the Administrator, the Plan shall not be discriminatory.

13.09 ERISA. The Plan shall be construed, enforced, and administered and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974 (as amended), the Internal Revenue Code of 1986 (as amended), and the laws of the State indicated in the Adoption Agreement. Notwithstanding anything to the contrary herein, the provisions of ERISA will not apply to this Plan if the Plan is exempt from coverage under ERISA. Should any provisions be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only will be deemed not to include the provision determined to be void.

## SECTION XIV

### TEMPORARY COVID RELIEF AMENDMENT

- 14.01 PURPOSE: In accordance with changes permitted under The Coronavirus Aid, Relief, and Economic Security Act, 2020, IRS Notice 2020-29, The Consolidated Appropriations Act, 2021, and IRS Notice 2021-15, Employer selected modifications to Plan language and procedures consistent with the following Plan options, as applicable. Notwithstanding any provision of the Plan to the contrary, as elected by the Employer in Item F of the Adoption Agreement, the Plan is hereby amended to adopt the following:
- a. Extended Claims Period: For unused amounts remaining in a Medical Expense Reimbursement Plan or a Dependent Care Reimbursement Plan under the Section 125 Plan as of the end of a grace period or plan year ending in 2020, the Participants may apply those unused amounts to pay or reimburse medical care expenses or dependent care expenses, respectively, incurred through December 31, 2020.
  - b. Mid-Year Election Changes: Each Participant who is eligible to make salary reduction contributions under the Plan may make prospective election changes (including an initial election) during calendar year 2020 regarding Group Medical Insurance, a Medical Expense Reimbursement Plan, or a Dependent Care Reimbursement Plan, regardless of whether the basis for the election change satisfies the criteria set forth in regular election change rules.
  - c. Mid-Year Election Changes for Medical Expense Reimbursement Plan: For plan years ending in 2021, Participants may modify their Medical Expense Reimbursement Plan elections on a prospective basis at any time during the year. No qualifying event is required.
  - d. Mid-Year Election Changes for Dependent Care Reimbursement Plan: For plan years ending in 2021, Participants may modify their Dependent Care Reimbursement Plan elections on a prospective basis at any time during the year. No qualifying event is required.
  - e. Extended Grace Period: For plan years ending in 2020 and/or 2021, the grace period for Medical Expense Reimbursement Plan and/or Dependent Care Reimbursement Plan is extended to 12 months.
  - f. Unlimited Carryover for Medical Expense Reimbursement Plan: All unused funds in the Medical Expense Reimbursement Plan may be carried over to 2021 (from plan year 2020) and/or 2022 (from plan year 2021). There is no carryover maximum.
  - g. Dependent Care Reimbursement Plan Age Increase: For Participants enrolled in the Dependent Care Reimbursement Plan for the 2020 Plan Year, the maximum age for children is extended from age 12 to age 13 when paying or reimbursing dependent care expenses incurred during the 2020 Plan Year. Additionally, amounts remaining at the end of the run-out period for the 2020 Plan Year shall be available to pay or reimburse otherwise-eligible dependent care expenses incurred during the 2021 Plan Year for a child who attained age 13 during the 2020 Plan Year (until the child turns age 14) or for another child who turns age 13 during the 2021 Plan Year.
  - h. Reimbursement for Non-Active Participants: Participants who cease participation in a Medical Expense Reimbursement Plan during 2020 or 2021 (for example, due to termination of employment) may continue to receive reimbursements from unused balances through the end of the plan year in which such participation ceased (including any grace period).
  - i. Dependent Care Reimbursement Plan Maximum Increase: For the 2021 calendar year only, Dependent Care Reimbursement Plan maximums may be increased to \$10,500 per family (\$5,250 for married individuals filing a joint return).

**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine C. Torpey, Superintendent  
**SUBJECT:** Request the Governing Board approve the Subaward Agreement with California State University East Bay for the Hayward Promise Neighborhoods Program (HPN) California Department of Social Services Extension Grant for the 2024 and 2025 Fiscal Years

## **BACKGROUND**

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The Hayward Promise Neighborhoods program (HPN) is a cradle-to-career federal grant program aimed at transforming a specific neighborhood. The HPN collaborative has successfully applied for three rounds of this five-year grant program.

The South Hayward Promise Neighborhood Grant has been completed. The goal has been to sustain services.

## **CURRENT SITUATION**

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Hayward Promise Neighborhood (HPN) is designed to address the educational disparities and high dropout and low graduation rates at the focal schools in South Hayward. Eden Area ROP as a partner in this project will provide career technical programs and assist in dropout prevention for identified students.

HPN sought extension funding to continue South Hayward solutions. The California Department of Social Services (CDSS) provided funding to HPN to support this effort. EAROP provides CTE instruction to English Learner cohorts at Tennyson High School. This grant award supports our staffing costs for this program.

## **CONSENT CALENDAR**


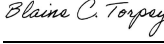
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## Cost Reimbursement Subaward

<b>Federal Awarding Agency:</b> Other [Type in Agency]		California Department of Social Services (CDSS)
<b>Pass-Through Entity (PTE):</b>		<b>Subrecipient:</b>
California State University, East Bay Foundation, Inc.		Eden Area Regional Occupational Program
PTE PI: Carolyn Nelson	Sub PI: Blaine Torpey	
PTE Federal Award No: N/A	Subaward No: W2138 - 457	
Project Title: South Hayward Promise Neighborhood (SHPN) - CDSS Funding		
<b>Subaward Budget Period:</b>		Amount Funded This Action (USD): \$ 33,750.00
Start: 07/01/2023	End: 06/30/2024	
<b>Estimated Period of Performance:</b>		Incrementally Estimated Total (USD): \$ 100,000.00
Start: 07/01/2023	End: 06/30/2025	

### Terms and Conditions

1. PTE hereby awards a cost reimbursable subaward, (as determined by 2 CFR 200.331), to Subrecipient. The Statement of Work and budget for this Subaward are as shown in Attachment 5. In its performance of Subaward work, Subrecipient shall be an independent entity and not an employee or agent of PTE.
2. Subrecipient shall submit invoices not more often than monthly and not less frequently than quarterly for allowable costs incurred. Upon the receipt of proper invoices, the PTE agrees to process payments in accordance with this Subaward and 2 CFR 200.305. All invoices shall be submitted using Subrecipient's standard invoice, but at a minimum shall include current and cumulative costs (including cost sharing), breakdown by major cost category, Subaward number, and certification, as required in 2 CFR 200.415(a). Invoices that do not reference PTE Subaward number shall be returned to Subrecipient. Invoices and questions concerning invoice receipt or payments shall be directed to the party's Financial Contact, shown in Attachment 3A.
3. A final statement of cumulative costs incurred, including cost sharing, marked "FINAL" must be submitted to PTE's Financial Contact, as shown in Attachment 3A, not later than 60 days after the final Budget Period end date. The final statement of costs shall constitute Subrecipient's final financial report.
4. All payments shall be considered provisional and are subject to adjustment within the total estimated cost in the event such adjustment is necessary as a result of an adverse audit finding against the Subrecipient.
5. Matters concerning the technical performance of this Subaward shall be directed to the appropriate party's Principal Investigator as shown in Attachments 3A and 3B. Technical reports are required as shown in Attachment 4.
6. Matters concerning the request or negotiation of any changes in the terms, conditions, or amounts cited in this Subaward, and any changes requiring prior approval, shall be directed to the PTE's Administrative Contact and the Subrecipient's Authorized Official Contact shown in Attachments 3A and 3B. Any such change made to this Subaward requires the written approval of each party's Authorized Official as shown in Attachments 3A and 3B.
7. The PTE may issue non-substantive changes to the Budget Period(s) and Budget Unilaterally. Unilateral modification shall be considered valid 14 days after receipt unless otherwise indicated by Subrecipient when sent to Subrecipient's Authorized Official Contact, as shown in Attachment 3B.
8. Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowed by law.
9. Either party may terminate this Subaward with 30 days written notice. Notwithstanding, if the Awarding Agency terminates the Federal Award, PTE will terminate in accordance with Awarding Agency requirements. PTE notice shall be directed to the Authorized Official Contact, and Subrecipient notice shall be directed to the Administrative Contact as shown in Attachments 3A and 3B. PTE shall pay Subrecipient for termination costs as allowable under Uniform Guidance, 2 CFR 200, or 45 CFR Part 75 Appendix IX, as applicable.
10. By signing this Subaward, including the attachments hereto which are hereby incorporated by reference, Subrecipient certifies that it will perform the Statement of Work in accordance with the terms and conditions of this Subaward and the applicable terms of the Federal Award, including the appropriate Research Terms and Conditions ("RTCs") of the Federal Awarding Agency, as referenced in Attachment 2. The parties further agree that they intend this subaward to comply with all applicable laws, regulations, and requirements.

<b>By an Authorized Official of the PTE:</b>		<b>By an Authorized Official of the Subrecipient:</b>	
 Audrey Katzman (Dec 20, 2023 08:15 PST)		 Blaine C. Torpey	
Name: Audrey Katzman Title: Interim Associate Vice President, Financial Services		Name: Blaine C. Torpey Title: Superintendent	
Date: Dec 20, 2023		Date: Dec 19, 2023	

**Attachment 1**  
**Certifications and Assurances, as applicable**

Subaward Number:

W2138 - 457

**Certification Regarding Lobbying (2 CFR 200.450)**

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief, that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," to the PTE.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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**Debarment, Suspension, and Other Responsibility Matters (2 CFR 200.214 and 2 CFR 180)**

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief that neither the Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.213 and 2 CFR 180.

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**Audit and Access to Records**

Subrecipient certifies that it will provide PTE with notice of any adverse findings which impact this Subaward. Subrecipient certifies compliance with applicable provisions of 2 CFR 200.501-200.521. If Subrecipient is not required to have a Single Audit as defined by 200.501, Awarding Agency requirements, or the Single Audit Act, then Subrecipient will provide notice of the completion of any required audits and will provide access to such audits upon request. Subrecipient will provide access to records as required by parts 2 CFR 200.337 and 200.338 as applicable.

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**Program for Enhancement of Contractor Employee Protections (41 U.S.C 4712)**

Subrecipient is hereby notified that they are required to: inform their employees working on any federal award that they are subject to the whistleblower rights and remedies of the program; inform their employees in writing of employee whistleblower protections under 41 U.S.C §4712 in the predominant native language of the workforce; and include such requirements in any agreement made with a subcontractor or subgrantee.

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The Subrecipient shall require that the language of the certifications above in this Attachment 1 be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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**Use of Name**

Neither party shall use the other party's name, trademarks, or other logos in any publicity, advertising, or news release without the prior written approval of an authorized representative of that party. The parties agree that each party may use factual information regarding the existence and purpose of the relationship that is the subject of this Subaward for legitimate business purposes, to satisfy any reporting and funding obligations, or as required by applicable law or regulation without written permission from the other party. In any such statement, the relationship of the parties shall be accurately and appropriately described.

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**Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment**

Pursuant to 2 CFR 200.216, Subrecipient will not obligate or expend funds received under this Subaward to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

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**Work Involving Human or Vertebrate Animals** (Select Applicable Options)☐ No Human or Vertebrate Animals

IRB

☒ Human Subjects☐ Vertebrate Animals

*The PTE requires verification of IRB and/or IACUC approval be sent to the  as required above:*

Subrecipient agrees that any non-exempt human and/or vertebrate animal research protocol conducted under this Subaward shall be reviewed and approved by the appropriate Institutional Review Board (IRB) and/or its Institutional Animal Care and Use Committee (IACUC), as applicable and that it will maintain current and duly approved research protocols for all periods of the Subaward involving human and/or vertebrate animal research. Subrecipient certifies that the appropriate IRB and/or IACUC are in full compliance with applicable state and federal laws and regulations. The Subrecipient certifies that any submitted IRB / IACUC approval represents a valid, approved protocol that is entirely consistent with the Project associated with this Subaward. In no event shall Subrecipient invoice or be reimbursed for any human or vertebrate animals related expenses incurred in a period where any applicable IRB / IACUC approval is not properly in place.

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**Human Subjects Data** (Select One)

Human Subjects Data will be exchanged under this Subaward (check all that apply):

The PTE will set forth the terms of the exchange of Human Subjects Data (Select One):

- ☒ From Subrecipient to PTE  
☒ From PTE to Subrecipient

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**Additional Terms**

\*Data collection, surveys, interviews, and questionnaires may be subject to review by the CSUEB Institutional Review Board. Please connect with DHPN Program Staff at Cal State East Bay for additional guidance.

\*\*All invoices must include a detailed ledger accounting for all costs included in each respective invoice. Please also include receipts and backup documentation for all non-payroll charges. Additional back-up documentation may be requested by Cal State East Bay before payment can be processed.

\*\*\*The Authorizing Legislation is the Budget Act of 2022 (Section 161, Provision 27(a)(3) of Assembly Bill 178, Chapter 45, Statutes of 2022). Pursuant to the authority referenced, Hayward Promise Neighborhood has been awarded funding which shall be available for encumbrance or expenditure until June 30, 2025. This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.

**Attachment 3A**  
**Pass-Through Entity (PTE) Contacts**

Subaward Number:

W2138 - 457

**PTE Information**

Entity Name: California State University, East Bay Foundation, Inc.

Legal Address: 25800 Carlos Bee Boulevard  
Hayward, CA 94542-3000

Website: <https://www.csueastbay.edu/foundation/>

**PTE Contacts**

Central Email: orsp@csueastbay.edu

Principal Investigator Name: Carolyn Nelson

Email: Carolyn.Nelson@csueastbay.edu

Telephone Number: (510) 885-4416

Administrative Contact Name: Ryan Hoy

Email: Ryan.Hoy@csueastbay.edu

Telephone Number: (510) 885-7644

COI Contact email (if different to above): orsp@csueastbay.edu

Financial Contact Name: Yashmeen Imroz

Email: Yashmeen.Imroz@csueastbay.edu

Telephone Number: (510) 885-4229

Email invoices? ☒ Yes ☐ No Invoice email (if different): orsp@csueastbay.edu, CC: Teri.Morales@csueastbay.edu

Authorized Official Name: Audrey Katzman

Email: Audrey.Katzman@csueastbay.edu

Telephone Number: 510-885-4326

**PI Address:**

California State University, East Bay  
25800 Carlos Bee Boulevard  
Hayward, CA 94542-3000

**Administrative Address:**

Office of Research and Sponsored Programs, SF302  
California State University, East Bay  
25800 Carlos Bee Boulevard  
Hayward, CA 94542-3000

**Invoice Address:**

orsp@csueastbay.edu  
Office of Research and Sponsored Programs, SF302  
California State University, East Bay  
25800 Carlos Bee Boulevard  
Hayward, CA 94542-3000



### Attachment 3B

#### Research Subaward Agreement Subrecipient Contacts

Subaward Number:

W2137\_457

#### Subrecipient Information for **FFATA** reporting

Entity's UEI/DUNS Name:

Eden Area Regional Occupational Program

EIN No.:

94-3158083

Institution Type: Independent School District

UEI / DUNS:

154641195

Currently registered in SAM.gov: ☐ Yes ☐ No

Exempt from reporting executive compensation: ☐ Yes ☐ No (if no, complete 3Bpg2)

Parent UEI / DUNS:

This section for U.S. Entities:

Zip Code [Look-up](#)

Congressional District: 14th

Zip Code+4:

#### Place of Performance Address

26316 Hesperian Blvd  
Hayward, CA 94545

#### Subrecipient Contacts

Central Email:

@edenrop.org

Website:

www.edenrop.org

Principal Investigator Name:

Blain Torpey

Email:

btorpey@edenrop.org

Telephone Number:

510-293-2901

Administrative Contact Name:

Gabriela Juarez

Email:

gjuarez@edenrop.org

Telephone Number:

510-293-2971

Financial Contact Name:

Anthony Oum

Email:

aoum@edenrop.org

Telephone Number:

510-293-2906

Invoice Email:

aoum@edenrop.org

Authorized Official Name:

Blaine Torpey

Email:

btorpey@edenrop.org

Telephone Number:

510-293-2901

#### Legal Address:

26316 Hesperian Blvd  
Hayward, CA 94545

#### Administrative Address:

26316 Hesperian Blvd  
Hayward, CA 94545

#### Payment Address:

26316 Hesperian Blvd  
Hayward, CA 94545

**Attachment 3B-2**  
**Highest Compensated Officers**

Subaward Number:

W2138 - 457

**Subrecipient:**

Institution Name: Eden Area Regional Occupational Program

PI Name: Blaine Torpey

**Highest Compensated Officers**

The names and total compensation of the five most highly compensated officers of the entity(ies) must be listed if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1) Internal Revenue Code of 1986.

Officer 1 Name:

Officer 1 Compensation:

Officer 2 Name:

Officer 2 Compensation:

Officer 3 Name:

Officer 3 Compensation:

Officer 4 Name:

Officer 4 Compensation:

Officer 5 Name:

Officer 5 Compensation:

**Attachment 4**  
**Reporting and Prior Approval Terms**

Subaward Number:

W2138 - 457

Subrecipient agrees to submit the following reports (PTE contacts are identified in Attachment 3A):

**Technical Reports:**

- ☐ Monthly technical/progress reports will be submitted to the PTE's Administrative Contact within 15 days of the end of the month.
- ☐ Quarterly technical/progress reports will be submitted within 30 days after the end of each project quarter to the PTE's Principal Investigator.
- ☐ Annual technical / progress reports will be submitted within 60 days prior to the end of each budget period to the PTE's Administrative Contact. Such report shall also include a detailed budget for the next Budget Period, updated other support for key personnel, certification of appropriate education in the conduct of human subject research of any new key personnel, and annual IRB or IACUC approval, if applicable.
- ☒ A Final technical/progress report will be submitted to the PTE's Principal Investigator within 60 days of the end of the Project Period or after termination of this award, whichever comes first.
- ☒ Technical/progress reports on the project as may be required by PTE's Principal Investigator in order for the PTE to satisfy its reporting obligations to the Federal Awarding Agency.

**Prior Approvals:**

Carryover:

Carryover is restricted for this subaward by the: Pass-Through Entity

*Carryover instructions and requirements are as stated by the Federal Awarding Agency guidance or as shown below.*

Submit carryover requests to the Financial Contact.

**Other Reports:**

- ☐ In accordance with 37 CFR 401.14, Subrecipient agrees to notify both the Federal Awarding Agency via iEdison and PTE's Administrative Contact within 60 days after Subrecipient's inventor discloses invention(s) in writing to Subrecipient's personnel responsible for patent matters. The Subrecipient will submit a final invention report using Federal Awarding Agency specific forms to the PTE's Administrative Contact within 60 days of the end of the Project Period to be included as part of the PTE's final invention report to the Federal Awarding Agency.

A negative report is required:                                 

- ☐ Property Inventory Report (only when required by Federal Awarding Agency), specific requirements below.

**Additional Technical and Reporting Requirements:**

Semi-annual progress reports submitted with quarter 2 and quarter 4 invoice to PTE.

**Attachment 5**  
**Statement of Work, Cost Sharing, Indirects & Budget**

Subaward Number:

W2138 - 457

**Statement of Work**

☐ Below ☒ Attached,  pages

If award is FFATA eligible and SOW exceeds 4000 characters, include a *Subrecipient Federal Award Project Description*

See Attached Statement of Work

**Budget Information**

**Indirect Information** Indirect Cost Rate (IDC) Applied

%

**Cost Sharing**

Rate Type:

If Yes, include Amount: \$

**Budget Details**

☐ Below ☒ Attached,  pages

See Attached Budget

**Budget Totals**

Direct Costs \$

Indirect Costs \$

Total Costs \$

*All amounts are in United States Dollars*

**Attachment 6****Notice of Award (NOA) and any additional documents**

The following pages include the NOA and if applicable any additional documentation referenced throughout this Subaward.



Not incorporating the NOA or any additional documentation to this Subaward.



## Hayward Promise Neighborhoods California Department of Social Services Funding Request

Agency Name: Eden Area Regional Occupational Program (EAROP)

Agency Project Lead: B. Torpey

Email: [btorpey@edenrop.org](mailto:btorpey@edenrop.org)

Date: September 1, 2023

Please read the [memo](#) and complete this funding request form along with the budget template.

1. Please list the solutions you plan to support with CDSS funding. All proposed solutions should be tied to the [Downtown/South Hayward Promise Neighborhoods solutions](#) matrix for each agency.

Solution Name	Planned Implementation Timeline (i.e., July 2023 – July 2025)	Are you currently implementing this solution in South Hayward? If yes, briefly describe how.	Target Population (e.g., children 0-5, K-12 students, adults, families, other)	# of target population to be served annually (Within SHPN neighborhood or partner schools)	GPRA/Outcomes supported (e.g., attendance, graduation rates, internet access, etc.)
Career Pathways and CTE Work Based Learning (HS)	2023-2024 2024-2025	EAROP currently employs a bilingual CTE/ Entrepreneurship Instructor at Tennyson High School providing College and Career Readiness Completion in the World House Program	K-12 High School English Learners	2023-24: 150 2024-25: 150	GPRA 4 High School Graduation Rates
Demographic Specific Support (EL)	2023-2024 2024-2025				

2. Please briefly explain if you have other current or potential sources of funding to support or sustain the cost of your solution(s) for the next two years.

The SHPN solution supported by EAROP was continued by EAROP despite the closing of the SHPN Grant. While we are committed to this program, in order to continue to offer it this year,



## **Hayward Promise Neighborhoods California Department of Social Services Funding Request**

we have increased the deficit in our budget. This bridge funding allows us to continue this solution while reducing our deficit as we look for long term funding solutions.

3. Please list the partner SHPN schools (i.e., Glassbrook Elementary, Ruus Elementary, Tyrrell Elementary, Chávez Middle, and Tennyson High) that your solution will support or your strategy for targeting residents/families in the South Hayward (Tennyson-Harder) neighborhood.

We will be supporting students whose families have newly immigrated to the United States in Tennyson High School's World House Program.

4. Please share any additional questions or comments that can help us support you administer the funding and implement this solution.

## **Partner Budget: Eden Area Regional Occupation Program**

### **1. Personnel**

- Bilingual CTE/Entrepreneurship Instructor: Provides College and Career Readiness Completion in the World House Program at Tennyson HS, \$85,000 annual salary x 0.28 FTE = Grant request: \$24,000 in year 1 and \$44,000 in year 2.

### **2. Fringe Benefits**

- Fringe/Benefits: @ 43% = Grant Request: \$9,775 in year 1 and \$18,275 in year 2.

### **3. Other**

- Field Trips for Students: provides transportation and meals to students = Grant Request: \$1,975 in year 1 and \$1,975 in year 2.



Eden Area Regional Occupational Program		Rate	Total Request	
			FY2024	Budget FY2025 TOTAL
<b>Personnel</b>				
Teacher: M Fuller Tennyson			\$24,000	\$44,000 68,000.00
				-
				-
				-
<b>Subtotal Personnel</b>			<b>23,000.00</b>	<b>43,000.00 68,000.00</b>
<b>Fringe Benefits:</b>				
Fringe/Benefits		43%	9,775.00	18,275.00 28,050.00
<b>Subtotal Fringe Benefits:</b>			<b>9,775.00</b>	<b>18,275.00 28,050.00</b>
<b>Total Personnel and Benefits</b>			<b>32,775.00</b>	<b>61,275.00 96,050.00</b>
<b>Travel</b>				
				-
				-
<b>Subtotal Travel</b>			<b>-</b>	<b>-</b>
<b>Supplies</b>				
Field Trips for Students			\$1,975	\$1,975 3,950.00
				-
				-
				-
<b>Subtotal Supplies</b>			<b>975.00</b>	<b>975.00 3,950.00</b>
<b>Subtotal Training Stipends</b>			<b>-</b>	<b>-</b>
<b>Total Direct Costs (TDC)</b>			<b>33,750.00</b>	<b>62,250.00 100,000.00</b>

Total Indirect Costs (IDC) -			-	-	-
Total Request			33,750.00	62,250.00	100,000.00

**Allocation Notification and Award**

<b>RECIPIENT NAME AND ADDRESS</b> California State University, East Bay Foundation Inc. 25800 Carlos Bee Blvd Hayward, CA 94542-3000		<b>CDSS ALLOCATION NUMBER</b>			
		<b>FY</b>	<b>Bill No.</b>	<b>Section Number</b>	<b>Provision</b>
		22/23	178	161	27(a)(3)
<b>Program Contact</b> Angela Vello		<b>Program Contact Email</b> Angela.Vellos@dss.ca.gov			
<b>Program Office</b> FEED		<b>Program Contact Telephone</b> (916) 653-6609			
<b>Authorizing Legislation</b> Budget Act of 2022 (Section 161, Provision 27(a)(3) of Assembly Bill 178, Chapter 45, Statutes of 2022)					
<b>ALLOCATION DETAILS</b>	<b>Allocation Amount</b>	<b>Award Date</b>	<b>Award Ending Date</b>		
	\$3,000,000	07/01/2022	06/30/2025		
<p>Pursuant to the authority referenced above, Hayward Promise Neighborhood has been awarded \$3,000,000 in funding. These funds shall be available for encumbrance or expenditure until June 30, 2025.</p> <p>This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.</p> <p>Please return the original, signed Allocation Notification and Award to:</p> <p style="text-align: center;"> <b>Angela Vello</b>          California Department of Social Services          744 P Street, MS 8-9-32          Sacramento, CA 95814  <a href="mailto:Angela.Vellos@dss.ca.gov">Angela.Vellos@dss.ca.gov</a> </p>					
<b>CERTIFICATION OF ACCEPTANCE OF ALLOCATION REQUIREMENTS</b>					
<i>As Recipient's Authorized Agent, I accept this Allocation and Award. By signing this Allocation and Award, I hereby certify and attest on behalf of the Recipient that the funds will be used for the purposes for which they have been appropriated and allocated and agree to comply with all requirements as a condition of funding.</i>					
<b>Printed Name of Recipient's Authorized Agent</b> Myeshia Armstrong			<b>Title</b> VP Admin & Finance		
<b>E-mail Address</b> myeshia.armstrong@csueastbay.edu			<b>Telephone</b> 510-885-3803		
<b>Signature</b> ▶			<b>Date</b>		
<b>Accepted by:</b>					
<b>Signature of the Deputy Director, FEED, CDSS</b> ▶			<b>Date</b>		
<b>FOR CDSS USE ONLY</b>					
<b>Supplier ID</b> 0000029205			<b>Reporting Structure</b> 51809990		
<b>Service Location</b> 12638	<b>Object Code</b> 706		<b>Index</b> 9990		
<b>Project and Activity ID for Fund 0890</b> N/A			<b>Appropriation Reference and Program</b> 5180-151G-0001, 4275028		

## **Allocation Notification and Award (Continued)**

### **General Requirements**

By signing this Allocation Notification and Award, Recipient is certifying that it will use the allocated funds for the Funded Purpose identified in the Authorizing Legislation.

In addition, Recipient agrees to abide by the following:

- Recipient shall follow any applicable federal or state law relating to this Funded Purpose.
- Recipient shall maintain accurate fiscal data in accordance with generally accepted accounting principles and, where applicable, standards for governmental entities, documenting actual expenditures by category for the Funded Purpose.
- Recipient shall maintain documentation to substantiate that all costs are reasonable, necessary, allowable, and allocable to the Funded Purpose (e.g., invoices, receipts, agreements).
- By accepting these funds, Recipient agrees and acknowledges this Allocation Notification and Award is subject to audit by the State, including but not limited to, CDSS and the State Auditor, pertaining to the expenditure of funds provided. Recipient shall retain all records related to this Allocation Notification and Award for at least three years after Award Ending Date or where an audit has been requested, until the date the audit is resolved, whichever is longer.
- Recipient agrees to timely submit required forms, such as the Payee Data Record 204, to allow CDSS to disburse the allocated funds.
- In advance of signing the allocation notice and in order to receive funds, Recipient shall provide to CDSS:
  - A budget summary, using the template provided by CDSS
  - A budget narrative, using the template provided by CDSS
  - A work plan, using the template provided by CDSS
- Recipient shall provide to CDSS on an annual basis, a report on progress and outcomes. The CDSS shall provide the reporting template for the Recipient to complete. The reporting periods are as follows:
  - Year 1 (6 months): 1/1/2023 to 6/30/2023 (due date is 10/1/2023)
  - Year 2 (12 months): 7/1/2023 to 6/30/2024 (due date is 10/1/2024)
  - Year 3 (12 months): 7/1/2024 to 6/30/2025 (due date is 10/1/2025)

<b>Subaward Amendment</b>			
Amendment No <span style="border: 1px solid black; padding: 0 10px;">1</span>		Subaward No <span style="border: 1px solid black; padding: 0 10px;">W2138-457</span>	
Pass-Through Entity (PTE)		Subrecipient	
California State University, East Bay Foundation, Inc.		Entity Name <span style="border: 1px solid black; padding: 0 10px;">Eden Area Regional Occupational Program</span>	
carolyn.nelson@csueastbay.edu		Contact Email <span style="border: 1px solid black; padding: 0 10px;">btorpey@edenrop.org</span>	
Carolyn Nelson, Principal Investigator		Principal Investigator <span style="border: 1px solid black; padding: 0 10px;">Blaine Torpey</span>	
Project Title <span style="border: 1px solid black; padding: 0 10px;">South Hayward Promise Neighborhood (SHPN) - CDSS Funding</span>			
PTE/Prime Award No. <span style="border: 1px solid black; padding: 0 10px;">N/A</span>		Awarding Agency <span style="border: 1px solid black; padding: 0 10px;">U.S. Department of Education</span>	
Cumulative Budget Period(s) <small>(Agreement Start Date) (End Date of Latest Budget Period)</small>		Amount Funded This Action	Total Amount of Funds Obligated to Date
Start Date: <span style="border: 1px solid black; padding: 0 10px;">07/01/2023</span>	End Date: <span style="border: 1px solid black; padding: 0 10px;">06/30/2024</span>	\$ 2,000.00	\$ 35,750.00
Subrecipient Cost Share <input type="checkbox"/>	Subject to FFATA <input type="checkbox"/>	Subrecipient UEI <small>(Unique Entity Identifier - May leave blank if unchanged from prior Agreement)</small> <span style="border: 1px solid black; padding: 0 10px;"></span>	
<b>Amendment(s) to Original Terms and Conditions</b> This Amendment revises the above-referenced Subaward Agreement as follows:			
<div style="margin-bottom: 10px;"><input type="checkbox"/> <b>Additional Budget Period</b></div> <div style="margin-bottom: 10px;"><input type="checkbox"/> <b>No Cost Extension</b></div> <div style="margin-bottom: 10px;"> <input checked="" type="checkbox"/> <b>Additional Funding</b>            Additional funding in the amount of <span style="border: 1px solid black; padding: 0 10px;">\$ 2,000.00</span> is hereby obligated to this Subaward.         </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> <b>Deobligation</b></div> <div style="margin-bottom: 10px;">           Carryover is <span style="border: 1px solid black; padding: 0 10px;">Not Applicable</span> </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> <b>Carryover Authorized</b></div> <div style="margin-bottom: 10px;"> </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> <b>Detailed Budget/Scope of Work/Notice of Award Attached</b> <small>(Specify if the Budget and Scope of Work are "New", "Revised", or "Supplemental" in dropdown or "Other")</small></div> <div style="margin-bottom: 10px;"> <input checked="" type="checkbox"/> <b>Other (See Below)</b>  <div style="border: 1px solid black; padding: 10px; min-height: 100px; margin-top: 5px;">           See budget attached hereto and incorporated for reference.         </div> </div>			
<i>For clarity: all amounts stated in this amendment are in United States Dollars.</i>			
<b>All other terms and conditions of this Subaward Agreement remain in full force and effect.</b>			
By an Authorized Official of PTE:		By an Authorized Official of Subrecipient:	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">   <small>Audrey Katzman, Jan 23, 2024 08:46 PST</small> </div> <div style="text-align: center;">           Date  <span style="border: 1px solid black; padding: 2px 5px;">Jan 23, 2024</span> </div> </div>		<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">   <small>Blaine C. Torpey</small> </div> <div style="text-align: center;">           Date  <span style="border: 1px solid black; padding: 2px 5px;">Jan 22, 2024</span> </div> </div>	
Name <span style="border: 1px solid black; padding: 0 10px;">Audrey Katzman</span>		Name <span style="border: 1px solid black; padding: 0 10px;">Blaine Torpey</span>	
Title <span style="border: 1px solid black; padding: 0 10px;">Interim Associate Vice President, Financial Services</span>		Title <span style="border: 1px solid black; padding: 0 10px;">Superintendent</span>	

Eden Area Regional Occupational Program	Rate	Total Request		
		FY2024	Budget FY2025	TOTAL
<b>Personnel</b>				
Teacher: Maria Loiusa Fuller, Tennyson World House		\$24,000	\$44,000	68,000.00
				-
				-
				-
<b>Subtotal Personnel</b>		<b>24,000.00</b>	<b>44,000.00</b>	<b>68,000.00</b>
<b>Fringe Benefits:</b>				
Fringe/Benefits	41%	9,775.00	18,275.00	28,050.00
<b>Subtotal Fringe Benefits:</b>		<b>9,775.00</b>	<b>18,275.00</b>	<b>28,050.00</b>
<b>Total Personnel and Benefits</b>		<b>33,775.00</b>	<b>62,275.00</b>	<b>96,050.00</b>
<b>Travel</b>				
				-
<b>Subtotal Travel</b>		-	-	-
<b>Supplies</b>				
				-
<b>Subtotal Supplies</b>				-
<b>Contractual</b>				
				-
<b>Subtotal Contractual</b>		-	-	-
<b>Other</b>				
Field Trips for Students		\$1,975	\$1,975	3,950.00
				-
<b>Subtotal Other</b>		<b>1,975.00</b>	<b>1,975.00</b>	<b>3,950.00</b>
<b>Training Stipends</b>				
<b>Subtotal Training Stipends</b>		-	-	-
<b>Total Direct Costs (TDC)</b>		<b>35,750.00</b>	<b>64,250.00</b>	<b>100,000.00</b>
<b>Total Indirect Costs (IDC) -</b>		-	-	-
<b>Total Request</b>		<b>35,750.00</b>	<b>64,250.00</b>	<b>100,000.00</b>











# W2138\_CDSS\_HPN\_EAROP\_Amend 1\_Routing

Final Audit Report

2024-01-23

Created:	2024-01-20 (Pacific Standard Time)
By:	Ryan Hoy (ryan.hoy@csueastbay.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAABP1TPfzVfss5rPXORUXy6pNpAGgpJKeH

## "W2138\_CDSS\_HPN\_EAROP\_Amend 1\_Routing" History

-  Document created by Ryan Hoy (ryan.hoy@csueastbay.edu)  
2024-01-20 - 12:24:21 PM PST
-  Document emailed to Blaine Torpey (btorpey@edenrop.org) for signature  
2024-01-20 - 12:25:48 PM PST
-  Document shared with Teri Morales (teri.morales@csueastbay.edu) by Ryan Hoy (ryan.hoy@csueastbay.edu)  
2024-01-20 - 12:26:54 PM PST
-  Email viewed by Blaine Torpey (btorpey@edenrop.org)  
2024-01-22 - 5:50:10 PM PST
-  Document e-signed by Blaine Torpey (btorpey@edenrop.org)  
Signature Date: 2024-01-22 - 5:50:41 PM PST - Time Source: server
-  Document emailed to Audrey Katzman (audrey.katzman@csueastbay.edu) for signature  
2024-01-22 - 5:50:43 PM PST
-  Email viewed by Audrey Katzman (audrey.katzman@csueastbay.edu)  
2024-01-22 - 7:02:52 PM PST
-  Document e-signed by Audrey Katzman (audrey.katzman@csueastbay.edu)  
Signature Date: 2024-01-23 - 8:46:11 AM PST - Time Source: server
-  Document emailed to Yashmeen Imroz (yashmeen.imroz@csueastbay.edu) for acceptance  
2024-01-23 - 8:46:13 AM PST
-  Email viewed by Yashmeen Imroz (yashmeen.imroz@csueastbay.edu)  
2024-01-23 - 8:51:17 AM PST

 Document accepted by Yashmeen Imroz (yashmeen.imroz@csueastbay.edu)

Acceptance Date: 2024-01-23 - 9:25:01 AM PST - Time Source: server

 Agreement completed.

2024-01-23 - 9:25:01 AM PST



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the MOU with the Northern California College Promise Coalition (NCCPC) for Organization Champion Coalition Membership for the 2023-2024 School Year

## **BACKGROUND**

---

The Northern California College Promise Coalition (NCCPC) is a regional effort to bring together leaders, practitioners, and resources to share leadership over the shape of college success efforts in the region.

NCCPC works to make systemic change by advocating for and/or directly implementing solutions centering first-generation, low-income, and multiply marginalized and underrepresented students.

## **CURRENT SITUATION**

---

NCCPC is a cradle to career coalition that is similarly focused on the Eden Area ROP goals and values of equity and access. They have 62 members that include Hayward Promise Neighborhoods, the City of Hayward, and San Jose City College. We will be their first member that is a Regional Occupational Program. As a member, we will benefit from their communities of practice and advocacy. We will also be able to lift the voice of Career and Technical Education advocacy to ensure that career education is an important component of every student's promising future.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the MOU with the Northern California College Promise Coalition (NCCPC) for organization champion coalition membership for the 2023-2024 school year.



## NCCPC Champion MOU

This agreement is between \_\_\_\_\_ (Organization) and the Northern California College Promise Coalition (NCCPC) for the fiscal year 2023-2024, starting on July 1 and ending June 30.

The joining organization will become a member of the coalition with the following opportunities and responsibilities.

### **Benefits and Opportunities**

Membership as a Champion member affords the Organization:

1. The ability to benefit from at least some of the **policy changes resulting from coalition action**.
  - a. In 2022 we put an end to scholarship displacement by passing the bill AB 288 which was signed into law on September 30, 2022;
  - b. From 2023-2025 we will pursue policies and bills that align with the issue priorities indicated in our [3-Year Policy Agenda](#): Student economic resources; Mental health, basic needs, & other resources; Cradle-to-career data system; and State investment in promise programs.
2. The ability to **benefit from college partnerships**, where possible, negotiated by the coalition.
  - a. In 2023, we have executed agreements with Cal State East Bay and the University of California, with more to follow; and
  - b. A landscape analysis of regional post-secondary options and their support offerings.
3. The ability to **benefit from career preparation services at a reduced fee** negotiated or made available by the coalition.
  - a. In 2023, we anticipate renewed/new MOU agreements signed by June with Management Leadership for Tomorrow and Old Navy, with more to follow; and
  - b. A landscape analysis of regional employer and workforce options and their support offerings.
4. **Free attendance at our community of practice efforts**, raising the level of performance of college access and success professionals across the region, including your own.
  - a. In 2023, we will host virtual, in-person, or hybrid events including, but not limited to: a Financial Aid Webinar Series, an Annual All Member Meeting, a Funders' Convening, and a Mayors' Circle.
  - b. Free attendance by your staff at all special events.
  - c. Access to NCCPC-managed resources, toolkits, documents and guides.
5. The opportunity to respond periodically to surveys and other inquiries regarding **your priorities for the coalition's focus**.

## **Organization's Responsibilities**

Champion member will:

1. Participate in at least one ad hoc or subcommittee and attendance to a minimum of 75% of associated meetings.
  - a. For clarity, 8 subcommittee meetings will be attended if 11 are held. The 4 recurring subcommittees are:
    - i. Communities of Practice Committee
    - ii. Partnerships (Campus) Committee
    - iii. Policy Committee
    - iv. Workforce Committee
  - b. For clarity, 3 ad hoc committee meetings will be attended if 4 are held. In 2023 there are 3 ad hoc committees:
    - i. Evaluation Ad Hoc Committee
    - ii. Fiscal Sponsor Ad Hoc Committee
    - iii. Fundraising Ad Hoc Committee
2. Agree to have your organization's name listed as a coalition member and to share deidentified aggregate data as necessary toward shared goals.

This agreement shall be in effect as of the last date of signing, below.

_____ (signed)	_____ (printed name/title)	_____ (date)
_____ (signed)	_____ (printed name/title)	_____ (date)
_____ (signed)	_____ (printed name/title)	_____ (date)

# INFORMATION ITEMS

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**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Midyear Review of the Superintendent's Goals

## **BACKGROUND**

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Each year the Governing Board develops goals for the Superintendent. The goals are designed to set a path for moving the organization forward and serve as the basis for the Superintendent's evaluation at the end of the school year.

## **CURRENT SITUATION**

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The Superintendent will provide an update on the progress and status of the goals identified for this school year.

## **RECOMMENDATION**

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Information only

## SUPERINTENDENT'S GOALS 2023-2024

### Strengthen EAROP Culture, Climate and Communication

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- Continue to develop a comprehensive strategic plan that is guided by the Mission Statement, EAROP Core Values, Student Learning Outcomes, Governing Board and stakeholder input to allow for priority-driven decision making
- Become an anti-racist and anti-bias organization to ensure that all students and staff feel a sense of belonging
- Continue to develop high-impact strategic partnerships that enhance student learning, student outcomes, and funding opportunities
- Assess organizational infrastructure and continue to build high-functioning and highly efficient systems with a focus on communication

### Enhance High-Quality CTE Programming and Systems to Support All Students

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- Refine current high-quality CTE programs and assess potential new programs for students with a concerted focus on instructional practices and student outcomes
- Increase student voice and input by building systems and infrastructure to support students' social-emotional learning and wellbeing
- Continue to codify and enhance data collection with a focus on student demographics, student achievement, and assessment inventory
- Coordinate growth and development of adult programs

### Guide and Support the Development of EAROP Staff

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- Develop systems and practices to recruit, hire, retain, and mentor dedicated, experienced, and highly effective staff members
- Engage and enrich the experience of Classified and Certificated staff through professional development and comprehensive staff feedback
- Enhance a restorative approach to building a community of adults who are connected and focused on student outcomes
- Ensure that EAROP Staff are fluent in EAROP policies, procedures, and practices for the benefit of their professional wellness and organizational health

### Fiscal, Resource, and Operational Leadership

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- Ensure the fiscal stability of both the traditional and adult programs at EAROP by addressing long-term funding challenges
- In collaboration with HUSD, the EAROP Coordinating Council, and the Governance Team, develop a long-term facilities plan
- Assess operations, site safety, resource management, and technology plan to ensure fidelity to the EAROP Mission
- In partnership with the EAROP Coordinating Council, review the long-term strategy for placement of career education programs at the Center and on the partner high school campuses



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Student Survey Data

## **BACKGROUND**

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Each year the Eden Area ROP conducts student surveys to follow-up on the Eden Area ROP outcomes and goals. At the end of each course the Eden Area ROP conducts a survey with students in Eden Area ROP classes. The results of this survey assist the Eden Area ROP staff in program improvement as well as our marketing and outreach.

The resident high schools have worked closely with the Eden Area ROP staff in encouraging students to take advantage of the career development opportunities available through Eden Area ROP classes at the Center, as well as at the high schools.

This collaboration has proven effective in providing excellent educational opportunities for students in all four of our participating districts.

## **CURRENT SITUATION**

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Over the course of the school year, staff will administer three identical surveys to all Center-based students. The instructor results will be shared with the individual instructors, and the school-wide data will be shared with the entire staff.

Upon compiling survey results, school-wide adjustments will be implemented to strengthen the Eden Area ROP programs. Each of the three times the survey is conducted, the results will be used to measure progress and inform next steps.

Currently, one of the three surveys has been administered. Staff will present the first survey results at the meeting.

## **RECOMMENDATION**

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Information only



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** First Reading of Governing Board Policies, Administrative Regulations, Board Bylaw and Exhibits

## BACKGROUND

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By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date. The last thorough review of all of the Eden Area ROP Governing Board policies and administrative regulations occurred in the 2019-2020 school year.

Since then, the Eden Area ROP has contracted with California School Boards Association (CSBA) to receive regular updates and suggested policy language for any additions, changes, or modifications to educational code that impacts policy. Staff regularly review these updates and bring relevant changes to the board for their consideration throughout the year.

The Eden Area ROP's policy development process includes a first reading at a public Governing Board meeting and a subsequent second reading and adoption for Board approval at a public Governing Board meeting.

## CURRENT SITUATION

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What follows is the first reading of updated board policies, administrative regulations, board bylaw and exhibits to reflect current law and regulations provided in CSBA's quarterly update.

NUMBER	TYPE	TITLE	STATUS
1431	BP	Waivers	Revise
3400	BP	Management of District Assets/Accounts	Revise
3400	AR	Management of District Assets/Accounts	Revise
5131.2	BP	Bullying	Revise
5131.2	AR	Bullying	Revise
9321	BB	Closed Session	Revise
9321	E1	Closed Session	Revise
9321	E2	Closed Session	New

## RECOMMENDATION

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Information only





# EdenAreaROP SUPERINTENDENT'S MEMO

**To:** Eden Area ROP Governing Board  
**From:** Blaine Torpey, Superintendent  
**Date:** February 1, 2024  
**Re:** First Reading of Board Policies, Administrative Regulations, Board Bylaws and Exhibits

**Listed below is a summary of the changes being recommended to Board Policies (BP), Administrative Regulations (AR), Board Bylaw (BB) and Exhibits (E) for the consideration of the Board.**

Number	Type	Title	Explanation of Change	Status
1431	BP	Waivers	Policy updated to reference NEW LAW (SB 114, 2023) which prohibits a waiver request for transitional kindergarten and kindergarten requirements provided for in specified Education Code sections. Policy also updated to provide that advertisement of the notice for the public hearing which is required prior to the Governing Board submitting a waiver request to the State Board of Education includes publishing it on the district's website.	Revise
3400	BP	Management of District Assets/Accounts	Policy updated to reflect NEW LAW (SB 1439, 2022) related to conflict of interest from campaign contributions and existing conflict of interest provisions by providing that Governing Board members and district employees involved in the making of contracts on behalf of the district comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest. Policy also updated to direct the Superintendent to submit reports of the district's financial status to the Board, in accordance with Board Policy and Administrative Regulation 3460 - Financial Reports and Accountability, and develop additional internal controls to strengthen fraud prevention.	Revise
3400	AR	Management of District Assets/Accounts	Regulation updated to reference Governmental Accounting Standards Board's (GASB) Statement #87 regarding lease accounting and GASB Statement #96 regarding subscription-based information technology agreements. Regulation also updated to clarify that the district should utilize the California Department of Education's standardized account code structure	Revise

Number	Type	Title	Explanation of Change	Status
			software to develop financial reports, and that the district's accounting system should comply with generally accepted accounting principles prescribed by GASB and meet other state and federal reporting guidelines. Additionally, regulation updated to expand the list of actions that constitute fraud, financial improprieties or irregularities; separate out district and county office of education investigations; clarify that the district cooperate with the County Superintendent of Schools, Fiscal Crisis and Management Assistance Team, law enforcement, or other governmental entities that conduct a fraud investigation; and, consult legal when discussing or disclosing the result of any fraud investigation.	
5131.2	BP	Bullying	Policy updated to reflect NEW LAW (AB 1078, 2023) which requires that the district's policy prohibiting discrimination, harassment, intimidation, and bullying include a statement that the policy applies to all acts of the Governing Board and Superintendent in enacting policies and procedures that govern the district. Policy also updated to reference NEW U.S. DEPARTMENT OF EDUCATION GUIDANCE addressing discrimination, and reflect CSBA's policy brief, "School Safety: Bullying and Cyberbullying," which encourages district families to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.	Revise
5131.2	AR	Bullying	Regulation updated to expand the definition of "cyberbullying" to reflect CSBA's policy brief, "School Safety: Bullying and Cyberbullying." Regulation also updated to add additional measures to prevent bullying as provided in NEW U.S. SURGEON GENERAL GUIDANCE by developing a strategic plan for school connectedness and social skills with benchmark tracking, implementing socially based educational techniques, creating a supportive	Revise

Number	Type	Title	Explanation of Change	Status
			<p>school environment that fosters belonging, and building social connection into health education courses. Additionally, regulation updated to include digital and media literacy skills in student instruction, as provided in NEW U.S. SURGEON GENERAL GUIDANCE, expand the responsibilities of staff as role models for students, and reflect NEW LAW (AB 2879, 2022) which requires a social media platform to establish a mechanism that allows any individual, regardless of whether that individual has a profile on the internet-based service, to report cyberbullying. Regulation additionally updated to reflect NEW LAW (AB 1165, 2023) which encourages the district to have a student who has been suspended, or for whom other means of correction have been implemented for an incident of racist bullying, harassment, or intimidation, and the victim, to engage in a restorative justice practice suitable to address the needs of both of the students, engage the perpetrator in a culturally sensitive program, 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.</p>	
9321	BB	Closed Session	<p>Bylaw updated to reflect appellate court ruling in Fowler v. City of Lafayette, which clarified that when an item is agendaized in closed session based on a threat of litigation made by a person outside of an open meeting and a district official or employee receiving knowledge of the threat made a record of the statement before the meeting, that statement is required to be made available to the public. Bylaw also updated to reference accompanying Exhibit (1) for specific agenda descriptions for closed session items and accompanying Exhibit (2) for descriptions to report out of specified closed session items. Additionally, Bylaw updated for clarity, precision, and consistency.</p>	Revise
9321	E1	Closed Session	<p>Exhibit updated for clarity and precision, and for consistency with</p>	Revise

Number	Type	Title	Explanation of Change	Status
			changes to the accompanying Board Bylaw.	
9321	E2	Closed Session	Exhibit updated for clarity and precision, and for consistency with changes to the accompanying Board Bylaw.	New

**Policy 1431: Waivers**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

The Governing Board recognizes that strict compliance with the law may sometimes hinder the Eden Area ROP's ability to provide its students with an effective, well-rounded educational program. The Governing Board recognizes that circumstances may arise in the operation of the Eden Area Regional Occupational Program (Eden Area ROP) that require a waiver from state law or regulation. When it is in the interest of Eden Area ROP students, the Governing Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to the SBE shall first be approved by the Governing Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Governing Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Governing Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

(cf. 0420 – School Plans/Site Councils)

(cf. 1220 – Citizen Advisory Committees)

In addition, the Superintendent or designee shall involve the exclusive representative of Eden Area ROP employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050)

(cf. 4140/4240/4340 – Bargaining Units)

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

To receive public testimony on each proposal for waiver request proposal, the Governing Board shall hold a properly noticed public hearing during a Governing Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, may shall be printed in a newspaper of general circulation, or posted at each school and three public places in the Eden Area ROP, or published on the Eden Area ROP's website.

(cf. 9320 – Meetings and Notices)

If the Eden Area ROP determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the Eden Area ROP has requested and received the same general waiver from the SBE for two consecutive years, the Governing Board is not required to reapply annually if the information contained on the request remains current. However, the Eden Area ROP shall apply annually for the renewal of any waiver regarding teacher credentialing. does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the Eden Area ROP shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

Ed. Code 33050-33053

Ed. Code 48000-48003

Ed. Code 48800

**Description**

General waiver authority -

<https://simbli.eboardsolutions.com/SU/Z43hmCst0gQT7SnBxRFv6g==>

Kindergartens -

<https://simbli.eboardsolutions.com/SU/v8PZQjUGDjhs53slshXA3vGag==>

Attendance at community college -

<https://simbli.eboardsolutions.com/SU/plusubKJND24QXXZv7aIT7gGA==>

Ed. Code 51747.3	Charter school independent study funding - <a href="https://simbli.eboardsolutions.com/SU/AFsmvqZUuKjCgPphjZslshkYg==">https://simbli.eboardsolutions.com/SU/AFsmvqZUuKjCgPphjZslshkYg==</a>
Ed. Code 56000-56865	Special education programs - <a href="https://simbli.eboardsolutions.com/SU/py2K4CXw98zsvRq5YA0RGQ==">https://simbli.eboardsolutions.com/SU/py2K4CXw98zsvRq5YA0RGQ==</a>
Ed. Code 65000-65001	School site councils - <a href="https://simbli.eboardsolutions.com/SU/0EAPlzMGH2XevzVUbza2cw==">https://simbli.eboardsolutions.com/SU/0EAPlzMGH2XevzVUbza2cw==</a>

### Management Resources References

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	California Department of Education, Waiver Office - <a href="https://simbli.eboardsolutions.com/SU/Hf0S03Px2zslsh5RfLAjlH59A==">https://simbli.eboardsolutions.com/SU/Hf0S03Px2zslsh5RfLAjlH59A==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==</a>

### Cross References

1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==">https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==</a>
1220-E PDF(1)	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/ktSplusCjyppmFPZ7xae3M85Aw==">https://simbli.eboardsolutions.com/SU/ktSplusCjyppmFPZ7xae3M85Aw==</a>
6111	School Calendar - <a href="https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==">https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==">https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==</a>

**Policy 3400: Management Of District Assets/Accounts**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020 | **Last Reviewed Date:** 03/05/2020

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the Eden Area ROP's assets and resources in order to help achieve the Eden Area ROP's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the Eden Area ROP's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. He/she The Superintendent or designee shall ensure that the Eden Area ROP's accounting system provides ongoing internal controls and meets generally accepted accounting standards, as specified by the California Department of Education and, as appropriate, the Governmental Accounting Standards Board (GASB). When required by law or as directed by the Board, and in accordance with Board Policy and Administrative Regulation 3460 – Financial Reports and Accountability, the Superintendent or designee shall submit to the Board reports of the Eden Area ROP's financial status.

(cf. 3000 – Concepts and Roles)

(cf. 3100 – Budget)

(cf. 3300 – Expenditures and Purchases)

(cf. 3312 – Contracts)

(cf. 3314 – Payment for Goods and Services)

(cf. 3460 – Financial Reports and Accountability)

### Capital Assets

The Superintendent or designee shall develop a system to accurately identify and value Eden Area ROP assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. Eden Area ROP assets with a useful life of more than one year and an initial acquisition cost of \$5,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value or depreciation during each accounting period for all capital assets.

(cf. 3440 – Inventories)

### Internal Controls/Fraud Prevention

The Governing Board expects Governing Board members, employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the Eden Area ROP to act with integrity and due diligence in dealings involving the Eden Area ROP's assets and fiscal resources.

Board members and Eden Area ROP employees involved in the making of contracts on behalf of the Eden Area ROP shall comply with the Eden Area ROP's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the Eden Area ROP; assist with effective and efficient operation of the Eden Area ROP, produce reliable financial information, and ensure compliance with all applicable laws and regulations. These internal controls may include, but are not limited to, segregating and monitoring employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; developing timely reconciliations of budgets, ledgers, and accounts; conducting background checks on business office employees; and requiring continuous in-service training for business office staff and board members on the importance of fraud prevention, financial management, budget, and governance.

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her the employee's immediate supervisor and/or the Superintendent or designee. In addition, the Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity.

(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the Eden Area ROP's auditors, the Fiscal Crisis and Management Assistance Team (FCMAT), law enforcement agencies, or other governmental entities, as appropriate.

The Superintendent or designee shall provide regular reports to the Governing Board on the status of the Eden Area ROP's internal control procedures and recommend any necessary revisions to related Governing Board policies or administrative regulations.

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

	Description
Ed. Code 1241.5	Audit by county superintendent
Ed. Code 14500-14508	Financial and compliance audits - <a href="https://simbli.eboardsolutions.com/SU/ExlLRgXIGIFUpluskbtjAagJg==">https://simbli.eboardsolutions.com/SU/ExlLRgXIGIFUpluskbtjAagJg==</a>
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - <a href="https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==">https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==</a>
Ed. Code 35250	Duty to keep certain records and reports - <a href="https://simbli.eboardsolutions.com/SU/0CNdSb65lqPslshplzWPipnwg==">https://simbli.eboardsolutions.com/SU/0CNdSb65lqPslshplzWPipnwg==</a>
Ed. Code 41010-41023	Accounting regulations; budget controls and audits - <a href="https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==">https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==</a>
Ed. Code 42600-42603	Control of expenditures - <a href="https://simbli.eboardsolutions.com/SU/1jU0NjNpluspoAnhvplusUMxsgMg==">https://simbli.eboardsolutions.com/SU/1jU0NjNpluspoAnhvplusUMxsgMg==</a>
Ed. Code 42647	Drawing of warrants by district on county treasurer; form; reports, statements, and other data - <a href="https://simbli.eboardsolutions.com/SU/ouked3v4MSOvUHdxPslshHO6w==">https://simbli.eboardsolutions.com/SU/ouked3v4MSOvUHdxPslshHO6w==</a>
Elec. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 53995-53997	Obligation of contract - <a href="https://simbli.eboardsolutions.com/SU/8863QIIIGsxoOEBZOMEoohw==">https://simbli.eboardsolutions.com/SU/8863QIIIGsxoOEBZOMEoohw==</a>
Gov. Code 84308	Campaign Disclosure - <a href="https://simbli.eboardsolutions.com/SU/n7Sz3yU8cLVytag8uq23bQ==">https://simbli.eboardsolutions.com/SU/n7Sz3yU8cLVytag8uq23bQ==</a>
Gov. Code 87100-87500	Political Reform Act - <a href="https://simbli.eboardsolutions.com/SU/mYFChdFDgtU7wwubQ4ReCA==">https://simbli.eboardsolutions.com/SU/mYFChdFDgtU7wwubQ4ReCA==</a>

#### Management Resources References

	Description
Governmental Accounting Standards Board Pub.	Implementation Guide No. 2019-3, Leases, August 2019 - <a href="https://simbli.eboardsolutions.com/SU/xmhiRAI4Obmhmg02CrPPfQ==">https://simbli.eboardsolutions.com/SU/xmhiRAI4Obmhmg02CrPPfQ==</a>
Governmental Accounting Standards Board Pub.	Implementation Guide No. 2023-1, Implementation Guidance Update - 2023, June 2023 - <a href="https://simbli.eboardsolutions.com/SU/vggLSsW3kCTX0XaBUt99xw==">https://simbli.eboardsolutions.com/SU/vggLSsW3kCTX0XaBUt99xw==</a>
Governmental Accounting Standards Board Statement	Statement 96, Subscription-Based Information Technology Arrangements, May 2020 - <a href="https://simbli.eboardsolutions.com/SU/plus5QJbux3lLoQYlmXgyDi8g==">https://simbli.eboardsolutions.com/SU/plus5QJbux3lLoQYlmXgyDi8g==</a>
Governmental Accounting Standards Board Statement	Statement 87, Leases, June 2017 - <a href="https://simbli.eboardsolutions.com/SU/tJH1NnP3RzbdWsAslsh5ma7TQ==">https://simbli.eboardsolutions.com/SU/tJH1NnP3RzbdWsAslsh5ma7TQ==</a>
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999 - <a href="https://simbli.eboardsolutions.com/SU/pEAz8kbmc9lIGk4Klunkxw==">https://simbli.eboardsolutions.com/SU/pEAz8kbmc9lIGk4Klunkxw==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==</a>



Website	Governmental Accounting Standards Board - <a href="https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bslshbBggjhog==">https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bslshbBggjhog==</a>
Website	California Department of Education, Finance and Grants - <a href="https://simbli.eboardsolutions.com/SU/gCBslshNI2CDjZqs24TpVv3gw==">https://simbli.eboardsolutions.com/SU/gCBslshNI2CDjZqs24TpVv3gw==</a>
Website	California State Controller - <a href="https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==">https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	Fiscal Crisis and Management Assistance Team - <a href="https://simbli.eboardsolutions.com/SU/1KDBNxpuls9GCiDTyFvbLOOxQ==">https://simbli.eboardsolutions.com/SU/1KDBNxpuls9GCiDTyFvbLOOxQ==</a>
Website	California Association of School Business Officials - <a href="https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTlb0g==">https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTlb0g==</a>
Website	School Services of California, Inc. - <a href="https://simbli.eboardsolutions.com/SU/nzOINPGdklsishZR9e7VNuDXg==">https://simbli.eboardsolutions.com/SU/nzOINPGdklsishZR9e7VNuDXg==</a>

## Cross References

## Description

3000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==">https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==">https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==</a>
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3110	Transfer Of Funds - <a href="https://simbli.eboardsolutions.com/SU/VLCrKWvslshG87ZDVLmGAt8yQ==">https://simbli.eboardsolutions.com/SU/VLCrKWvslshG87ZDVLmGAt8yQ==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/v3LgWNRJV4M7aMue9vIREQ==">https://simbli.eboardsolutions.com/SU/v3LgWNRJV4M7aMue9vIREQ==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/ZE3BkJ3ETPLYugS2BVI7QA==">https://simbli.eboardsolutions.com/SU/ZE3BkJ3ETPLYugS2BVI7QA==</a>
3300	Expenditures And Purchases - <a href="https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==">https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==">https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==</a>
3314	Payment For Goods And Services - <a href="https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==">https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==</a>
3314.2	Revolving Funds - <a href="https://simbli.eboardsolutions.com/SU/xDGvZXYtHIRO2OFs7h64plusg==">https://simbli.eboardsolutions.com/SU/xDGvZXYtHIRO2OFs7h64plusg==</a>
3430	Investing - <a href="https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==">https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==</a>
3440	Inventories - <a href="https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==">https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==</a>
3451	Petty Cash Funds - <a href="https://simbli.eboardsolutions.com/SU/tz7D6zNs4RQoRCces2O8cg==">https://simbli.eboardsolutions.com/SU/tz7D6zNs4RQoRCces2O8cg==</a>
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4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==</a>
4151	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/FAf5TYKjceuo1vDUiNth0A==">https://simbli.eboardsolutions.com/SU/FAf5TYKjceuo1vDUiNth0A==</a>
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4351	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/mzVIGD7Lh15iglplus7FQ6k7g==">https://simbli.eboardsolutions.com/SU/mzVIGD7Lh15iglplus7FQ6k7g==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==">https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==</a>
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9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/plusNp4I7jDGI8a8wFHV1plusQaA==">https://simbli.eboardsolutions.com/SU/plusNp4I7jDGI8a8wFHV1plusQaA==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==">https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==</a>
9270-E PDF(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>

## Regulation 3400: Management Of District Assets/Accounts

Status: DRAFT

Original Adopted Date: 03/05/2020 | Last Reviewed Date: 03/05/2020

### Accounts

The Eden Area ROP's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education (CDE) School Accounting Manual. (Education Code 41010)

The Superintendent or designee shall ensure that funds are encumbered in the Eden Area ROP accounting records immediately after an expenditure is committed for subsequent payment.

{cf. 3110 – Transfer of Funds}

The Eden Area ROP shall utilize CDE's standardized account code structure (SACS) software to develop financial reports. The Eden Area ROP's accounting system shall comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB) and meet other state and federal reporting guidelines.

### Fraud Prevention and Investigation Fraud and Misappropriation of Funds

Fraud, financial improprieties or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the Eden Area ROP
2. Forgery or unauthorized alteration of a check, bank draft or any other financial document
3. Misappropriation of funds, securities, supplies or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of Eden Area ROP information or activities
6. Disclosing confidential and/or proprietary information to outside parties

{cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information}

7. Disclosing investment activities engaged in or contemplated by the Eden Area ROP

{cf. 3430 – Investing}

8. Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the Eden Area ROP
9. Destroying, removing or inappropriately using of records, furniture, fixtures or equipment
10. Failing to provide financial records to authorized state or local entities
11. Overstating income, expenses, or misreporting time
12. Failing to report a conflict of interest
13. Any other dishonest or fraudulent act

### Eden Area ROP Investigation

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation, shall and discussing or disclosing the result of any investigation shall be made in

consultation with legal counsel. The result of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.

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

(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)

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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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

	Description
Ed. Code 1241.5	Audit by county superintendent
Ed. Code 14500-14508	Financial and compliance audits - <a href="https://simbli.eboardsolutions.com/SU/ExlLRgXlGIFUpluskbtjAagJg==">https://simbli.eboardsolutions.com/SU/ExlLRgXlGIFUpluskbtjAagJg==</a>
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - <a href="https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==">https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==</a>
Ed. Code 35250	Duty to keep certain records and reports - <a href="https://simbli.eboardsolutions.com/SU/OCNdSb65lqPslshplzWPipnwg==">https://simbli.eboardsolutions.com/SU/OCNdSb65lqPslshplzWPipnwg==</a>
Ed. Code 41010-41023	Accounting regulations; budget controls and audits - <a href="https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==">https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==</a>
Ed. Code 42600-42603	Control of expenditures - <a href="https://simbli.eboardsolutions.com/SU/1jU0NjNpluspoAnhvplusUMxsgMg==">https://simbli.eboardsolutions.com/SU/1jU0NjNpluspoAnhvplusUMxsgMg==</a>
Ed. Code 42647	Drawing of warrants by district on county treasurer; form; reports, statements, and other data - <a href="https://simbli.eboardsolutions.com/SU/ouked3v4MSOvUHdxPslshHO6w==">https://simbli.eboardsolutions.com/SU/ouked3v4MSOvUHdxPslshHO6w==</a>
Elec. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 53995-53997	Obligation of contract - <a href="https://simbli.eboardsolutions.com/SU/8863QlIGsxoOEBZOMEoohw==">https://simbli.eboardsolutions.com/SU/8863QlIGsxoOEBZOMEoohw==</a>
Gov. Code 84308	Campaign Disclosure - <a href="https://simbli.eboardsolutions.com/SU/n7Sz3yU8clVyttag8uq23bQ==">https://simbli.eboardsolutions.com/SU/n7Sz3yU8clVyttag8uq23bQ==</a>
Gov. Code 87100-87500	Political Reform Act - <a href="https://simbli.eboardsolutions.com/SU/mYFChdFDgtU7wwubQ4ReCA==">https://simbli.eboardsolutions.com/SU/mYFChdFDgtU7wwubQ4ReCA==</a>

### Management Resources References

	Description
Governmental Accounting Standards Board Pub.	Implementation Guide No. 2019-3, Leases, August 2019 - <a href="https://simbli.eboardsolutions.com/SU/xmhiRAI4Obmhmg02CrPPfQ==">https://simbli.eboardsolutions.com/SU/xmhiRAI4Obmhmg02CrPPfQ==</a>
Governmental Accounting Standards Board Pub.	Implementation Guide No. 2023-1, Implementation Guidance Update - 2023, June 2023 - <a href="https://simbli.eboardsolutions.com/SU/vggLSsW3kCTX0XaBUt99xw==">https://simbli.eboardsolutions.com/SU/vggLSsW3kCTX0XaBUt99xw==</a>
Governmental Accounting Standards Board Statement	Statement 96, Subscription-Based Information Technology Arrangements, May 2020 - <a href="https://simbli.eboardsolutions.com/SU/plus5QJbux3lLoQYlmXgyDi8g==">https://simbli.eboardsolutions.com/SU/plus5QJbux3lLoQYlmXgyDi8g==</a>
Governmental Accounting Standards Board Statement	Statement 87, Leases, June 2017 - <a href="https://simbli.eboardsolutions.com/SU/tJH1NnP3RzbdWsAslsh5ma7TQ==">https://simbli.eboardsolutions.com/SU/tJH1NnP3RzbdWsAslsh5ma7TQ==</a>
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999 - <a href="https://simbli.eboardsolutions.com/SU/pEAz8kbmc9lGk4Klunkxw==">https://simbli.eboardsolutions.com/SU/pEAz8kbmc9lGk4Klunkxw==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==</a>
Website	Governmental Accounting Standards Board - <a href="https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bslshbBgghog==">https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bslshbBgghog==</a>

Website	California Department of Education, Finance and Grants - <a href="https://simbli.eboardsolutions.com/SU/gCBslshNI2CDJZqs24TpVv3gw==">https://simbli.eboardsolutions.com/SU/gCBslshNI2CDJZqs24TpVv3gw==</a>
Website	California State Controller - <a href="https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==">https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
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3000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==">https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==</a>
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4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==</a>
4251	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/ONT9slshBXm2jsywL4eXslshwnrA==">https://simbli.eboardsolutions.com/SU/ONT9slshBXm2jsywL4eXslshwnrA==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==">https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==</a>
4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/UWeQvxPlzcLEVkslsh3jVrwUA==">https://simbli.eboardsolutions.com/SU/UWeQvxPlzcLEVkslsh3jVrwUA==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==</a>
4351	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/mzVIGD7Lh15iglplus7FQ6k7g==">https://simbli.eboardsolutions.com/SU/mzVIGD7Lh15iglplus7FQ6k7g==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==">https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/RbPA9QzDGKNvIKTiErZ1mA==">https://simbli.eboardsolutions.com/SU/RbPA9QzDGKNvIKTiErZ1mA==</a>
9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/plusNp4I7jDGI8a8wFHV1plusQaA==">https://simbli.eboardsolutions.com/SU/plusNp4I7jDGI8a8wFHV1plusQaA==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==">https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==</a>
9270-E PDF(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>

**Policy 5131.2: Bullying**

Status: DRAFT

Original Adopted Date: 10/10/2013 | Last Revised Date: 06/05/2020 | Last Reviewed Date: 06/05/2020

~~The Governing~~ This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring at the Eden Area ROP, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the Eden Area ROP.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and expects to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

~~(cf. 5131 – Conduct)~~

~~(cf. 5136 – Gangs)~~

~~(cf. 5145.3 – Nondiscrimination/Harassment)~~

~~(cf. 5145.7 – Sexual Harassment)~~

~~(cf. 5145.9 – Hate-Motivated Behavior)~~

The Superintendent or designee shall develop strategies for addressing bullying at the Eden Area Regional Occupational Program (Eden Area ROP) with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

~~(cf. 1220 – Citizen Advisory Committees)~~

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

~~(cf. 6020 – Parent Involvement)~~

Such strategies shall be incorporated into the comprehensive safety plan.

~~(cf. 0420 – School Plans/Site Councils)~~

~~(cf. 0450 – Comprehensive Safety Plan)~~

~~(cf. 0460 – Local Control and Accountability Plan)~~

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the Eden Area ROP's uniform complaint procedures specified in AR Administrative Regulation 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the Superintendent or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

Eden Area ROP families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4119.21/4219.21/4319.21 – Professional Standards)~~

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

	Description
5 CCR 4600-4670	Uniform complaint procedures
Bus. and Prof. Code 22589-22589.4	Cyberbullying Protection Act
Ed. Code 200-262.4	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==</a>
Ed. Code 32280-32289.5	School safety plans - <a href="https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==">https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==</a>
Ed. Code 35181	Governing board authority to set policy on responsibilities of students - <a href="https://simbli.eboardsolutions.com/SU/aMhrosfuwlgvxetZOUpGwQ==">https://simbli.eboardsolutions.com/SU/aMhrosfuwlgvxetZOUpGwQ==</a>
Ed. Code 35291-35291.5	School discipline rules - <a href="https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdsIshoC4A==">https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdsIshoC4A==</a>
Ed. Code 46600	Student transfers - <a href="https://simbli.eboardsolutions.com/SU/9BwpunuMNYTrTI0p92r15g==">https://simbli.eboardsolutions.com/SU/9BwpunuMNYTrTI0p92r15g==</a>
Ed. Code 48900-48925	Suspension and expulsion - <a href="https://simbli.eboardsolutions.com/SU/dt5KNUUnSLpER0iplusCa0bRIQ==">https://simbli.eboardsolutions.com/SU/dt5KNUUnSLpER0iplusCa0bRIQ==</a>
Ed. Code 48985	Notices to parents in language other than English - <a href="https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==">https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==</a>
Ed. Code 52060-52077	Local control and accountability plan - <a href="https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rP0BfXZYJuQ==">https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rP0BfXZYJuQ==</a>
Pen. Code 422.55	Definition of hate crime - <a href="https://simbli.eboardsolutions.com/SU/EXmP7bT1slshj3qOjaM9qTkHA==">https://simbli.eboardsolutions.com/SU/EXmP7bT1slshj3qOjaM9qTkHA==</a>
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor - <a href="https://simbli.eboardsolutions.com/SU/HhDiFw1ly2YHHsM2DSWLZg==">https://simbli.eboardsolutions.com/SU/HhDiFw1ly2YHHsM2DSWLZg==</a>
Pen. Code 647.7	Use of camera or other instrument to invade person's privacy; punishment - <a href="https://simbli.eboardsolutions.com/SU/1MB9aP0wFAL8slshxN0g5plusSgA==">https://simbli.eboardsolutions.com/SU/1MB9aP0wFAL8slshxN0g5plusSgA==</a>
Pen. Code 653.2	Electronic communication devices; threats to safety - <a href="https://simbli.eboardsolutions.com/SU/b3lplusd0Hih11bxg2qs6OYFQ==">https://simbli.eboardsolutions.com/SU/b3lplusd0Hih11bxg2qs6OYFQ==</a>

### Federal References

	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
47 USC 254	Universal service discounts (E-rate)

### Management Resources References

	Description
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 - <a href="https://simbli.eboardsolutions.com/SU/ooeCURkNWJynAeTollv07A==">https://simbli.eboardsolutions.com/SU/ooeCURkNWJynAeTollv07A==</a>
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, October 2018 - <a href="https://simbli.eboardsolutions.com/SU/sb8cyt1Dn50dBCdekU5EtQ==">https://simbli.eboardsolutions.com/SU/sb8cyt1Dn50dBCdekU5EtQ==</a>



California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008 - <a href="https://simbli.eboardsolutions.com/SU/j2fEhm5EkmrnhEegYfkRA==">https://simbli.eboardsolutions.com/SU/j2fEhm5EkmrnhEegYfkRA==</a>
California Department of Education Publication	Bullying at School, 2003 - <a href="https://simbli.eboardsolutions.com/SU/WZKBslshBhceU4oeUXslshSh1w5Q==">https://simbli.eboardsolutions.com/SU/WZKBslshBhceU4oeUXslshSh1w5Q==</a>
California Department of Education Publication	Online Bullying Training Module and Bullying Module - <a href="https://simbli.eboardsolutions.com/SU/gX974lxOcEpeYDHrg9RPBQ==">https://simbli.eboardsolutions.com/SU/gX974lxOcEpeYDHrg9RPBQ==</a>
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018 - <a href="https://simbli.eboardsolutions.com/SU/GXqk5a6e7dTGgncGD9cXew==">https://simbli.eboardsolutions.com/SU/GXqk5a6e7dTGgncGD9cXew==</a>
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009 - <a href="https://simbli.eboardsolutions.com/SU/XdN3WVUUFIcdWXIPIQ118A==">https://simbli.eboardsolutions.com/SU/XdN3WVUUFIcdWXIPIQ118A==</a>
CSBA Publication	School Safety: Bullying and Cyberbullying, Policy Brief, October 2023 - <a href="https://simbli.eboardsolutions.com/SU/HWUHi1Ku5Locrb6GdlidNQQ==">https://simbli.eboardsolutions.com/SU/HWUHi1Ku5Locrb6GdlidNQQ==</a>
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012 - <a href="https://simbli.eboardsolutions.com/SU/XMmBwW2YplusKICWWuFLd20xw==">https://simbli.eboardsolutions.com/SU/XMmBwW2YplusKICWWuFLd20xw==</a>
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014 - <a href="https://simbli.eboardsolutions.com/SU/IzrxplusLtayDEp9tPlcwfw==">https://simbli.eboardsolutions.com/SU/IzrxplusLtayDEp9tPlcwfw==</a>
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U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 - <a href="https://simbli.eboardsolutions.com/SU/4FdplusZJ1MoSo9yosW9ABq1w==">https://simbli.eboardsolutions.com/SU/4FdplusZJ1MoSo9yosW9ABq1w==</a>
U.S. DOE Publication	Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023 - <a href="https://simbli.eboardsolutions.com/SU/181OMF0JQSSH58t4UvJ1jg==">https://simbli.eboardsolutions.com/SU/181OMF0JQSSH58t4UvJ1jg==</a>
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US Department of Health and Human Services	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023 - <a href="https://simbli.eboardsolutions.com/SU/5plus1qslsh2Aa27WfslshiTtbPYDOg==">https://simbli.eboardsolutions.com/SU/5plus1qslsh2Aa27WfslshiTtbPYDOg==</a>
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 - <a href="https://simbli.eboardsolutions.com/SU/oplusluJA7TI2d5TmvHsbXHxQ==">https://simbli.eboardsolutions.com/SU/oplusluJA7TI2d5TmvHsbXHxQ==</a>
Website	U.S. Department of Health and Human Services, Stop Bullying - <a href="https://simbli.eboardsolutions.com/SU/Vd1ojCYdHwzqdBlnLmbulw==">https://simbli.eboardsolutions.com/SU/Vd1ojCYdHwzqdBlnLmbulw==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsSlshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsSlshXk6R5akQ==</a>

Website	National School Safety Center - <a href="https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==">https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==</a>
Website	Partnership for Children and Youth - <a href="https://simbli.eboardsolutions.com/SU/bolflRuzs4PI63kJl3082w==">https://simbli.eboardsolutions.com/SU/bolflRuzs4PI63kJl3082w==</a>
Website	Center on Great Teachers and Leaders - <a href="https://simbli.eboardsolutions.com/SU/uuNY8dCMmlel2NuPXnq4GQ==">https://simbli.eboardsolutions.com/SU/uuNY8dCMmlel2NuPXnq4GQ==</a>
Website	Collaborative for Academic Social and Emotional Learning - <a href="https://simbli.eboardsolutions.com/SU/sNNHIYslsh8zYCfpQYfg7rGpluw==">https://simbli.eboardsolutions.com/SU/sNNHIYslsh8zYCfpQYfg7rGpluw==</a>
Website	Common Sense Media - <a href="https://simbli.eboardsolutions.com/SU/wpUjl8j8od73POr6UNOcNQ==">https://simbli.eboardsolutions.com/SU/wpUjl8j8od73POr6UNOcNQ==</a>
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0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/RslshfknvrtqlS6l2O66djSqw==">https://simbli.eboardsolutions.com/SU/RslshfknvrtqlS6l2O66djSqw==</a>
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0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==">https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==</a>
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5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==">https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==">https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==</a>
5131.8	Mobile Communication Devices - <a href="https://simbli.eboardsolutions.com/SU/92pluseYHKslsh3nV4z1hVD4p4wQ==">https://simbli.eboardsolutions.com/SU/92pluseYHKslsh3nV4z1hVD4p4wQ==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/abGkpdKF4AuSlcVZOz00lw==">https://simbli.eboardsolutions.com/SU/abGkpdKF4AuSlcVZOz00lw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/JsOVYsraiwdGChgeXbWR7Q==">https://simbli.eboardsolutions.com/SU/JsOVYsraiwdGChgeXbWR7Q==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/jwU5dBTplus8c4SAie8lXkieg==">https://simbli.eboardsolutions.com/SU/jwU5dBTplus8c4SAie8lXkieg==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==">https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==">https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==</a>
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - <a href="https://simbli.eboardsolutions.com/SU/Ags4AkoCbSLjXlzkplusvYYw==">https://simbli.eboardsolutions.com/SU/Ags4AkoCbSLjXlzkplusvYYw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==">https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSsumjllsw==">https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSsumjllsw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/LaRzDg0Z2A4vlpZOvGdlw==">https://simbli.eboardsolutions.com/SU/LaRzDg0Z2A4vlpZOvGdlw==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/j5VttR30x11slshpQUqlPQvBg==">https://simbli.eboardsolutions.com/SU/j5VttR30x11slshpQUqlPQvBg==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==">https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==</a>

5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==">https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/gwEZwjnjslshDBnbmXH3BRqig==">https://simbli.eboardsolutions.com/SU/gwEZwjnjslshDBnbmXH3BRqig==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==">https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E PDF(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/HwQlx5GRslshCG44LkplusIEykGQ==">https://simbli.eboardsolutions.com/SU/HwQlx5GRslshCG44LkplusIEykGQ==</a>

## **Regulation 5131.2: Bullying**

**Status:** DRAFT

**Original Adopted Date:** 06/05/2020 | **Last Revised Date:** 02/03/2022

### **Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 – Freedom of Speech/Expression)

(cf. 6163.4 – Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the Eden Area Regional Occupational Program (Eden Area ROP) include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting or sharing on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting embarrassing photos, videos, website, or fake profiles

### **Measures to Prevent Bullying**

The Superintendent or designee shall implement measures to prevent bullying at the Eden Area ROP, including, but not limited to, the following:

1. Ensuring the establishment of clear rules for student and staff conduct and implementation of strategies to promote a positive, supportive, and collaborative school climate

(cf. 5131 – Conduct)

(cf. 5137 – Positive School Climate)

2. Providing information to students, through student handbooks, website and social media, and other age-appropriate means, about Eden Area ROP rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents, if necessary, increasing supervision and security in areas where bullying most often occurs,

5. Annually notifying Eden Area ROP employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

### **Staff Development**

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying.(Education Code 32283.5)

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the Eden Area ROP and its employees to prevent discrimination, harassment, intimidation, and bullying of Eden Area ROP students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

### **Information and Resources**

The Superintendent or designee shall post on the Eden Area ROP's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The Eden Area ROP's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the Eden Area ROP's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
4. Eden Area ROP policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

(cf. 1113–District and School Web Sites)

## Student Instruction

As appropriate, the Eden Area ROP shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

(cf. 6142.8 – Comprehensive Health Education)

(cf. 6142.94 – History-Social Science Instruction)

The Eden Area ROP shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students shall be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

## Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher or an administrator or any other available school employee.

When a report of bullying is submitted, the administrator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR Administrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

(cf. 1312.3 – Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify an administrator of the report, regardless of whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to an administrator regardless of whether or not the alleged victim files a complaint.

When the circumstances involve cyberbullying, Any individuals with information about the cyberbullying activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to shall notify a teacher, administrator, or other employee so that the matter may be investigated. When an investigation concludes that a student uses used a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with report the networking site or service cyberbullying to suspend the privileges of the student social media platform and to have may request the material be removed.

## Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with Eden Area ROP policies and regulations.

(cf. 5116.2-Involuntary Student Transfers)

(cf. 5138 – Conflict Resolution/Peer Mediation)

(cf. 5144 – Discipline)

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

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

~~(cf. 6159.4 – Behavioral Interventions for Special Education Students)~~

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. (Education Code 48900.5)

When appropriate, based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

### **Support Services**

The Superintendent or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

~~(cf. 6164.2 – Guidance/Counseling Services)~~

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement Eden Area ROP intervention protocols which may include, but are not limited to, referral to Eden Area ROP or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.

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## Bylaw 9321: Closed Session

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/03/2022

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of the Eden Area Regional Occupational Program (Eden Area ROP) business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and specified below provided in the accompanying Exhibit (1). (Education Code 35145, Government Code 54954.2, 54954.5, 54957))

~~(cf. 9320 – Meetings and Notices)~~

~~(cf. 9322 – Agenda/Meeting Materials)~~

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session as specified in this bylaw. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. In the closed session, the Board may consider only those matters items covered in its statement. (Government Code 54957, 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any action actions taken in the closed session, the votes or abstentions thereon, and other disclosures as specified below that are applicable to the matter being addressed in this bylaw. Such reports may be made in writing or orally at the location announced in the agenda for the closed session as required by law and provided in the accompanying Exhibit (2). (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, that becomes public upon such approval or adoption, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary retyping is changes to the document are completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

### Confidentiality

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information or the information has been publicly reported by the Eden Area ROP. (Government Code 54963)

~~(cf. 9011 – Disclosure of Confidential/Privileged Information)~~

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

~~(cf. 1340 – Access to District Records)~~

### Personnel Matters: Appointment, Employment, Performance Evaluation, or Discipline/Dismissal/Release

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, or dismissal, or change in employment status of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957, 54957.1)

~~(cf. 2140 – Evaluation of the Superintendent)~~

~~(cf. 4115 – Evaluation/Supervision)~~

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

(cf. 4215 – Evaluation/Supervision)

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

(cf. 4315 – Evaluation/Supervision)

### Personnel Matters: Specific Complaints or Charges

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the Superintendent or designee shall ensure that the employee shall receive receives written notice of the right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the closed session. (Government Code 54957)

(cf. 1312.1 – Complaints Concerning District Employees)

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

### Personnel Matters: Application for Early Withdraw of Funds in Deferred Compensation Plan

The Board may hold a closed session to discuss an employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to Eden Area ROP employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of an Eden Area ROP employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 4117.7/4317.7 – Employment Status Reports)

### Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information such as grades or discipline information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. If a written request for open session is received from the parent/guardian or adult student, At least 72 hours prior to the start of the meeting of which the closed session is a part, the Superintendent or designee, on behalf of the Board, shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to hear the item in closed session. If a written request for open session is received from the student or the student's parents/guardians within 48 hours of receiving the notice, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any other student other than the student requesting the public meeting shall be remain in closed session. (Education Code 35146, 48912, 49070)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in In order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)

(cf. 5125 – Student Records)

However, in taking final action, the Board shall not release any information in violation of protect student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, the identity of a student shall not be listed in the agenda and, unless the item is heard in open session, shall not be included in any report after closed session. Additionally, a student matter shall be listed in the open session portion of the agenda with the same description and numbering system as it was on the closed session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name portion of the agenda.

## Security Matters

The Board may meet in closed session with the Governor, Attorney General, Eden Area ROP Attorney, Eden Area ROP legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a three-fourths vote of the Board members present, or, if less than three-fourths of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3515 – Campus Security)

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

(cf. 9323.2 – Actions by the Board)

Agenda items related to these security matters shall specify the name of the law enforcement agency Board Bylaw 9320 – Meetings and the title of the officer, or name of applicable agency representative Notices and title, with whom the Board will consult. (Government Code 54954.5) Bylaw/Exhibit (1) 9323.2 – Actions By The Board.

The Board may also meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the Eden Area ROP's plan for tactical responses. (Education Code 32281)

## Real Property Negotiations

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the Eden Area ROP in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), the property under negotiation, and the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the Eden Area ROP negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Eden Area ROP of its approval. (Government Code 54957.1)

## Pending Anticipated Litigation/Initiation of Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from

its legal counsel regarding pending anticipated litigation or whether to initiate litigation when discussion of the either matter in open session would prejudice the Eden Area ROP's position in the with respect to such litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the Eden Area ROP is a "party" has been initiated formally. (Government Code 54956.9(d)(1))

2. A point has been reached where, be "anticipated" when, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the Eden Area ROP, or the Board is meeting solely to determine whether, against an Eden Area ROP officer or employee based on existing facts prior or circumstances, a closed session is authorized prospective activities or alleged activities during and potentially during the course and scope of that office or employment. (Government Code 54956.9(d)(2), (3))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

a. 1. Facts and circumstances that might result in litigation against the Eden Area ROP but which the Eden Area ROP believes are not yet known to potential plaintiff(s) and which do not need to be disclosed.

b. 2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the Eden Area ROP, which are already known to potential plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.

c. 3. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 – Claims and Actions Against the District)

d. 4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.

e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9 (d)(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the Eden Area ROP's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3) and shall specify the potential number of cases. When the Eden Area ROP expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.

2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the Eden Area ROP's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the Eden Area ROP shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

### **Joint Powers Agency Issues**

Each agenda item related to anticipated litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

### **Existing Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding existing litigation when discussion of the matter in open session would prejudice the Eden Area ROP's position with respect to such litigation. Litigation is considered to be "existing" when the Eden Area ROP has been named a party to the litigation or a Eden Area ROP officer or employee has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

### **Tort, Public, or Workers' Compensation Liability**

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the Eden Area ROP is a member. (Government Code 54956.95)

Closed-session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 – Risk Management/Insurance)

Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

### **Joint Powers Agency Issues**

When the board of the JPA has so authorized and upon advice of Eden Area ROP legal counsel, the Board may also meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA that has direct financial or liability implications for the Eden Area ROP and that was obtained in a closed session of a JPA of which the Eden Area ROP is a member. During the Governing Board's closed session, a Governing Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Governing Board members. (Government Code 54956.96)



Closed session agenda items related to conferences involving a JPA shall specify the name of the JPA, the closed session description used by the JPA, and the name of the Board member representing the Eden Area ROP on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

### Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office and before the report has been made public, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must shall be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

Ed. Code 35145

#### Description

Public meetings -  
<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Ed. Code 35146

Closed sessions regarding suspensions -  
<https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==>

Ed. Code 44929.21

Notice of reelection decision; districts with 250 ADA or more -  
<https://simbli.eboardsolutions.com/SU/HINpshxbyLwME3nPO6mb5IA==>

Ed. Code 48912

Governing board suspension -  
<https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==>

Ed. Code 48918

Rules governing expulsion procedures -  
<https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==>

Ed. Code 49070

Challenging student records -  
<https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==>

Ed. Code 60617

Meetings of governing board -  
<https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVikaiqvg==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -  
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwauN7ug==>

Gov. Code 54950-54963

The Ralph M. Brown Act -  
<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

#### Federal References

20 USC 1232g

#### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

#### Management Resources References

Attorney General Opinion

#### Description

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

59 Ops.Cal.Atty.Gen. 532 (1976)

Attorney General Opinion

78 Ops.Cal.Atty.Gen. 218 (1995)

Attorney General Opinion

86 Ops.Cal.Atty.Gen. 210 (2003)

Attorney General Opinion

94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==">https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==">https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==">https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==</a>
1220-E PDF(1)	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/ktSplusCjypmFPZ7xae3M85Aw==">https://simbli.eboardsolutions.com/SU/ktSplusCjypmFPZ7xae3M85Aw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==">https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==">https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/ikP0RhFM4rCNKEVZr94oWw==">https://simbli.eboardsolutions.com/SU/ikP0RhFM4rCNKEVZr94oWw==</a>
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1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==">https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==">https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==</a>
2120	Superintendent Recruitment And Selection - <a href="https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtaI8ypcYg==">https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtaI8ypcYg==</a>
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==">https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==</a>

2140	Evaluation Of The Superintendent - <a href="https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==">https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==">https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==</a>
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3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==">https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==</a>
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3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==">https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==">https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/CcbFzZNXN8cA5QM0Vvgo5g==">https://simbli.eboardsolutions.com/SU/CcbFzZNXN8cA5QM0Vvgo5g==</a>
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5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==</a>
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5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==">https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==">https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==</a>
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - <a href="https://simbli.eboardsolutions.com/SU/Ags4AkoCbSljXlzkpplusvYYw==">https://simbli.eboardsolutions.com/SU/Ags4AkoCbSljXlzkpplusvYYw==</a>
9011	Disclosure Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==">https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/bpEDzOYtkRPeaHM7vt7pTw==">https://simbli.eboardsolutions.com/SU/bpEDzOYtkRPeaHM7vt7pTw==</a>
9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/plusNp4I7jDGI8a8wFHV1plusQaA==">https://simbli.eboardsolutions.com/SU/plusNp4I7jDGI8a8wFHV1plusQaA==</a>

9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/haAltrG2IsmtwzSYDtWocA==">https://simbli.eboardsolutions.com/SU/haAltrG2IsmtwzSYDtWocA==</a>
9270-E PDF(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==">https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/S4pk4Pigslsh5DH71T1vHkqMQ==">https://simbli.eboardsolutions.com/SU/S4pk4Pigslsh5DH71T1vHkqMQ==</a>
9323	Meeting Conduct - <a href="https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshFJFvfaA==">https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshFJFvfaA==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==">https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==</a>
9323.2-E PDF(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==">https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==</a>

**Exhibit 9321-E(1): Closed Session**

**Status:** DRAFT

**Original Adopted Date:** Pending

**BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS**

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

**Personnel Matters**

PUBLIC EMPLOYEE APPOINTMENT  
Government Code 54957

Title: \_\_\_\_\_  
(Specify position to be filled)

PUBLIC EMPLOYMENT  
Government Code 54957

Title: \_\_\_\_\_  
(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code 54957

Title: \_\_\_\_\_  
(Specify title of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code 54957

(No additional information is required. An employee's dismissal or nonrenewal shall not be reported until the employee has first exhausted any right to a hearing or other administrative remedy.)  
(Due to employee privacy rights, no additional information may be provided.)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE  
Government Code 54957

(No additional information is required.)  
(Due to employee privacy rights, no additional information may be provided.)

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN  
Government Code 54957.10

(No additional information is required.)  
(No additional information may be provided.)

**Negotiations/Collective Bargaining**

CONFERENCE WITH LABOR NEGOTIATORS  
Government Code 54957.6

~~District~~ Eden Area ROP-Designated

Representatives: \_\_\_\_\_  
(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee Organization: \_\_\_\_\_  
(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented Employee(s): \_\_\_\_\_

(Specify position of unrepresented employee(s) who are the subject of the negotiations.)

## Matters Related to Students

### STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

Student Tracking/Identification Number: \_\_\_\_\_

(Due to student privacy rights, no additional information may be provided. The district Eden Area ROP may use other means to identify the student for record-keeping purposes.)

### STUDENT GRADE CHANGE APPEAL

Education Code 49070

Tracking/Identification Number: \_\_\_\_\_

(Due to student privacy rights, no additional information may be provided. The Eden Area ROP may use other means to identify the student for record-keeping purposes.)

## CONFIDENTIAL STUDENT MATTER

Action Under Consideration: \_\_\_\_\_

(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

Student Tracking/Identification Number: \_\_\_\_\_

(Due to student privacy rights, no additional information may be provided. The district Eden Area ROP may use other means to identify the student for record-keeping purposes.)

## Security Matters

### THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation With: \_\_\_\_\_

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

### DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation With: \_\_\_\_\_

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

## Real Property Negotiations

### CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: \_\_\_\_\_

(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District Eden Area ROP Negotiator: \_\_\_\_\_

(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating Parties Party With Whom Eden Area ROP Is Negotiating: \_\_\_\_\_

(Specify name of party, not agent.)

Under Negotiation: \_\_\_\_\_  
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

**Pending Anticipated Litigation/Initiation of Litigation**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

(If applicable) Existing Facts And Circumstances: \_\_\_\_\_

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Initiation of litigation pursuant to Government Code 54956.9(d)(4)

(If applicable) Existing Facts And Circumstances: \_\_\_\_\_

**Existing Litigation**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Government Code 54956.9(d)(1)

Name Of Case: \_\_\_\_\_  
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations

**Tort, Public, or Workers' Compensation Liability**

LIABILITY CLAIMS  
Government Code 54956.95

Name Of Claimant(s): \_\_\_\_\_  
(Specify name, except when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name Of Agency Against Which Claim Is  
Made: \_\_\_\_\_

**Joint Powers Authority Issues**

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR  
**DISTRICT EDEN AREA ROP**  
Government Code 54956.96

Name Of JPA: \_\_\_\_\_

Discussion Will Concern: \_\_\_\_\_  
(Specify closed session description used by the JPA.)

Name Of **District** Eden Area ROP Representative On JPA  
board: \_\_\_\_\_

**Review of Audit from State Auditor's Office**

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE  
Government Code 54956.75

(No additional information is required.)

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

## State References

Ed. Code 35145

Ed. Code 35146

Ed. Code 44929.21

Ed. Code 48912

Ed. Code 48918

Ed. Code 49070

Ed. Code 60617

Gov. Code 3540-3549.3

Gov. Code 54950-54963

## Description

Public meetings -

<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Closed sessions regarding suspensions -

<https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==>

Notice of reelection decision; districts with 250 ADA or more -

<https://simbli.eboardsolutions.com/SU/HINpshxbyLwME3nPO6mb5IA==>

Governing board suspension -

<https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==>

Rules governing expulsion procedures -

<https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==>

Challenging student records -

<https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==>

Meetings of governing board -

<https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaiglvg==>

Educational Employment Relations Act -

<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

The Ralph M. Brown Act -

<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

## Federal References

20 USC 1232g

## Description

Family Educational Rights and Privacy Act (FERPA) of 1974

## Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

League of California Cities Publication

## Description

98 Ops.Cal.Atty.Gen. 41 (2015)

89 Ops.Cal.Atty.Gen. 110 (2006)

59 Ops.Cal.Atty.Gen. 532 (1976)

78 Ops.Cal.Atty.Gen. 218 (1995)

86 Ops.Cal.Atty.Gen. 210 (2003)

94 Ops.Cal.Atty.Gen. 82 (2011)

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860

Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

	Description
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==">https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==">https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==">https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==</a>
1220-E PDF(1)	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/ktSplusCjypmFPZ7xae3M85Aw==">https://simbli.eboardsolutions.com/SU/ktSplusCjypmFPZ7xae3M85Aw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==">https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/UfrhhTFRxuKf8z4GXGxqRg==">https://simbli.eboardsolutions.com/SU/UfrhhTFRxuKf8z4GXGxqRg==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/ikP0RhFM4rCNKEVZr94oWw==">https://simbli.eboardsolutions.com/SU/ikP0RhFM4rCNKEVZr94oWw==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/x9Dz385UKeA7ASXbluMfMg==">https://simbli.eboardsolutions.com/SU/x9Dz385UKeA7ASXbluMfMg==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==">https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==">https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==</a>
2120	Superintendent Recruitment And Selection - <a href="https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==">https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==</a>
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==">https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==</a>
2140	Evaluation Of The Superintendent - <a href="https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==">https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==">https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/EeABYSdzQDyR2ggLrMoiYQ==">https://simbli.eboardsolutions.com/SU/EeABYSdzQDyR2ggLrMoiYQ==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==">https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/Ff4ia0AAAsaMygDrG5pM2hQ==">https://simbli.eboardsolutions.com/SU/Ff4ia0AAAsaMygDrG5pM2hQ==</a>

3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==">https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/CcbFzZNXN8cA5QM0Vvgo5g==">https://simbli.eboardsolutions.com/SU/CcbFzZNXN8cA5QM0Vvgo5g==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0jg2fOeadIA==">https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0jg2fOeadIA==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==">https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==">https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==">https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/zsr8ox1WUuCyBNJ5ACqUVQ==">https://simbli.eboardsolutions.com/SU/zsr8ox1WUuCyBNJ5ACqUVQ==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/IsdkHixp7lpuk0NQfguWxg==">https://simbli.eboardsolutions.com/SU/IsdkHixp7lpuk0NQfguWxg==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/EamU9plusZbRMjtplusq5zqITlfw==">https://simbli.eboardsolutions.com/SU/EamU9plusZbRMjtplusq5zqITlfw==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/hHLo8ZFVRq2fWwJL5qOuiA==">https://simbli.eboardsolutions.com/SU/hHLo8ZFVRq2fWwJL5qOuiA==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/D7Os5U5GArHx2Cfyi6Zt0A==">https://simbli.eboardsolutions.com/SU/D7Os5U5GArHx2Cfyi6Zt0A==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/jMJUWWhbRaLqEmvhJ3ML13A==">https://simbli.eboardsolutions.com/SU/jMJUWWhbRaLqEmvhJ3ML13A==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==">https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==">https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvww==">https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvww==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==">https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUkdOhZoslsHcG2A==">https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUkdOhZoslsHcG2A==</a>
4215	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/QQplusAPQXtrFrE5dqwAsBp9g==">https://simbli.eboardsolutions.com/SU/QQplusAPQXtrFrE5dqwAsBp9g==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/0Qlb7JgY6lh2j2zSjChKXA==">https://simbli.eboardsolutions.com/SU/0Qlb7JgY6lh2j2zSjChKXA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/I7y7ePiUEZqKyN9vRG1pqg==">https://simbli.eboardsolutions.com/SU/I7y7ePiUEZqKyN9vRG1pqg==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnIzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnIzMtjoly0fkBOcG4ZrMg==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==">https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==">https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==">https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==</a>



4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==">https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==">https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==</a>
4312.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==">https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==</a>
4315	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==">https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==">https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==">https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==">https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==</a>
5125.3	Challenging Student Records - <a href="https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==">https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/jwU5dBTplus8c4SAie8lXkieg==">https://simbli.eboardsolutions.com/SU/jwU5dBTplus8c4SAie8lXkieg==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYslw==">https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYslw==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==">https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==</a>
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - <a href="https://simbli.eboardsolutions.com/SU/Ags4AkoCbSljXlzkpplusvYYw==">https://simbli.eboardsolutions.com/SU/Ags4AkoCbSljXlzkpplusvYYw==</a>
9011	Disclosure Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==">https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/bpEDzOYtkRPeaHM7vt7pTw==">https://simbli.eboardsolutions.com/SU/bpEDzOYtkRPeaHM7vt7pTw==</a>
9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/plusNp4l7jDGI8a8wFHV1plusQaA==">https://simbli.eboardsolutions.com/SU/plusNp4l7jDGI8a8wFHV1plusQaA==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==">https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==</a>
9270-E PDF(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==">https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/S4pk4Pigslsh5DH71T1vHkqMQ==">https://simbli.eboardsolutions.com/SU/S4pk4Pigslsh5DH71T1vHkqMQ==</a>
9323	Meeting Conduct - <a href="https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshJFvfaA==">https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshJFvfaA==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==">https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==</a>
9323.2-E PDF(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==">https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==</a>

**Exhibit 9321-E(2): Closed Session**

**Status:** DRAFT

**Original Adopted Date:** Pending

**REPORTS OF CLOSED SESSION ACTIONS**

Following a closed session during any Governing Board meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

**Personnel Matters**

**PUBLIC EMPLOYEE APPOINTMENT**

Title: \_\_\_\_\_  
(Specify position to be filled)

Appointment Made: (Yes; otherwise no action taken)

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

**PUBLIC EMPLOYMENT**

Title: \_\_\_\_\_  
(Specify position to be filled)

Decision to Employ: (Yes; otherwise no action taken)

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: \_\_\_\_\_  
(Specify title of employee being evaluated)

(If applicable) Board evaluated an employee in the above listed position.

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Title: \_\_\_\_\_  
(Specify position affected)

(If applicable) Decision to Dismiss/Release: (Yes; otherwise no action taken)

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

**SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE**

(If applicable) Board heard/discussed a specific complaint or charge against an employee.

#### EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

(If applicable) Board received/discussed an employee's application for early withdrawal of funds in deferred compensation plan.

#### Negotiations/Collective Bargaining

(If applicable) Agreement Reached With: \_\_\_\_\_  
(Specify Employee Organization)

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

#### Matters Related to Students

##### STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Tracking/Identification Number: \_\_\_\_\_

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

##### STUDENT GRADE CHANGE APPEAL

Tracking/Identification Number: \_\_\_\_\_

(If applicable) Board heard/discussed this matter.

##### CONFIDENTIAL STUDENT MATTER

Action Under Consideration: \_\_\_\_\_

Tracking/Identification Number: \_\_\_\_\_

(If applicable) Board heard/discussed this matter.

#### Security Matters

##### THREAT TO PUBLIC SERVICES OR FACILITIES

(If applicable) Board consulted with: \_\_\_\_\_  
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

##### DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

(If applicable) Board approved a Tactical Response Plan.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

## Real Property Negotiations

(If applicable) Board approved an agreement concluding real estate negotiations and the agreement is final.

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

(Enter names of Board members)

## Anticipated Litigation/Initiation of Litigation

### CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(If applicable) Board has given approval to legal counsel to defend the Eden Area ROP against anticipated litigation.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): \_\_\_\_\_

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

(Enter names of Board members)

### CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

(If applicable) Board has given approval to legal counsel to initiate litigation.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): \_\_\_\_\_

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

### Existing Litigation

#### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(If applicable) Board has given approval to legal counsel to defend the Eden Area ROP, seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in this litigation.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this litigation and the agreement is final.

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

### Tort, Public, or Workers' Compensation Liability

#### LIABILITY CLAIMS

(If applicable) Board approved disposing of this claim and that disposition is final.

Substance Of Claim, Including Amount Of Payment To Claimant: \_\_\_\_\_

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Recused: \_\_\_\_\_  
(Enter names of Board members)

### Joint Powers Agency Issues

#### INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR EDEN AREA ROP

(If applicable) Board heard/discussed this matter.

### Review of Audit from State Auditor's Office

#### AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(If applicable) Board heard/discussed this matter.

**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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

Ed. Code 35145

Ed. Code 35146

Ed. Code 44929.21

Ed. Code 48912

Ed. Code 48918

Ed. Code 49070

Ed. Code 60617

Gov. Code 3540-3549.3

Gov. Code 54950-54963

### Description

Public meetings -

<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Closed sessions regarding suspensions -

<https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==>

Notice of reelection decision; districts with 250 ADA or more -

<https://simbli.eboardsolutions.com/SU/HINpshxbyLwME3nPO6mb5IA==>

Governing board suspension -

<https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==>

Rules governing expulsion procedures -

<https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==>

Challenging student records -

<https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==>

Meetings of governing board -

<https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaiglvg==>

Educational Employment Relations Act -

<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

The Ralph M. Brown Act -

<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

### Federal References

20 USC 1232g

### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

### Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

League of California Cities Publication

### Description

98 Ops.Cal.Atty.Gen. 41 (2015)

89 Ops.Cal.Atty.Gen. 110 (2006)

59 Ops.Cal.Atty.Gen. 532 (1976)

78 Ops.Cal.Atty.Gen. 218 (1995)

86 Ops.Cal.Atty.Gen. 210 (2003)

94 Ops.Cal.Atty.Gen. 82 (2011)

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860

Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

	Description
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==">https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==">https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==">https://simbli.eboardsolutions.com/SU/aCmxBDplusPIGDgcT10La86Lg==</a>
1220-E PDF(1)	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/ktSplusCjypmFPZ7xae3M85Aw==">https://simbli.eboardsolutions.com/SU/ktSplusCjypmFPZ7xae3M85Aw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==">https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==">https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/ikP0RhFM4rCNKEVZr94oWw==">https://simbli.eboardsolutions.com/SU/ikP0RhFM4rCNKEVZr94oWw==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/x9Dz385UKeA7ASXbluMfMg==">https://simbli.eboardsolutions.com/SU/x9Dz385UKeA7ASXbluMfMg==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==">https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==">https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==</a>
2120	Superintendent Recruitment And Selection - <a href="https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==">https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==</a>
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==">https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==</a>
2140	Evaluation Of The Superintendent - <a href="https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==">https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==">https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/EeABYSdzQDyR2ggLrMoiYQ==">https://simbli.eboardsolutions.com/SU/EeABYSdzQDyR2ggLrMoiYQ==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==">https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/Ff4ia0AAAsaMygDrG5pM2hQ==">https://simbli.eboardsolutions.com/SU/Ff4ia0AAAsaMygDrG5pM2hQ==</a>

3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==">https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/CcbFzZNXN8cA5QM0Vvgo5g==">https://simbli.eboardsolutions.com/SU/CcbFzZNXN8cA5QM0Vvgo5g==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0jg2fOeadIA==">https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0jg2fOeadIA==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==">https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==">https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==">https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/zsr8ox1WUuCyBNJ5ACqUVQ==">https://simbli.eboardsolutions.com/SU/zsr8ox1WUuCyBNJ5ACqUVQ==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/IsdkHixp7lpuk0NQfguWxg==">https://simbli.eboardsolutions.com/SU/IsdkHixp7lpuk0NQfguWxg==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/EamU9plusZbRMjtplusq5zqITlfw==">https://simbli.eboardsolutions.com/SU/EamU9plusZbRMjtplusq5zqITlfw==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/hHL08ZFVrq2fWwJL5qOuiA==">https://simbli.eboardsolutions.com/SU/hHL08ZFVrq2fWwJL5qOuiA==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/D7Os5U5GArHx2Cfyi6Zt0A==">https://simbli.eboardsolutions.com/SU/D7Os5U5GArHx2Cfyi6Zt0A==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/jMJUWWhbRaLqEmvhJ3ML13A==">https://simbli.eboardsolutions.com/SU/jMJUWWhbRaLqEmvhJ3ML13A==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==">https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==">https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvww==">https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvww==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==">https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUKdOhZoslsHcG2A==">https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUKdOhZoslsHcG2A==</a>
4215	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/QQplusAPQXtrFrE5dqwAsBp9g==">https://simbli.eboardsolutions.com/SU/QQplusAPQXtrFrE5dqwAsBp9g==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/0Qlb7JgY6lh2j2zSjChKXA==">https://simbli.eboardsolutions.com/SU/0Qlb7JgY6lh2j2zSjChKXA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/I7y7ePiUEZqKyN9vRG1pqg==">https://simbli.eboardsolutions.com/SU/I7y7ePiUEZqKyN9vRG1pqg==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnIzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnIzMtjoly0fkBOcG4ZrMg==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==">https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==">https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==">https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==</a>



4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==">https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==">https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==</a>
4312.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==">https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==</a>
4315	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==">https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==">https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==">https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==">https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==</a>
5125.3	Challenging Student Records - <a href="https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==">https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNzkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNzkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/jwU5dBTplus8c4SAie8IXkieg==">https://simbli.eboardsolutions.com/SU/jwU5dBTplus8c4SAie8IXkieg==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYslw==">https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYslw==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==">https://simbli.eboardsolutions.com/SU/HYk5hjplusaDJu2x3b3RrslshH9g==</a>
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - <a href="https://simbli.eboardsolutions.com/SU/Ags4AkoCbSljXlzkpplusvYYw==">https://simbli.eboardsolutions.com/SU/Ags4AkoCbSljXlzkpplusvYYw==</a>
9011	Disclosure Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==">https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/bpEDzOYtkRPeaHM7vt7pTw==">https://simbli.eboardsolutions.com/SU/bpEDzOYtkRPeaHM7vt7pTw==</a>
9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/plusNp4l7jDGI8a8wFHV1plusQaA==">https://simbli.eboardsolutions.com/SU/plusNp4l7jDGI8a8wFHV1plusQaA==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==">https://simbli.eboardsolutions.com/SU/haAltrG2lsmtwzSYDtWocA==</a>
9270-E PDF(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==">https://simbli.eboardsolutions.com/SU/fKLyNDVDmmTY4bdc6TeGuQ==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/S4pk4Pigslsh5DH71T1vHkqMQ==">https://simbli.eboardsolutions.com/SU/S4pk4Pigslsh5DH71T1vHkqMQ==</a>
9323	Meeting Conduct - <a href="https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshJFvfaA==">https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshJFvfaA==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==">https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==</a>
9323.2-E PDF(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==">https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==</a>

# ACTION ITEMS

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**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policy and Administrative Regulation 1250: Visitors/Outsiders

## **BACKGROUND**

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By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date.

The Eden Area ROP's policy development process includes a first reading at a public Governing Board meeting and a subsequent second reading and adoption for Board approval at a public Governing Board meeting.

## **CURRENT SITUATION**

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Board Policy and Administrative Regulation 1250: Visitors/Outsiders has been updated based on the feedback and discussion at the December 7, 2023 Governing Board meeting.

What follows is the second reading of updated Governing Board Policy and Administrative Regulation 1250: Visitors/Outsiders to reflect current law and regulations.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the second reading and adoption of Governing Board Policy and Administrative Regulation 1250: Visitors/Outsiders.

**Policy 1250: Visitors/Outsiders**

**Status:** DRAFT

**Original Adopted Date:** 06/07/2012 | **Last Revised Date:** 03/05/2020

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting the Eden Area Regional Occupational Program (Eden Area ROP) and students. \Therefore, the Board encourages interested parents/guardians and community members to visit the classes, be available as guest speakers and view the educational program.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and Pricipal or designee. When a visit involves a conference with a teacher or the principal , an appointment should be scheduled during noninstructional time.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The Principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and Principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the Eden Area ROP's complaint processes if they have concerns with any Eden Area ROP program or employee. In accordance with Penal Code 626.7, the Principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

**Presence of Sex Offender on Campus**

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of an Eden Area ROP student, shall request written permission from the Principal before entering the school campus or grounds. As necessary, the Principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The Principal also shall report to the Superintendent or designee anytime they give such written permission.

The Principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

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**Regulation 1250: Visitors/Outsiders**

**Status:** DRAFT

**Original Adopted Date:** 06/07/2012 | **Last Revised Date:** 03/05/2020

The Superintendent or designee shall post at every entrance to the Center a notice describing registration requirements, Center hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. ( Education Code 32211; Penal Code 627.6)

Unless otherwise directed by the Pricipal or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

**Registration Procedure**

In order to register, a visitor shall, upon request, furnish the Pricipal or designee with the following information: (Penal Code 627.3)

1. The visitor's name, address and occupation
2. The visitor's age, if less than 21
3. The visitor's purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

**Principal's Registration Authority**

The Principal or designee may refuse to register any visitor if the Pricipal or designee reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The Pricipal or designee or school security officer may revoke a visitor's registration if they have a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

When a visitor fails to register, or when the Principal or designee denies or revokes a visitor's registration privileges, the Principal or designee may request that the individual promptly leave school grounds. When a visitor is directed to leave, the Principal or designee shall inform the visitor that if the visitor reenters the school within seven days the visitor may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

**Appeal Procedure**

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or Principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why they believe the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or Principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or Principal shall be held within seven days after receipt of the request. (Penal Code 627.5)



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policy and Exhibits 4040: Employee Use of Technology

## **BACKGROUND**

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By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date.

The Eden Area ROP's policy development process includes a first reading at a public Governing Board meeting and a subsequent second reading and adoption for Board approval at a public Governing Board meeting.

## **CURRENT SITUATION**

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Governing Board Policy and Exhibits 4040: Employee Use of Technology has been updated based on the feedback and discussion at the December 7, 2023 Governing Board meeting.

What follows is the second reading of updated Governing Board Policy and Exhibits 4040: Employee Use of Technology to reflect current law and regulations.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the second reading and adoption of Governing Board Policy and Exhibits 4040: Employee Use of Technology.

**Policy 4040: Employee Use Of Technology**

**Status:** DRAFT

**Original Adopted Date:** 05/07/2020

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

Employees shall be responsible for the appropriate use of technology and shall use Eden Area ROP technology primarily for purposes related to their employment.

Eden Area ROP technology includes, but is not limited to, computers, the Eden Area ROP's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through Eden Area ROP-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of Eden Area ROP technology. Upon employment and whenever significant changes are made to the Eden Area ROP's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use Eden Area ROP technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Governing Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all Eden Area ROP computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 7131; 47 USC 254)

The Superintendent or designee shall notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the Eden Area ROP, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of Eden Area ROP technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct Eden Area ROP business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of Eden Area ROP technology to the Superintendent or designee.

Inappropriate use of Eden Area ROP technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Governing Board policy, and administrative regulation.

**Electronic Communications with Students**

Employees shall communicate electronically only with students through Eden Area ROP approved technology resources. Violation of this policy may result in disciplinary action and/or legal action in accordance with law, Board Policy, and Administrative Regulation. Exceptions to this rule are limited to justifiable circumstances where an employee has a familial relationship with the student involved.

**Exhibit 4040-E(1): Employee Use Of Technology**

**Status:** DRAFT

**Original Adopted Date:** 05/07/2020 | **Last Reviewed Date:** 05/07/2020

**ACCEPTABLE USE AGREEMENT  
AND RELEASE OF EDEN AREA ROP FROM LIABILITY (EMPLOYEES)**

The Eden Area Regional Occupational Program (Eden Area ROP) authorizes its employees to use technology owned or otherwise provided by the Eden Area ROP as necessary to fulfill the requirements of their position. The use of Eden Area ROP technology is a privilege permitted at the Eden Area ROP's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The Eden Area ROP reserves the right to suspend access at any time, without notice, for any reason.

The Eden Area ROP expects all employees to use technology responsibly in order to avoid potential issues and liability. The Eden Area ROP may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The Eden Area ROP makes no guarantee that the functions or services provided by or through the Eden Area ROP will be without defect. In addition, the Eden Area ROP is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use Eden Area ROP technology shall sign this Acceptable Use Agreement as an indication that the employee has read and understands the agreement.

**Definitions**

Eden Area ROP technology includes, but is not limited to, computers, the Eden Area ROP's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through Eden Area ROP-owned or personally owned equipment or devices.

**Employee Obligations and Responsibilities**

Employees are expected to use Eden Area ROP technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of Eden Area ROP technology shall not interfere with Eden Area ROP business and operations, the work and productivity of any Eden Area ROP employee, or the safety and security of Eden Area ROP technology. The Eden Area ROP is not responsible for any loss or damage incurred by an employee as a result of their personal use of Eden Area ROP technology.

The employee in whose name Eden Area ROP technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the Eden Area ROP's system for which they do not have authorization.

Employees are prohibited from using Eden Area ROP technology for improper purposes, including, but not limited to, use of Eden Area ROP technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive Eden Area ROP, employee, or student information
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee



4. Engage in unlawful use of Eden Area ROP technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm Eden Area ROP technology or other Eden Area ROP operations (such as destroying Eden Area ROP equipment, placing a virus on Eden Area ROP computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or Eden Area ROP practice
9. Staff shall use only Eden Area ROP authorized Internet-based resources (e.g., Eden Area ROP e-mail, Eden Area ROP grade book tools, Eden Area ROP authorized websites) to communicate with students online. Communication via one-to-one text messaging, private-messaging on websites (e.g., Facebook, Myspace, Twitter), use of personal e-mail, instant-messaging and any other two-way private messaging methods are prohibited unless authorized under Sections 9.a and 9.b.
  - a. Employees may text students if a signed Authorization to Text Message form (E4040) is on file.
  - b. Additional resources may be used to communicate with students, if approved in writing by the Superintendent or designee on a case-by-case basis.

## **Privacy**

Since the use of Eden Area ROP technology is intended for use in conducting Eden Area ROP business, no employee should have any expectation of privacy in any use of Eden Area ROP technology.

The Eden Area ROP reserves the right to monitor and record all use of Eden Area ROP technology, including, but not limited to, access to the Internet or social media, communications sent or received from Eden Area ROP technology, or other uses within the jurisdiction of the Eden Area ROP. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of Eden Area ROP technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any Eden Area ROP technology are the sole property of the Eden Area ROP. The creation or use of a password by an employee on Eden Area ROP technology does not create a reasonable expectation of privacy.

## **Personally Owned Devices**

If an employee uses a personally owned device to access Eden Area ROP technology or conduct Eden Area ROP business, the employee shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

## **Records**

Any electronically stored information generated or received by an employee which constitutes an Eden Area ROP or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of Eden Area ROP or student records.

## **Reporting**

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of Eden Area ROP technology, the employee shall immediately report such information to the Superintendent or designee.

### Consequences for Violation

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to Eden Area ROP technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

### Employee Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and Eden Area ROP policies and regulations governing the use of Eden Area ROP technology. I understand that there is no expectation of privacy when using Eden Area ROP technology or when my personal electronic devices use Eden Area ROP technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the Eden Area ROP and its personnel from any and all claims and damages arising from my use of Eden Area ROP technology or from the failure of any technology protection measures employed by the Eden Area ROP.

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
(Please print)

School/Work Site: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Exhibit 4040-E(2): Employee Use Of Technology**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Authorization to Text Message**

**Purpose**

The Eden Area Regional Occupational Program (Eden Area ROP), in accordance with Board Policy 4040 requires that staff obtains parent permission prior to engaging in text messaging with students. It is the Eden Area ROP's intent that, through this form, parents are made actively aware of who may be sending their student text messages and what that nature of those messages should be.

Staff: \_\_\_\_\_ Class/Program: \_\_\_\_\_

Text messaging will be used for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Duration**

From: \_\_\_\_\_ To: \_\_\_\_\_

**Authorization**

I, \_\_\_\_\_, the parent/guardian of \_\_\_\_\_ authorize the above named staff member to communicate with my child through text messaging for the reason(s) stated above.

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Student's Full Name \_\_\_\_\_

Student Cellular Phone Number \_\_\_\_\_

\_\_\_\_\_



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the adoption of Resolution 5-23/24: Career and Technical Education Month (February)

## **BACKGROUND**

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February has been designated as Career and Technical Education Month by the Association for Career and Technical Education (ACTE).

## **CURRENT SITUATION**

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Attached Resolution 5-23/24 recognizes the month as a celebration of the vital impact career and technical education makes upon our students' lives, our business and technical communities and the economic development of our country.

Once adopted, Resolution 5-23/24 will be sent to local and state officials to increase awareness.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the adoption of Resolution 5-23/24: Career and Technical Education Month (February).

# EdenAreaROP

## RESOLUTION NO. 5-23/24

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### Career and Technical Education Month: February

**WHEREAS**, February has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

**WHEREAS**, profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

**WHEREAS**, career and technical education provides Americans with a school-to-careers connection that is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

**WHEREAS**, career and technical education gives high school students experience in practical, meaningful applications of basic skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and

**WHEREAS**, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and

**WHEREAS**, the ever-increasing cooperative efforts of career and technical educators, business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade;

**NOW THEREFORE, BE IT RESOLVED**, that the Governing Board of the Eden Area Regional Occupational Program does hereby recognize February as

#### **CAREER AND TECHNICAL EDUCATION MONTH**

and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual work skills and productivity.

**PASSED AND ADOPTED** by the following called vote this 1<sup>st</sup> day of February 2024.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Governing Board Reorganization

## **BACKGROUND**

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Annually, the Governing Board selects a Board President and Vice-President to perform the duties as specified in the Government Code.

## **CURRENT SITUATION**

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Now that reorganization of the member districts have been completed, the Eden Area ROP Governing Board will select a President and Vice-President to serve from February 2024 through February 2025. All members of the current Governing Board are eligible for election.

## **RECOMMENDATION**

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It is recommended that the Governing Board elect their new officers at tonight's meeting and approve the Governing Board reorganization.

# COMMUNICATION

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# Alameda County Office of Education

Alysse Castro, Superintendent

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January 12, 2024

Blaine Torpey, Superintendent  
Members of the Board of Education  
Eden Area ROP (EAROP)  
26316 Hesperian Blvd., Hayward, CA 94545

RE: 2023-24 First Interim Budget Report

Dear Superintendent and Members of the Board,

EAROP filed a POSITIVE certification of the ROP's 2023-2024 First Interim Budget Report, covering the period ending October 31<sup>st</sup>, which EAROP's Board of Education approved on December 7, 2023. A Positive Certification is assigned when a local educational agency will meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent two fiscal years.

***ACOE has reviewed EAROP's First Interim Budget Report reflecting the financial status of the ROP based on the current budget assumptions, and the Board's and member districts' actions, and we concur with the ROP's POSITIVE certification.***

We want to express our appreciation to the ROP staff, the Board, and the community for their commitment. If you have any questions or concerns regarding our review process, please reach out.

In community,

Alysse Castro  
Alameda County Superintendent of Schools

cc: Anthony Oum, Fiscal Services Administrator, EAROP  
Shirene Moreira, Chief of District Business & Advisory Services, ACOE  
Joan Laursen, Director III, District Business & Advisory Services, ACOE  
Nathan Lau, Director I, District Advisory Services, ACOE



# FUTURE MEETING DATES



**DATE:** February 1, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Upcoming Eden Area ROP Governing Board Meeting Dates

## **BACKGROUND**

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The Eden Area ROP Governing Board meets the first Thursday of every month (with the exception of January and July) and meetings begin promptly at 5:45 p.m. in the Eden Area ROP Boardroom in Building A, unless posted otherwise.

## **CURRENT INFORMATION**

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Governing Board meetings begin promptly at 5:45 p.m. on the dates listed below:

Thursday, March 7, 2024	Regular Board Meeting
Thursday, April 11, 2024 (2 <sup>nd</sup> Thursday at 5:45 pm)	Regular Board Meeting
Thursday, May 2, 2024	Regular Board Meeting
Friday, June 7, 2024 (1 <sup>st</sup> Friday at 5:45 pm)	Regular Board Meeting

## **RECOMMENDATION**

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Information only