



# Sacramento County Board of Education

## Regular Meeting

*Tuesday / February 2, 2021 / 6:30 P.M.*

**PLEASE NOTE:**

**Zoom Meeting**

<https://scoe.zoom.us/j/93916393023>

**Primary Number: 669.900.6833**

**Secondary Number: 346.248.7799**

**Meeting ID: 939 1639 3023**

10474 Mather Boulevard  
P.O. Box 269003  
Sacramento, CA 95826-9003  
916.228.2410

# **SACRAMENTO COUNTY BOARD OF EDUCATION MEETING AGENDA**

10474 Mather Boulevard  
P.O. Box 269003  
Sacramento, California 95826-9003

**TO:** Members, County Board of Education  
**FROM:** David W. Gordon, Secretary to the Board  
**SUBJECT:** **Agenda – Regular Meeting – Tuesday, February 2, 2021**  
Regular Session: 6:30 p.m.

## **Notice of the Means by Which Members of the Public May Observe the Meeting and Offer Public Comment, Pursuant to Executive Orders N-29-20 and N-33-20, and Government Code section 54953**

The Sacramento County Board of Education will conduct this meeting via Zoom video and/or teleconference, with one or more Board members participating from remote locations via video, telephone, or other electronic means. Voting at this meeting shall be by roll call.

This meeting will be accessible to members of the public via Zoom video and/or teleconference. To view the Board Meeting by computer, tablet, or smart phone, go to:

<https://scoe.zoom.us/j/93916393023>

To listen by phone: Primary Number: 669-900-6833 Secondary Number: 346-248-7799  
Enter the Meeting ID: 939 1639 3023

Members of the public may submit public comment through a Google form at: <https://bit.ly/scoe-board-2-2-21>. Public comment will be accepted until 6:00 p.m. on Tuesday, February 2, 2021, and will be read during the teleconferenced Board meeting at appropriate times.

## **Accommodating Individuals with Special Needs**

The Sacramento County Board of Education encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, contact the Superintendent's Office at (916) 228-2410 or [wwatson@scoe.net](mailto:wwatson@scoe.net) at least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate you. [*Government Code* § 54953.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. § 12132).]

## **AGENDA**

- I. Call to Order and Roll Call
- II. Pledge of Allegiance

## **Mission Statement**

The mission of the Sacramento County Office of Education (SCOE) is to:

- ensure that our students are prepared for success in college, career, and community;
- provide educational leadership to the diverse groups we serve;
- work creatively and collaboratively with partners; and
- give educators and support staff the training and tools they need for success.

## Regular Meeting Agenda – February 2, 2021 – Page 2

- III. Approval of the Minutes of the Regular Board Meeting of November 17, 2020  
Approval of the Minutes of the Regular Board Meeting of December 8, 2020

- IV. Adoption of Agenda

- V. Official Correspondence

- VI. Visitor Presentations

- A. General Public

- B. Employee Organizations

*NOTE: Anyone may submit public comments to the Board on any item that is within the Board's subject matter jurisdiction. However, the Board may not take action on any item not on this agenda except as authorized by Government Code section 54954.2. Anyone may also submit public comments to the Board in support of or in opposition to any item being presented to the Board for consideration.*

- VII. Superintendent's Report

- A. Recognition of the March 2021 Employees of the Month:

- Classified Employee: Cydney Rossi, Staff Secretary, School of Education**

- Certificated Employee: Suzanne White and Steffani LaZier, Teachers, Alternative Education**

- VIII. New Business

- A. Adoption of Consent Agenda – David W. Gordon

- 1. Accept Report on Personnel Transactions – Coleen Johnson
    - 2. Award Diplomas to Court and Community Schools Students – Dr. Matt Perry/Michael Kast

- B. Naming of New SCOE Community School – Teresa Stinson

- C. Approval of Contracts – Nicolas Schweizer

- D. Authorization to Submit Grant Applications/Service Contracts and Accept Funding if Awarded; and Approval of Contracts, Positions, and Other Expenditures Associated with the Grants as Outlined in the Proposed Budgets – David W. Gordon

- 1. \$3,000,000 Adverse Childhood Experiences (ACEs) Aware Network of Care Implementation Grants from the Aurrera Health Group, LLC on behalf of the California Department of Education of Health Care Services for the 2020-2021 and 2021-2022 fiscal years – Brent Malicote

- E. Second Reading and Adoption of the Revisions to Board Policy 1312.3 – Uniform Complaint Procedures – Policy Committee

- F. Second Reading and Adoption of the Revisions to Board Policy 5145.3 – Prohibition on Discrimination and Harassment – Policy Committee

- G. Second Reading and Adoption of New Board Policy 5145.7 – Prohibition on Sexual Harassment – Policy Committee

## Regular Meeting Agenda – February 2, 2021 – Page 3

- H. Informational Item: Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures – Policy Committee
- I. Informational Item: Administrative Rules and Regulations 5145.3 - Prohibition on Discrimination and Harassment – Policy Committee
- J. Informational Item: Administrative Rules and Regulations 5145.7 – Prohibition on Sexual Harassment – Policy Committee
- K. Second Reading and Elimination of the Following Board Policies – Policy Committee
  - BP 1150 – Distribution of County School Directory
  - BP 2700 – Governance
  - BP 2800 – Part C – Local Interagency Agreements
  - BP 3800 – Supplementation of State/Federal Funds
  - BP 3900 – Maintenance of Effort
  - BP 3321 – Purchasing
- L. Informational Item: Update: Diversity, Equity, and Inclusion – Brent Malicote
- M. Board Report – Governor’s Budget – Nicolas Schweizer
- IX. Board Reports, Comments, and Ideas
  - A. Board Members
  - B. Board President
  - C. Committees
- X. Items for Distribution
  - A. February/March Events
  - B. February/March Site Visits
- XI. Schedule for Future Board Meetings
  - A. February 16, 2021
  - B. March 2, 2021
- XII. Adjournment

### Board Agenda Packet

The full Board agenda packet, including supporting materials and items distributed less than 72 hours prior to the scheduled meeting, is available on the Sacramento County Office of Education website ([www.scoe.net/board](http://www.scoe.net/board)). For more information, please call (916) 228-2410.

**SACRAMENTO COUNTY BOARD OF EDUCATION**

**Minutes of the Regular Meeting of November 17, 2020**

**VIA ZOOM/TELECONFERENCE CALL**

Agenda

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Approval of the Minutes of the Regular Board Meeting of October 20, 2020
- IV. Adoption of Agenda
- V. Official Correspondence
- VI. Visitor Presentations
  - A. General Public
  - B. Employee Organizations
- VII. Superintendent's Report
  - A. Recognition of the December 2020 Employees of the Month
- VIII. New Business
  - A. Adoption of Consent Agenda
    - 1. Accept Report on Personnel Transactions
    - 2. Award Diplomas to Court and Community Schools Students
    - 3. Declaration of Equipment Listed as Surplus Property and Authorization to Auction Property Pursuant to Education Code
  - B. Approval of Contracts
  - C. Authorization to Submit Grant Applications/Service Contracts and Accept Funding if Awarded; and Approval of Contracts, Positions, and Other Expenditures Associated with the Grants as Outlined in the Proposed Budgets:
    - 1. \$417,346 Friday Night Live/Club Live/Friday Night Live Mentoring Programs grant from the Sacramento County Department of Health Services for the 2020-2021 fiscal year
    - 2. \$219,380 Tobacco-Use Prevention Education Administration County Technical Assistance Leadership grant from the California Department of Education for the 2020-2021 fiscal year
    - 3. \$240,940 Prevention Coalition grant from the Sacramento County Department of Health Services for the 2020-2021 fiscal year
  - D. Board Report – Fortune Annual Report
  - E. Informational Item: 2019-2020 Annual Report of Sacramento County *Williams* Reviews
  - F. Operation Recognition
- IX. Board Reports, Comments, and Ideas
  - A. Board Members
  - B. Board President
  - C. Committees
- X. Items for Distribution
  - A. November/December Events
  - B. November/December Site Visits
- XI. Schedule for Future Board Meetings

A. December 8, 2020

XII. Adjournment

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I. President Ahola called the meeting to order at 5:01 p.m. via teleconference call in Sacramento, California. Board members present were Joanne Ahola, Alfred Brown, Heather Davis, Harold Fong, Paul Keefer, Bina Lefkovitz, and Karina Talamantes. Also present were David W. Gordon, Superintendent and Secretary to the Board; Nancy Herota, Deputy Superintendent; Teresa Stinson, General Counsel; Matt Perry, Assistant Superintendent; Jerry Jones, Executive Director of Technology; and Wende Watson, Executive Assistant.

II. Mr. Keefer led the Pledge of Allegiance.

President Ahola announced the Board will now recess the meeting and the Board will meet in Closed Session, under Government Code Section 54956.9(d)(1), regarding pending litigation of the Sacramento County Superior Court Case No. 34-2019-80003194. The Board has provided public notice that the Board will meet in Closed Session for this purpose.

Recessed Open Session at 5:04 p.m.

Convened Closed Session at 5:07 p.m.

Adjourned Closed Session at 5:52 p.m.

The Board reconvened Open Session at 6:30 p.m.

President Ahola reported that in Closed Session, by a unanimous 7-0 vote, the County Board approved seeking appellate review of the superior court's decision and judgment in the Natomas Unified School District expulsion appeal matter (Sacramento County Superior Court Case No. 34-2019-80003194).

Other SCOE staff present via teleconference were Tamara Sanchez and Nick Schweizer, Associate Superintendents; Coleen Johnson, Chief Administrator; Brent Malicote, Assistant Superintendent; Michael Kast, Executive Director; Kristin Wright, Executive Director; Channa Cook-Harvey, Executive Director; Rachel Perry, Executive Director; and Tim Herrera, Director.

III. On a motion by Ms. Davis and seconded by Ms. Talamantes, the minutes of the regular meeting of October 20, 2020 were approved. Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes

Ms. Lefkovitz – yes

Mr. Keefer - yes

Mr. Fong – yes

Ms. Davis – yes

Mr. Brown – yes  
Ms. Ahola – yes

IV. Ms. Lefkovitz moved to adopt the agenda. Mr. Fong seconded the motion, which carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

V. There was no official correspondence.

VI.A. There were no requests for visitor presentations from the general public.

VI.B. There were no requests for presentations from employee organizations.

VII.A. Teri Crandell and Michelle Kerin, Para-educators, SH, Galt High School, were recognized and honored as the classified employees of the month for December.

Cathy Goodrich, Teacher, SH, Galt High School, was recognized and honored as the certificated employee of the month for December.

Superintendent Gordon provided an update on reopening plans in our local districts, distance learning and in person instruction in SCOE schools and programs, and reported on the following:

#### CALIFORNIA DYSLEXIA INITIATIVE GRANT

- We were just informed yesterday we have been chosen to receive a \$4-million grant to serve as the lead agency for the California Dyslexia Initiative.
- The goals of the Initiative include building capacity in the statewide system of support for school districts, county offices of education, and charters to provide early intervention services and supports for students with specific learning disabilities such as dyslexia.
- We also will identify effective models for identification and treatment of specific learning disabilities; develop and deliver professional development on evidence-based instruction and strategies informed by research; and use the statewide system of support structure to disseminate professional learning, resources, and information developed or identified as a result of the CDI.
- We are uniquely positioned to serve as lead given the high regard statewide for our English Language Arts/English Language Development (ELA/ELD) team in the Curriculum & Instruction Department.

- We will be partnering with a university to research the best screening and teaching methods for children with dyslexia, creating partnerships with districts and charter schools throughout the state, and hosting a statewide conference for educators and researchers.

#### EARLY LITERACY SUPPORT BLOCK GRANT: EXPERT LEAD IN LITERACY

- We are also receiving a \$3-million Early Literacy Support Block Grant through CDE to serve as an Expert Lead within the statewide system of support.
- With this funding we will develop, implement, and support other LEAs and their schools throughout California with literacy instruction and support programs, particularly focused on literacy in early grades.
- We will build statewide professional learning networks and provide technical assistance to increase statewide capacity in implementing effective literacy instruction.

#### 2020-2021 ANNUAL REPORT: SUMMARY OF DISTRICT & SCHOOL SUPPORT

- As a follow-up from our last Board meeting regarding a summary of our district and school support:
  - SCOE develops a Professional Learning Annual Report and we are utilizing this year to re-envision and streamline our differentiated assistance processes which will include reflecting on the most impactful strategies and determining what new practices we need to adopt moving forward in our work supporting LEAs.
  - Part of this process will include incorporating metrics for each goal and/or strategy identified during the differentiated assistance process to help us measure progress toward improving student outcomes in identified areas of need.
  - Because there is no new state-level data to draw on, each district's metrics/data will be contextual and therefore unique.

#### PREPARING STAFF TO PRACTICE THE DEI PRINCIPLES

- We are creating three ways for staff to be involved in the planning and implementation of our DEI action planning process: steering committee, planning group, and professional learning community.
- We also are starting a book study with Cabinet and Leadership where we will read and discuss at regularly scheduled intervals throughout the year.
- We are vetting DEI facilitators (i.e., National Equity Project) right now to do some foundational training for leadership and the broader SCOE staff.

#### SENIOR EXTENSION THANKSGIVING DINNER GIVEAWAY

- We are hosting our 9<sup>th</sup> annual Thanksgiving dinner giveaway for our North Area Community School students, and we are including our senior extension students this year.
- On Friday, November 20, our staff will be making home deliveries to students and families. Meals will include a turkey, all the fixings, and a pie for dessert.
- We are grateful for Walmart for providing us with a \$1,500 donation.



- Thanks to Transition Specialist Vickie Obadashian and the Senior Extension team for supporting our families during the holidays once again.

#### FACE SUMMIT

- On October 30, we hosted a virtual Family and Community Engagement that drew over 50 attendees.
- The workshop was called “Planning for Equity-Centered Family Engagement Now for Post-COVID 19” and it featured family engagement expert Michele Brooks.
- District and school teams discussed engagement through an anti-racist, equity lens and explored the role of leadership and core values.

#### VIRTUAL CONSTRUCTION PROGRAM

- While our students are learning remotely, they are still able to participate in our Northern California Construction Training (NCCT) program.
- Instructor Mike Anckner – who normally works out of our Hickey campus – has been teaching students remotely through Zoom.
- Students are learning everything from workplace safety to actual hands-on work through the use of pre-prepared home kits.
- This is allowing dozens of our community school students and our Senior Extension students to continue learning construction trade skills.

#### COMMUNITY SCHOOL VIRTUAL GRADUATION

- On October 22, we hosted a virtual Fall Community School Graduation on our SCOE YouTube channel. If you did not have an opportunity to view the ceremony, please let us know and we will make sure you have the video link.

#### COUNSELOR COMMUNITY OF PRACTICE

- In January, SCOE was awarded the K12 Strong Workforce Grant. In August, a SCOE team with representatives from San Juan Unified, Elk Grove Unified, and Twin Rivers Unified, began planning a Counselor Community of Practice. We held our first workshop on October 30.
- The Community of Practice consists of 8 days of virtual training and 3 days of a Summer Institute. The topics and scope of training was developed with Sacramento County leads and Trish Hatch, the CEO of Hatching Results.
- Counselors are receiving training on how to use student data to prioritize programming and measure effectiveness, and how to implement the American School Counselor Association (ASCA) National Model.

#### SAC REPUBLIC VIDEOS

- Because schools have resumed with distance learning this year, SCOE and the Sacramento Republic Football Club are partnering to help kids stay active.
- We are partnering to produce a series of physical education videos being aired on educational television and posted online.
- In the enrichment videos – developed in partnership with SCOE and leading P.E. teachers from Sacramento County – players and team staff lead students in grade-appropriate lessons.

## EQUITY UPDATE

- This is a reminder that on January 12, we will be providing you all with an update on our progress in Diversity, Equity, and Inclusion.

## UPDATE ON CONSTRUCTION OF NEW GERBER COMMUNITY SCHOOL SITE

- The steel framing for the Admin buildings, the multipurpose room, the classrooms, and the shade structure have gone up. Each building will provide flexible space for a wide variety of programs and can be reconfigured for specific programming. The five-classroom wing will have four classrooms that can serve as academic classrooms but will be versatile enough to be transformed into a technology lab or school media learning center. A fifth classroom is customized to meet the needs of our Senior Extension Program students, especially young parents with children.

A discussion followed regarding the criteria used for the safe reopening of schools, including communication with students, staff, families and bargaining units, safety protocols, effective collaboration, and surveillance testing for staff.

VIII.A. Mr. Brown moved, and Ms. Davis seconded adoption of the consent agenda. By such action, the Board:

1. Accepted report on Personnel Transactions
2. Awarded diplomas to Court and Community Schools Students
3. Declared equipment listed as Surplus Property and authorization to auction property Pursuant to Education Code

Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes

Ms. Lefkovitz – yes

Mr. Keefer – yes

Mr. Fong – yes

Ms. Davis – yes

Mr. Brown – yes

Ms. Ahola – yes

Dr. Matt Perry, Assistant Superintendent, announced that the following students will be awarded a diploma: Jelani Kante King, Minerva Kropp, and Shakrukh Noorzaee from Cordova Lane Senior Extension; Andrew Devon Evans, Octavio Jesus Orozco, Jelon Antonio Ramirez, and Yuneek'e Princess Savoy from Elinor Lincoln Hickey Senior Extension; Paul Frank Bowa, Jr., Jose Galvan-Gonzalez, Dolores Nicole Grayson, and Roberto Emilio Salazar from Gerber Senior Extension; and Sandesh Adhikari, Joshua Alexander Castellanos, and Da Jhun Haney from North Area Senior Extension.

VIII.B. Ms. Talamantes moved, and Mr. Fong seconded approval of the contracts as listed. Motion to approve the contracts carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

VIII.C. On a motion by Ms. Talamantes and seconded by Mr. Brown, the Board authorized staff to submit grant applications/service contracts and accept funding if awarded; and approved contracts, positions, and other expenditures associated with the grants as outlined in the proposed budgets as follows:

1. \$417,346 Friday Night Live/Club Live/Friday Night Live Mentoring Programs grant from the Sacramento County Department of Health Services for the 2020-2021 fiscal year
2. \$219,380 Tobacco-Use Prevention Education Administration County Technical Assistance Leadership grant from the California Department of Education for the 2020-2021 fiscal year
3. \$240,940 Prevention Coalition grant from the Sacramento County Department of Health Services for the 2020-2021 fiscal year

Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

Tim Herrera read two Public Comments regarding the Fortune Annual Report from the following individuals:

Simeon Gant  
Tak Allen

VIII.D. Teresa Stinson, General Counsel, introduced Nancy Brownell, Consultant, who provided the Fortune Annual Report to the Board. Margaret Fortune provided an update.

A discussion followed about the content of the report and a number of Board members commented on the quality and content of the report.

VIII.E. The 2019-2020 Annual Report of Sacramento County *Williams Reviews* was provided in the Board packet.

VIII.F. Mr. Herrera provided information on Operation Recognition to the Board. Trustees are in support of the proposed changes.

IX.A. Mr. Brown – no report.

Ms. Davis thanked Trustee Brown and Ms. Fortune for expressing themselves and she appreciated it. She noted that the Family Engagement series event went really well, great participation.

Ms. Lefkovitz reported that the CSBA Conference is coming up. It is all virtual. The agenda looks great. Today, you received a flier from CSBA re training. The work of the SCOE Scholarship Committee is proceeding. The following are members of the committee: Bina Lefkovitz, Alfred Brown, Lee Seale, Chet Hewitt, Pam Haynes, Eduardo Aguilar, and David W. Gordon. She stated that the process for applying is getting worked out, as well as the finalized donation letter.

Mr. Keefer commended SCOE and Galt transition teams getting them launched in the community and thanked the Fortune team for the work they have done. He would like to see qualitative/quantitative one pager from Fortune. Good work with AVID. Thank you to Trustee Ahola and whole staff.

Mr. Fong asked about the Robla project and Superintendent Gordon said he would provide a report. He suggested that this be adopted as a project that we can look at and develop as a means to close the achievement gap. He also stated that we need to find a way for the public schools to successfully close the achievement gap.

Ms. Talamantes reported that she facilitated a donation of free PPE for our schools, which included masks, sanitizer, office supplies, and more. She reported that her sister recently had a baby, and her brother is having his first child in February.

IX.B. President Ahola asked Superintendent Gordon for the Fortune Report from last year that Rachel Perry created for all the trustees. Fortune School is a public school and part of the public school system.

IX.C. There were no committee reports.

X.A. There was no distribution of the November/December Events item.

X.B. There was no distribution of the November/December Site Visits item.

XI. Schedule for Future Board Meetings:

A. December 8, 2020

XII. Mr. Brown moved to adjourn the meeting in memory of SCOE employee Heather Styers. Ms. Lefkovitz seconded the motion, which carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes

Ms. Lefkovitz – yes

Mr. Keefer – yes

Mr. Fong – yes

Ms. Davis – yes

Mr. Brown – yes

Ms. Ahola – yes

The meeting adjourned at 9:21 p.m.

Respectfully submitted,

David W. Gordon  
Secretary to the Board

Date approved:

**SACRAMENTO COUNTY BOARD OF EDUCATION**

**Minutes of the Regular Meeting of December 8, 2020**

**VIA ZOOM/TELECONFERENCE CALL**

Agenda

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. No Approval of Minutes
- IV. Adoption of Agenda
- V. Official Correspondence
- VI. Visitor Presentations
  - A. General Public
  - B. Employee Organizations
- VII. Superintendent's Report
  - A. Recognition of the January 2021 Employees of the Month
- VIII. New Business
  - A. Adoption of Consent Agenda
    - 1. Accept Report on Personnel Transactions
    - 2. Award Diplomas to Court and Community Schools Students
    - 3. Accept Donation to Sacramento County Office of Education
    - 4. Accept Donation to SCOE's Community School Senior Extension Program Annual Holiday Dinner Giveaway
  - B. Approval of Contracts
  - C. Authorization to Submit Grant Applications/Service Contracts and Accept Funding if Awarded; and Approval of Contracts, Positions, and Other Expenditures Associated with the Grants as Outlined in the Proposed Budgets:
    - 1. \$3,000,000 Early Literacy Support Block Grant: Expert Lead in Literacy from the California Department of Education – State General Fund for the 2020-2021, 2021-2022, and 2022-2023 fiscal years
  - D. Approval of 2020-2021 Budget Revision No. 1
  - E. Approval of First Interim Financial Report for the 2020-2021 Fiscal Year
  - F. Appointment of Individuals to the Local Child Care and Development Planning Council for the 2020-2022 Term
  - G. Naming of New SCOE Community School
  - H. Adoption of the Proposed 2020-2021 SCOE LCFF Budget Overview for Parents
  - I. Board Report – History-Social Science
- IX. Board Reports, Comments, and Ideas
  - A. Board Members
  - B. Board President
  - C. Committees
- X. Items for Distribution
  - A. December/January Events
  - B. December/January Site Visits
- XI. Schedule for Future Board Meetings

A. January 12, 2021

XII. Adjournment

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I. President Ahola called the meeting to order at 6:30 p.m. via teleconference in Sacramento, California. Board members present were Joanne Ahola, Alfred Brown, Heather Davis, Harold Fong, Paul Keefer, Bina Lefkovitz, and Karina Talamantes. Also present were David W. Gordon, Superintendent and Secretary to the Board; Nancy Herota, Deputy Superintendent; Teresa Stinson, General Counsel; Matt Perry, Assistant Superintendent; Jerry Jones, Executive Director of Technology; Craig Bradford, Principal, Senior Extension Program; Juvenile Court and Community Schools Director Marc Nigel; other staff; and Wende Watson, Executive Assistant.

Other staff via teleconference were Tamara Sanchez and Nick Schweizer, Associate Superintendents; Coleen Johnson, Chief Administrator; Brent Malicote, Assistant Superintendent; Michael Kast, Executive Director; Kristin Wright, Executive Director; Channa Cook-Harvey, Executive Director; Rachel Perry, Executive Director; and Tim Herrera, Director.

II. Mr. Brown led the Pledge of Allegiance.

III. No Approval of Minutes

IV. Ms. Talamantes moved to adopt the agenda. Ms. Davis seconded the motion, which carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes

Ms. Lefkovitz – yes

Mr. Keefer – yes

Mr. Fong – yes

Ms. Davis – yes

Mr. Brown – yes

Ms. Ahola – yes

V. There was no official correspondence.

VI.A. Tim Herrera read two Public Comments from the following individuals:

Tim Taylor commended Associate Superintendent Tamara Sanchez for her service to SCOE and congratulated her on her upcoming retirement.

Jose Perez submitted a comment regarding the spread of COVID-19 in vulnerable communities.

VI.B. There were no requests for presentations from employee organizations.

VII.A. Gabriel Esparza-De Jesus, Transition Specialist, Senior Extension Program, Elinor Lincoln Hickey Jr./Sr. High School, was recognized and honored as the classified employee of the month for January.

Emily Berger, CARE Teacher, CARE Intervention Program, Sutter Middle School, was recognized and honored as the certificated employee of the month for January.

Superintendent Gordon provided an update on reopening plans in our local districts, distance learning in SCOE schools and programs, and reported on the following:

### **SCOE PROGRAM COVID UPDATE**

The Sacramento County Probation Department asked us to collaborate on a temporary return to distance learning to reduce the flow of adults into the Youth Detention Facility during December. El Centro returned to distance learning yesterday. Students will receive two daily check-ins, a daily support through testing via Zoom.

Our Senior Extension and Community School Base Programs are conducting one-to-one appointments and supporting distance learning from school sites. Principals report the one-to-one appointments have shed light on mental health crises, homelessness, and at times neglect. In each case, we mobilize SCOE and partnering agency staff to support students and families.

The Placer Adult Re-Entry team started one-to-one support in Roseville, Auburn, and Kings Beach and our Sacramento team returned to work to prepare the site for one-to-one protocols that will begin at a to be determined date in January. Yolo County is in discussion with Director Chris Aland on a date for our staff to return to the worksite for 1:1 in-person appointments.

### **SPECIAL EDUCATION**

- We opened our first program in Special Education on December 1 at Galt High School for in-person learning. With seven students signed up to attend, we had to break the class into two separate cohorts. Students and staff are following all safety protocols and all parties involved are thriving.
- The teacher is live streaming in-person instruction with her at-home students to provide synchronous learning for all students. Lesson plans have been developed so all students can interact with each other and the adults.
- Today, two additional programs opened on Galt High School's campus. All three programs serve students with intensive needs. Two of the three rooms have six or less students planning on returning so they will operate with all students four days a week. Monday is the district non-student day, and all learning will be distance learning on Mondays.
- Student contact tracing protocols have been setup and are ready to be implemented when needed. SCOE nurses have participated in the Johns Hopkins Contact Tracing training and are ready to provide support.



- All other programs have maintained high quality distance learning sessions. Teachers have gone through regular technology training to increase the level of engagement of their students. They have been receiving training from SCOE staff on how to utilize additional programs and applications to improve student outcomes.

### **SENIOR EXTENSION THANKSGIVING DINNER GIVEAWAY**

We hosted our 9th annual Thanksgiving dinner giveaway for our North Area Community, Senior Extension, and base program students. If students were unable to pick up their meals, our staff made home deliveries that included a turkey, all the fixings, and a pie. We are grateful to a wide group of donors that included SCOE staff, Probation Officers, and seven local businesses listed in the donation item in the Board packet, especially Walmart for providing us with a \$1,500 donation. Our thanks to Transition Specialist Vickie Odabashian and the Senior Extension team for organizing the event and supporting our families.

### **SPECIAL EDUCATION HOLIDAY BASKETS FOR FAMILIES**

We are supporting several special education families this holiday season. This year, staff nominated 16 families who have students in our Special Education programs, who will greatly benefit from donated gifts, clothing, and food. SCOE department groups and individual staff are working together to shop, wrap, and orchestrate deliveries to the families by December 14. This is an annual tradition which benefits both giver and receiver.

### **IMPLICIT BIAS AND STRUCTURAL RACISM WORKSHOP**

Cabinet recently finished reading and discussing the book “How to Be an Antiracist” by Ibram Kendi. Today, all members of Cabinet attended a workshop with the National Equity Project on Implicit Bias and Structural Racism. This came at the recommendation of the National Equity Project, which we have formally engaged in this work moving forward. SCOE leadership will receive and read Kendi's book in the coming month for facilitated discussions in January. Kristin Wright and Channa Cook-Harvey will be back at the February Board meeting to continue Board discussions and next steps. We have copies of “How to Be an Antiracist” for each of you to read and hope you can do so. With the assistance of the National Equity Project, we will be convening broader SCOE staff at all levels for professional learning, committees and will continue deeper work with Cabinet and leadership in 2021. We will continue our on-going commitment to hearing directly from students across SCOE programs, so stay tuned for our next student panel being held this week with students at Juvenile Hall. We know this pandemic will likely exacerbate existing inequities for our students and families and are committed to both supporting our districts and schools and our own structures within SCOE.

### **JUSTICE SOTOMAYOR PROJECT**

SCOE staff had the opportunity to recruit middle schools to participate in a live videoconference with US Supreme Court Justice Sonia Sotomayor on

January 22. Over 400 students will be participating in this event and have an opportunity to ask questions to Justice Sotomayor. One student from each area school will be selected to ask their question. Each student is receiving a signed copy of the Justice's autobiography, *The Beautiful World of Sonia Sotomayor*. In addition, SCOE staff created a teacher and student guide for this book.

### **SPECIAL EDUCATION GRADUATION**

On Thursday, December 17, at noon on the SCOE YouTube channel, we will broadcast a virtual ceremony to recognize the successes of four SCOE students graduating from our special education program for young adults with moderate to severe disabilities. We will provide you with a link to the "live" event and provide you with a link to the archived program.

### **SCOE CLOSED**

This is a reminder that all SCOE offices will be closed for the Winter Break starting December 24, 2020 through January 1, 2021. We will return on January 4.

### **JANUARY MEETING**

We will have one Board meeting next month on January 12.

VIII.A. Ms. Lefkovitz moved, and Ms. Davis seconded adoption of the consent agenda. By such action, the Board:

1. Accepted report on Personnel Transactions
2. Awarded diplomas to Court and Community Schools Students
3. Accepted donation to Sacramento County Office of Education
4. Accepted donation to SCOE's Community School Senior Extension Program Annual Holiday Dinner Giveaway

Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

Dr. Matt Perry, Assistant Superintendent, announced that the following students will be awarded a diploma: Isabella Natalia Cortez from Elinor Lincoln Hickey Senior Extension; 1 candidate from El Centro Jr./Sr. High School; Dae'Janae Marie Aaliyah from Gerber Senior Extension; and Salvador Leon from North Area Senior Extension.

VIII.B. Mr. Fong moved, and Ms. Talamantes seconded approval of the contracts as listed. Motion to approve the contracts carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

VIII.C. On a motion by Mr. Keefer, seconded by Mr. Brown, the Board authorized staff to submit grant applications/service contracts and accept funding if awarded; and approved contracts, positions, and other expenditures associated with the grants as outlined in the proposed budgets as follows:

1. \$3,000,000 Early Literacy Support Block Grant: Expert Lead in Literacy from the California Department of Education – State General Fund for the 2020-2021, 2021-2022, and 2022-2023 fiscal years

Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

VIII.D. Approval of 2020-2021 Budget Revision No. 1

Budget Committee Chair Heather Davis provided a summary and overview of the 2020-2021 Budget Revision No. 1. This is coming from the Budget Committee and therefore does not require a second.

Mr. Brown moved to approve item VIII.D. – 2020-2021 Budget Revision No. 1 and item VIII.E. – First Interim Financial Report for the 2020-2021 Fiscal Year as one item. Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes

Mr. Brown – yes  
Ms. Ahola – yes

VIII.E. Approval of First Interim Financial Report for the 2020-2021 Fiscal Year – see item VIII.D. above.

VIII.F. Appointment of Individuals to the Local Child Care and Development Planning Council for the 2020-2022 Term

Brent Malicote, Assistant Superintendent, provided an overview of this item, including pointing out the four additional open positions and invited recommendations from the Board to fill them. Two of the vacancies are for consumers.

Mr. Brown moved to approve the Appointment of Individuals to the Local Child Care and Development Planning Council for the 2020-2022 Term. Mr. Keefer seconded the motion. Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

VIII.G. Naming of New SCOE Community School

Ms. Stinson reported that names of schools are to be determined by the Board of Education. An Ad Hoc Committee will be appointed by the Board President to make recommendations for names for the Board to consider.

VIII.H. Adoption of the Proposed 2020-2021 SCOE LCFF Budget Overview for Parents

Dr. Perry summarized the item.

Ms. Davis moved to adopt the proposed 2020-2021 SCOE LCFF Budget Overview for Parents. Mr. Fong seconded the motion. Motion carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes  
Ms. Lefkovitz – yes  
Mr. Keefer – yes  
Mr. Fong – yes  
Ms. Davis – yes  
Mr. Brown – yes  
Ms. Ahola – yes

VIII.I. Brent Malicote, Assistant Superintendent, and Frank Pisi, Director, presented the History-Social Science report to the Board.

IX.A. Mr. Brown remembered the first time he met Tammy Sanchez and appreciated her openness and wished her luck in retirement.

Ms. Davis had the pleasure of working with Tammy while working with the budget. Ms. Davis would like to take Tammy out to Kohl's to shop for students in need with her Kohl's cash. And she appreciated her humor.

Mr. Fong enjoyed the presentation on Civics. This has been a lost subject in the curriculum. Thanked Frank for his presentation. Mentioned some of the projects they worked on and recognized that Tammy has always been able to keep the budget balanced.

Mr. Keefer recognized that the work Frank is doing is vital and supports the effort to bring back Civics. He wished Tammy the best in her retirement.

Ms. Lefkovitz was proud of how fiscally sound SCOE is and knows that Tammy is largely responsible for this success. She appreciated that Tammy was calm, competent, and wished her well in retirement. Hopes the Board will read "How to Be Antiracist" book.

Ms. Talamantes initially was nervous about understanding the budget, but Tammy explained the complexities in a way that Ms. Talamantes could understand and appreciate this work.

IX.B. President Ahola echoed the sentiments of the other Board members and was impressed by Tammy's professionalism and support of the Board. Hopes she enjoys her free time in retirement.

Superintendent Gordon appreciated the way Tammy did the work to figure out how to get things done rather than say no. The ability to explain budgets in an easy-to-understand manner is a gift that Tammy possesses, especially given that SCOE has 200+ budgets. Most of all, SCOE hires leaders that lead with the heart. Tammy came with the heart to do important work that has positively impacted many. SCOE has been enriched by her work here.

Tammy Sanchez thanked everyone for their kind words. She felt grateful to have served alongside such a caring and thoughtful Board. Dave is a true leader. Not many people can say they have worked for a true leader. Dave does the right thing, and she feels fortunate to have worked for him. Tammy acknowledged the work of Cabinet and her staff that have set up systems that contribute to a sound budget which make her look good. She was pleased to leave leadership with Nick Schweizer.

President Ahola noted that the Equity update which was planned for the January Board meeting has been rescheduled for February. The January Board report will be an update on the status of Court & Community School students.

IX.C. There were no committee reports.

X.A. There was no distribution of the December/January Events item.

X.B. There was no distribution of the December/January Site Visits item.

XI. Schedule for Future Board Meetings:

A. January 12, 2021

XII. Ms. Talamantes moved to adjourn the meeting. Ms. Lefkovitz seconded the motion, which carried 7 ayes, 0 noes, 0 absent, 0 abstentions based on the following Roll Call vote:

Ms. Talamantes – yes

Ms. Lefkovitz – yes

Mr. Keefer – yes

Mr. Fong – yes

Ms. Davis – yes

Mr. Brown – yes

Ms. Ahola – yes

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

David W. Gordon  
Secretary to the Board

Date approved:

## **SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> March 2021 Employees of the Month	<b>Agenda Item No.:</b> VII.A. <b>Enclosures:</b> 0
<b>Reason:</b> Action	<b>From:</b> David W. Gordon <b>Prepared By:</b> Tim Herrera <b>Board Meeting Date:</b> 02/02/21

### **BACKGROUND:**

#### CLASSIFIED

**Cydney Rossi**, Staff Secretary, has been nominated by Dr. Steve Winlock, Executive Director, for her contributions to SCOE's School of Education. Cydney Rossi typically works as School Secretary, supporting the Sly Park Environmental Education Center. Because COVID-19 restrictions caused the camp to temporarily close, she was reassigned to the team at the School of Education as Staff Secretary. During the transition from Sly Park to the School of Education, Ms. Rossi has adapted to the challenges of her new work environment by assuming oversight and coordination of programs such as the 2021 Sacramento County Poetry Out Loud competition. Cydney Rossi has been a Sacramento County Office of Education employee since May 2014.

#### CERTIFICATED

**Suzanne White** and **Steffani LaZier**, Teachers, Alternative Education, have been nominated by Court School Principal Barb Modlin and Senior Extension Principal Craig Bradford for contributions to the Sacramento County Office of Education. Both Suzanne White and Steffani LaZier have served for many years as outdoor science teachers at the Sly Park Environmental Education Center. During COVID-19, restrictions forced the temporary closures of Sly Park. Ms. White was reassigned to El Centro Jr./Sr. High School and Ms. LaZier to the Senior Extension Program to help meet the needs of SCOE students and families. Both teachers have adapted smoothly to the challenges of a new work environment. Suzanne White has been a Sacramento County Office of Education employee since October 2012. Steffani LaZier has been a Sacramento County Office of Education employee since August 2007.

### **SUPERINTENDENT'S RECOMMENDATION:**

It is recommended that the Board approve commendation of the individuals named as Sacramento County Office of Education Employees of the Month for March 2021, and that the Board present Certificates of Recognition to these employees.

SACRAMENTO COUNTY OFFICE OF EDUCATION  
*PERSONNEL TRANSACTIONS - FOR YOUR INFORMATION*

Board Meeting – February 2, 2021

**REGULAR APPOINTMENTS**

<b>Group (Mgmt/Cert/Class)</b>	<b>Dept./ Program</b>	<b>Name</b>	<b>Status</b>	<b>Classification</b>	<b>Location</b>	<b>Effective Date</b>	<b>Salary Placement</b>
Management	Business Services	Myrick, Ivan	Promotion	Coordinator, Financial Services 8 h/d 5 d/w 244 d/y PC# 000067	Business Services	1/4/21	MT-36
	Through a competitive process, this individual was selected for a new position, which increased the salary by more than \$10,000.						
Management	Technology Services	Timko, Justin	New Hire	Project Specialist II, Program/Application Development 8 h/d 5 d/w 244 d/y PC# 110005	Technology Services	1/11/21	MT-29
Management	AVID/ Cal-SOAP	Wolfe, Jennifer	New Hire	Project Specialist I, AVID 8 h/d 5 d/w 215 d/y PC# 160044	AVID/ Cal-SOAP	1/26/21	MT-18
Classified	Early Learning	Morrell, Kerstin	Appoint- ment	Early Head Start Educator 8 h/d 5 d/w 230 d/y PC# 190036	Early Learning	1/4/21	CL-23-F

**LIMITED TERM/TEMPORARY APPOINTMENTS**

<b>Group (Mgmt/Cert/Class)</b>	<b>Dept./ Program</b>	<b>Name</b>	<b>Classification</b>	<b>Location</b>	<b>Effective Date/ Duration</b>
Management	Personnel	Haile, Carole	Personnel Analyst	Personnel	1/4/21 – 2/26/21

**SEPARATIONS**

<b>Group (Mgmt/Cert/Class)</b>	<b>Type</b>	<b>Name</b>	<b>Classification</b>	<b>Location</b>	<b>Effective Date</b>	<b>Reason for Leaving</b>
Classified	Retirement	Bedyk, Jeffrey	Senior Financial Analyst	Financial Services, Cy Young Building	1/27/21	Retirement
Classified	Resignation	Tavera, Jessica	Para-Educator	George Washington Carver	12/18/20	Resignation



	<b><u>RECAP</u></b>			
	<b>Management</b>	<b>Certificated</b>	<b>Classified</b>	<b>Total</b>
Regular Appointments	3	0	1	4
Limited Term/Temporary Assignments	1	0	0	1
Separations	0	0	2	2
	<hr/>			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>7</b>

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Award of Diplomas	<b>Agenda Item No.:</b> VIII.A.2. <b>Enclosures:</b> 1
<b>Reason:</b> Approval	<b>From:</b> David W. Gordon <b>Prepared By:</b> Dr. Matt Perry Michael Kast <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

The following students are scheduled to graduate from each of their respective schools and they have completed all requirements for high school graduation:

Cordova Lane Senior Extension

Gavontay Dauterive  
Samantha Ysabella Duran

El Centro Jr./Sr. High School

1 Candidate

Elinor Lincoln Hickey Jr./Sr. High School

Heaven Faith Campbell

Gerber Senior Extension

Otis Joseph Lozinto  
Isaiah Gonzalez-Johnson  
Hasib Rahmani  
Isaiah Lucky  
Billy Ching Lee  
Melissa Michele Roger

North Area Senior Extension

Trahan Damariah Fournette  
Robert Isaac Ibarra  
Javier Eric Hernandez  
Elmerissa HelavaTaukave-Langman  
Stephanie Nolasco  
Salena Quiroz

North Area Senior Extension (Cont'd)

Angelo Josh Cruz Estrellado  
Ashley Walcker  
John Augustine Ruiz  
Raquel Marie Leyba

**SUPERINTENDENT'S RECOMMENDATION:**

The Superintendent recommends the Board approve the issuance of a high school diploma to the students listed above who have completed all requirements for graduation.

## **SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Naming of New SCOE Community School	<b>Agenda Item No.:</b> VIII.B. <b>Enclosures:</b> 6
<b>Reason:</b> Action	<b>From:</b> David W. Gordon <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

### **BACKGROUND:**

As construction progresses on the new Sacramento County Office of Education (SCOE) Community School, it is time for the Sacramento County Board of Education (Board) to select a name for the school. Board Policy 1351 states that names of schools will be selected by the Board after consideration of potential names developed by an Ad Hoc Committee. The Board shall name schools in recognition of:

1. Individuals, living or deceased, who have made outstanding contributions to the county or community.
2. Individuals, living or deceased, who have made contributions of state, national, or worldwide significance.
3. The geographic area in which the school or building is located; or
4. Other appropriate names agreed upon by the committee for Board consideration.

On January 8, 2021, the Ad Hoc Committee met to discuss and determine potential names for SCOE's new community school. Committee members were Trustees Joanne Ahola, Karina Talamantes, and Bina Lefkowitz, and community member Cassandra Jennings, a long-time community leader and CEO of the Sacramento Urban League.

After discussion, the committee unanimously recommended that the Board name the new community school after Nathaniel Colley. As one of Sacramento's earliest African American lawyers, Mr. Colley spent 50 years helping to shape the course of social reform across Sacramento, California, and the nation, and has been described as an icon and inspiration for our students and community. A video about Mr. Colley's life can be found at <https://www.pbs.org/video/kvie-viewfinder-time-now-nathaniel-colley/>. We have also attached written background materials regarding Mr. Colley's life and civic contributions.

### **SUPERINTENDENT'S RECOMMENDATION:**

The Superintendent recommends that the Board approve the Ad Hoc Committee's recommendation.

## **Nathanial Colley Bio Information**

Nathaniel Sextus Colley grew up in Snow Hill, Alabama. He graduated with high honors from Snow Hill Institute before attending Tuskegee Institute. He studied chemistry under George Washington Carver, graduating in 1941 with a B.S. degree and high honors.

During World War II, Colley served overseas as Captain of a chemical company where he developed a protective suit that could resist poison gas. In 1946, he enrolled at Yale University Law School, winning the C. LaRue Munsun Prize for the most significant contribution of any Yale student to the New Haven, Connecticut Legal Aid Society.

Nathaniel Colley, known by friends and colleagues as “Nat,” devoted himself to the improvement of his community. He spent 50 years helping to shape the course of social reform across Sacramento and the nation.

In 1948, Colley came to Sacramento where he wrote for the *Sacramento Outlook* newspaper as an Associate Editor. He opened his law practice as Sacramento’s only African American attorney, quickly establishing a reputation as one of the area’s best trial attorneys. He used his skills on behalf of private clients as well as public causes, such as civil rights.

In the landmark case *Ming vs. Horgan*, Colley persuaded the U.S. Supreme Court that those receiving federal funds could not engage in discrimination. Colley also fought for the repeal of Proposition 14, and against housing and educational discrimination in California. As a member of the National Bar Association’s Hall of Fame, Colley taught part-time at the University of the Pacific, McGeorge School of Law for seventeen years.

Colley was a member, and leader, of many civic and educational associations at the local, state, and national levels. He served as Chairman of both the West Coast Region and the National Legal Committee for the National Association for the Advancement of Colored People (NAACP). Governor Edmund “Pat” Brown appointed Colley to the California State Board of Education in 1960, making him the first African American to serve on the board.

Between 1961 and 1962, Colley sat on President John F. Kennedy's Committee on Discrimination for the U.S. Armed Forces. An active Democrat, Colley was a member of the California State Democratic Central Committee and the Sacramento County Democratic Central Committee.

Colley met his wife, Sacramento native Jerlean "Jerry" Jackson, while attending Tuskegee Institute and the two married in 1942. They raised their five children in Sacramento, two of which would go on to become attorneys and join their father's law firm.

Nathaniel Colley passed away from brain cancer on May 20, 1992 at his home in Elk Grove. He was 74 years old.

**Sources:**

Husband and Father · The Civic Life of Nathaniel Colley – The Colley Papers  
<https://colley.omeka.net/exhibits/show/theciviclife/husbandandfather>

The Colley Papers  
<https://colley.omeka.net/>

# Nathaniel S. Colley, 74, Lawyer Who Was a Leader in N.A.A.C.P.

By **Bruce Lambert**

May 25, 1992



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VIII.B.4.

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Nathaniel S. Colley Sr., a retired lawyer and a leader in the National Association for the Advancement of Colored People, died Wednesday at his ranch in Elk Grove, Calif., near Sacramento. He was 74 years old.

He died of brain cancer, his family said.

Mayor Anne Rudin of Sacramento, where Mr. Colley had practiced law for some 40 years, said he had made major contributions toward eliminating bias in housing. Kennedy Appointee

For about four decades, he was active in the N.A.A.C.P. He served as its western regional counsel, a member of its national board, chairman of its legal committee and special contributions fund and the presiding officer at a national convention.

In 1962 President John F. Kennedy appointed him to a committee to recommend steps to end discrimination against military employees and their families.

Mr. Colley taught law for 17 years at the McGeorge School of Law at the University of the Pacific in Sacramento. Among his colleagues was Anthony M. Kennedy, who became a Supreme Court Justice in 1988. Mr. Colley helped dissuade some civil rights advocates who were critical of Mr. Kennedy from opposing his nomination to the Court but later expressed dismay at the new Justice's votes on several civil rights cases.

Mr. Colley, who bred horses, had served as chairman of the California Horse Racing Board, the state regulatory agency.

He grew up in Snow Hill, Ala., and graduated from the Tuskegee Institute in 1941. In World War II he served in a United States Army unit developing defenses against chemical weapons. He reached the rank of captain.

After the war, he was rejected by the University of Alabama Law School because he was black. He earned his law degree at Yale University instead, then moved to Sacramento to begin his practice, specializing in civil litigation. He remained active as a lawyer until his illness last year.

Surviving are his wife of 50 years, the former Jerlean Jackson; one son, Nathaniel Jr. of Sacramento; four daughters, Ola Marie Brown, Sondra Thomas and Natalie Lindsey, all of Sacramento, and Jerlean Daniel of Pittsburgh; two brothers, Council of Birmingham, Ala., and Nehemiah of Snow Hill, and nine grandchildren.



# **Honoring A Forgotten History: Sacramento African-American History Museum Proposed**

By [Steve Large](#)

August 26, 2020 at 11:38 pm

**Filed Under:**[African-American](#), [Museum](#), [Sacramento](#), [social justice](#)

SACRAMENTO (CBS13) — Sacramento councilmember Allen Warren is calling for the city to help create the city’s first African-American museum.

He says a museum would create an opportunity to honor a history in Sacramento that many people simply do not know.

“The idea is really to illustrate the achievements of African Americans in Sacramento,” Councilmember Allen Warren said.

Warren’s public call for a Sacramento African-American museum comes a day after the city council voted on plans that do not protect the historic New Helvetia public housing complex from demolition. The homes are the site of a landmark 1952 civil rights case that helped end housing segregation across the country. The case was argued by Sacramento attorney Nathaniel Colley.

“It’s a shining example of something that most people don’t even know about,” Warren said. “And yet how an historical presence it is in our city.”

Nathaniel Colley was the first African-American attorney in Sacramento. He was also the first African-American to serve on the California State Board of Education. He helped shape the course of American history from his law office in Sacramento.

Chris Lango produced a documentary on Colley, titled “The Time is Now.” He says Colley’s contributions have been lost in his own city’s history.

“The only place that I know of publicly, in Sacramento County, that you can go and see his name, is on his gravestone,” Lango said.

Colley is buried at the Sacramento County Veteran’s Cemetery. He served as a captain in the Army during World War II.

Celebrating African-American history in Sacramento with a museum, to ensure the future doesn’t include faded memories of the past.

“The very significant, accomplishments of people who did things in Sacramento, that had implications across the country, like Mr. Colley,” Warren said.

Warren hopes to have details of his museum plan ready to present by next month.

**SACRAMENTO COUNTY BOARD OF EDUCATION**  
**CONTRACTS FOR COUNTY BOARD OF EDUCATION APPROVAL**  
**February 2, 2021**

**SPECIAL EDUCATION**

**Expenditure**

**Angela's Interpreting Service, Inc.**

Contractor will provide oral interpreting services in several languages to communicate with parents/guardians regarding a child's progress and development for Infant Family Service Plans or Individualized Education Programs. Services will be provided on an as-needed basis. Original contract amount - \$20,000; Amendment No. 1 to add \$32,500 due to the increased needs of staff and parents during distance learning sessions, making the total contract \$52,500.

Amendment

Dates of Service: 07/01/20 – 06/30/21

Source of Funds: Special Education – Infant Development Program

\$32,500.00

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**BUSINESS SERVICES**

**MacLeod Watts, Inc.**

Contractor will prepare an actuarial valuation of the post-retirement health care program provided to eligible Sacramento County Office of Education retirees. Original contract amount - \$11,150; Amendment No. 1 to extend the dates of service and add \$11,820 to cover costs for accounting and financial reports (the Biennial Actuarial Valuation, and the 2022 and 2023 GASB 75 Reports), making the total contract \$22,970.

Amendment

Dates of Service: 07/01/19 – 12/31/22

Source of Funds: General Support

\$11,820.00

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**RECAP**

	<u><b>Expenditure</b></u>
<b>Special Education</b>	32,500.00
<b>Business Services</b>	11,820.00

<b>TOTAL</b>	<b>\$44,320.00</b>
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# SACRAMENTO COUNTY BOARD OF EDUCATION

10474 Mather Boulevard, P.O. Box 269003

Sacramento, CA 95826-9003

## Grant/Contract Proposal Abstract

Agenda Item No.: VIII.D.1.

Enclosures: 3

Board Meeting Date: 02/02/21

**Title of Grant/Contract:** Adverse Childhood Experiences (ACEs) Aware Network of Care Implementation Grants

**Department/Director:** Educational Services/Brent Malicote

**Funding Source:** Aurrera Health Group, LLC, on behalf of the California Department of Health Care Services

**Amount Requested:** \$3,000,000

**Fiscal Year(s):** 2020-2021, 2021-2022

### **Program Description:**

The Sacramento County Office of Education (SCOE) will utilize implementation grant funds to launch the Sacramento County ACEs Aware Trauma Informed Network of Care Collaborative (SCAATIN OCC), a cross-sector network encompassing representation from all six sectors: healthcare, public health, social services, early childhood, education, and justice. The SCAATIN OCC will use the *Roadmap for Resilience* to guide and inform its work and will implement a comprehensive plan to enhance the connection of Medi-Cal and other health care providers to community resources that incorporate primary, secondary, and tertiary prevention strategies.

The goals are to increase referrals for families to appropriate preventative supports, increase access to Trauma-Informed training in the county, and to increase or enhance diverse resources and supports to prevent or mitigate toxic stress for families, especially those most at risk.

The Early Learning Department has connected and collaborated with the following departments within SCOE for input and inclusion into the SCAATIN OCC:

- Court & Community Schools
- After School Expanded Learning and Development
- Foster Youth and Homeless Services
- Special Education
- School Based Mental Health and Wellness

Partnerships and activities already in place within the county include, but are not limited to, the Early Learning Roadmap and Help Me Grow Sacramento, and will provide a strong foundation for this network.

### **New Positions:**

None

**Subcontracts:**

- Stanford Sierra Youth & Families in the amount of \$75,000 to provide technical assistance, trainings, and consultation services for ACEs Aware Network of Care funded community and partners.
- River City Medical Group in the amount of \$750,000 to develop protocols and systems of care to link patients at risk for, or already experiencing, the harmful consequences of toxic stress.
- 211 in the amount of \$130,000 to participate with the Network of Care, especially with a focus on referral systems, processes, and algorithms to utilize in identifying steps in the referral.
- WarmLine Family Resource Center in the amount of \$150,060 to increase call center support, parent classes, support with IT platform input, and outreach.
- Sacramento Public Health in the amount of \$225,000 to increase connection to Home Visiting for high-risk ACEs Score.
- The Center at Sierra Health Foundation in the amount of \$710,000 to provide Trauma Informed Training for Community Incubator Leads (CIL), cultural brokers, increased family navigation, resources and supports for families in targeted neighborhoods.
- UC Davis in the amount of \$380,593 to provide Preventative Parent Training: PC-CARE services to 20 identified children and their primary caregivers over a six-month period of time either over telehealth (e.g., Zoom) or face-to-face at the school site.

**Evaluation Component:**

- Quarterly quantitative data reports, as specified for each grant type and category
- Narrative progress reports at the mid-point and end of the 12-month contract period
- At the end of each quarter of the contract period, grantee will submit to Aurrera Health Group Consulting a plan for the following quarter of grant activities

**Detailed Budgets Attached**

# SACRAMENTO COUNTY OFFICE OF EDUCATION

## Budget for Grant/Contract for Services

Cash Match Total (if applicable)	
Source of Funds for Cash Match	

Funds (check boxes that apply)

☐ District/Foundation
 ☒ Local
 ☐ State
 ☐ Federal
 ☒ New Grant
 ☐ Continuing Grant

**Grant Title:** Adverse Childhood Experiences (ACEs) Aware Network of Care Implementation Grants

**Contact Person/Dept. /Phone #:** Brent Malicote / Educational Services / (916) 228-2653

**Fiscal Year:** 2020-2021

Category	Grant Authorized Budget	Cash Match/ In-Kind Amount	Total Grant Budget
Salaries - Certificated (FTE): 0.13	16,139		16,139
Salaries - Classified (FTE): 0.23	10,261		10,261
Temporary Employees			0
Employee Benefits	9,183		9,183
Books and Supplies	4,479		4,479
Travel and Conference			0
Subcontracts Not Subject to Indirect	902,903		902,903
Subcontracts Subject to Indirect	175,000		175,000
Other Services / Operating Expenses	115,000		115,000
Communications (postage/phones)	500		500
Printing Services	1,000		1,000
Indirect % 8.90	29,509		29,509
Other:			0
<b>Totals</b>	<b>\$1,263,974</b>	<b>\$0</b>	<b>\$1,263,974</b>

  

Positions included: Title	FTE	Range/Step	Grant Authorized Amount	Cash Match/ In-Kind Amount
Director I	0.03	M40	3,633	
Coordinator	0.10	M36	12,506	
Program Analyst	0.03	36/A	1,518	
Staff Secretary	0.05	23/B	2,307	
Family Advocates (3)	0.15	23/various	6,436	
<b>Totals</b>	<b>0.36</b>		<b>\$26,400</b>	<b>\$0</b>

Revised 07/15

Initials of Grants Financial Staff: HY MS KS

Date: 1/12/21

**SACRAMENTO COUNTY OFFICE OF EDUCATION**  
Budget for Grant/Contract for Services

Cash Match Total (if applicable)	
Source of Funds for Cash Match	

Funds (check boxes that apply)

☐ District/Foundation    ☒ Local    ☐ State    ☐ Federal    ☒ New Grant    ☐ Continuing Grant

**Grant Title:** Adverse Childhood Experiences (ACEs) Aware Network of Care Implementation Grants

**Contact Person/Dept. /Phone #:** Brent Malicote / Educational Services / (916) 228-2653

**Fiscal Year:** 2021-2022

Category	Grant Authorized Budget	Cash Match/ In-Kind Amount	Total Grant Budget
Salaries - Certificated (FTE): 0.24	33,246		33,246
Salaries - Classified (FTE): 0.45	21,255		21,255
Temporary Employees			0
Employee Benefits	17,202		17,202
Books and Supplies	8,957		8,957
Travel and Conference			0
Subcontracts Not Subject to Indirect	1,067,750		1,067,750
Subcontracts Subject to Indirect	380,000		380,000
Other Services / Operating Expenses	150,000		150,000
Communications (postage/phones)	1,000		1,000
Printing Services	2,000		2,000
Indirect % 8.90	54,616		54,616
Other:			0
<b>Totals</b>	<b>\$1,736,026</b>	<b>\$0</b>	<b>\$1,736,026</b>

  

Positions included: Title	FTE	Range/Step	Grant Authorized Amount	Cash Match/ In-Kind Amount
Director I	0.05	M40	7,484	
Coordinator	0.19	M36	25,762	
Program Analyst	0.05	36/B	3,229	
Staff Secretary	0.10	23/C	4,905	
Family Advocates (3)	0.30	23/various	13,121	
<b>Totals</b>	<b>0.69</b>		<b>\$54,501</b>	<b>\$0</b>

Revised 07/15

Initials of Grants Financial Staff: HY MS AS

Date: 1/12/21

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Revisions to Board Policy 1312.3 – Uniform Complaint Procedures	<b>Agenda Item No.:</b> VIII.E. <b>Enclosures:</b> 5
<b>Reason:</b> Second Reading and Adoption of Board Policy Revisions	<b>From:</b> Policy Committee <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

Attached are proposed revisions to Board Policy 1312.3 – Uniform Complaint Procedures. All proposed revisions are indicated by strikeouts and bold underlined additions.

A brief summary of the rationale and basis for the proposed revisions follows:

- Policy changes are proposed to reflect recent changes to the law and CDE requirements.

The Policy Committee reviewed Board Policy 1312.3 – Uniform Complaint Procedures on December 8, 2020 and recommended that the revised policy be presented to the Board for First Reading. The First Reading of the revised policy occurred at the January 12, 2021 meeting.

**SUPERINTENDENT’S RECOMMENDATION:**

The Superintendent recommends that the Board of Education hear the Second Reading and adopt the proposed revisions to Board Policy 1312.3 – Uniform Complaint Procedures.



# DRAFT

## 1000 – COMMUNITY RELATIONS

### **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3**

(Page 1 of 5)

The Sacramento County Office of Education (SCOE) has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. SCOE shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, retaliation or bullying in SCOE educational programs in accordance with SCOE's Uniform Complaint Procedures.

Uniform Complaint Procedures shall also be used to address complaints alleging that SCOE has violated federal or state laws or regulations governing academic or educational programs, including:

- accommodations for pregnant and parenting pupils;
- after school education and safety programs;
- agricultural career technical education;
- the prohibition against charging pupil fees for participation in educational activities;
- the requirements for the development and adoption of a school safety plan;
- the requirements for Local Control and Accountability Plans;
- adult education;
- career technical education and training programs (Career Technical and Technical Education, Career Technical, Technical Training [state] and Career Technical Education [federal]);
- migrant education;
- child care and development programs;
- compensatory education;
- **consolidated categorical aid programs:**
- course periods without educational content;
- education of pupils in foster care;
- credit and graduation requirements for pupils who are homeless, former and current juvenile court school pupils, children of military families, pupils who are migratory children, and pupils participating in a newcomer program;
- Every Student Succeeds Act;
- physical education and instructional minutes;
- reasonable accommodations to a lactating pupil;
- regional occupational centers and programs;
- school plans for pupil achievement;
- school site councils;
- state preschool; and
- state preschool health and safety issues.

# DRAFT

## 1000 – COMMUNITY RELATIONS

### **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3**

(Page 2 of 5)

The Superintendent or designee may utilize the Uniform Complaint Procedures as appropriate to address other concerns or complaints received regarding the operation of SCOE that would not otherwise fall within the parameters of this policy.

Complaints shall be submitted in writing **and investigated** in accordance with Uniform Complaint Procedures set forth in ARR 1312.3.

The Board prohibits any form of retaliation for the filing of a complaint, the reporting of instances of discrimination, or for participating in the complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant. To the fullest possible extent, SCOE personnel shall ensure that complainants are protected from retaliation.

~~Complaints shall be investigated in a manner that protects the confidentiality of the parties to the extent possible and maintains the integrity of the process. The identity of the complainant will be kept confidential as appropriate when investigating allegations of discrimination, harassment, intimidation, retaliation or bullying.~~

The Board encourages the early, informal resolution of complaints at the site level whenever possible. Furthermore, the Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with Uniform Complaint Procedures, whenever all parties to a complaint agree to try resolving their issues through mediation, the Sacramento County Superintendent of Schools (Superintendent) or designee shall initiate a mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Annually, Uniform Complaint Procedures shall be disseminated to all pupils, employees, parents and/or guardians, school councils, advisory councils, and other interested parties and shall include information regarding allegations about discrimination, harassment, intimidation and bullying.

The *Williams* Uniform Complaint Procedures, ARR 1312.4, shall be used to investigate and resolve any complaint related to the following:

- Sufficiency of textbooks or instructional material;
- ~~Emergency or urgent f~~ Facilities conditions that pose a threat to the health or safety of pupils or staff;
- Teacher vacancies and misassignments.

# DRAFT

## 1000 – COMMUNITY RELATIONS

### **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3**

(Page 3 of 5)

#### Legal References:

##### EDUCATION CODE

200-262.4 Educational equity

222 Reasonable accommodations; lactating pupils

8200-8498 Child Care and Development Services Act

8482-8484.65 After school education and safety

8500-8538 Adult education

32280-32289 School safety plan

35186 Complaints concerning deficiencies related to instructional materials, emergency or urgent facilities conditions, teacher vacancy or misassignments

46015 Pregnant and parenting pupils; accommodation rights

48645.7 Juvenile court school pupils, diploma and continued education options

48853-48853.5 Foster youth

48985 Notices to parents in language other than English

49010-49011 Pupil fees

49060-49079 Pupil records

49069.5 Timely preparation and transfer of pupil records

51210 Course of study grades 1-6; noncompliance complaints

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school pupils, children of military families, pupils who are migratory child, and pupils participating in a newcomer program

51226-51226.1 Career technical education (federal)

51228.1-51228.3 Course periods without educational content

52075 Complaint for lack of compliance with local control and accountability plans

52300-52490 Career technical education (state)

52460-52462 Agricultural career technical education

52500-52616.24 Adult schools

54400-54425 Compensatory education programs

54440-54445 Migrant education

64001 School plans for pupil achievement

##### HEALTH AND SAFETY CODE

1596.7925 Regulations for state preschool programs

##### GOVERNMENT CODE

11135 Discrimination

12900-12996 Fair Employment and Housing Act

# DRAFT

## 1000 – COMMUNITY RELATIONS

### **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3**

(Page 4 of 5)

#### PENAL CODE

422.55 Hate crime definition

422.6 Interference with constitutional right or privilege

#### TITLE 20, UNITED STATES CODE

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Improving the academic achievement of the disadvantaged

6801-7014 Language instruction for limited English proficient and immigrant pupils

#### CALIFORNIA CODE OF REGULATIONS, TITLE 5

3080 Procedural safeguard general provisions

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination and educational equity

03/09/95	Draft
05/02/95	First Reading
05/23/95	Second Reading and Approval
03/04/03	Draft Revisions
03/12/03	Reviewed by Legal Counsel
03/18/03	Reviewed by Policy Committee
04/01/03	First Reading
04/15/03	Second Reading and Approval
04/16/03	Distribution
02/23/05	First Reading
03/23/05	Second Reading and Approval
04/18/07	Policy Committee
04/25/07	First Reading
05/09/07	Second Reading and Approval
02/03/09	Review by Policy Committee
03/17/09	Review by Policy Committee
04/07/09	First Reading
04/21/09	Second Reading and Adoption (formerly BP 1322)
04/24/09	Distribution
05/07/13	Review by Policy Committee
06/04/13	First Reading
06/18/13	Second Reading and Adoption
07/01/13	Distribution
06/10/14	Reviewed by Policy Committee
06/24/14	First Reading

# DRAFT

## 1000 – COMMUNITY RELATIONS

### **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3**

(Page 5 of 5)

07/15/14	Second Reading and Adoption
07/16/14	Distribution
10/04/16	Reviewed by Policy Committee
11/15/16	First Reading
12/13/16	Second Reading and Adoption
12/14/16	Distribution
04/17/18	Reviewed by Policy Committee
06/12/18	First Reading
06/26/18	Second Reading and Adoption
06/29/18	Distribution
12/10/19	Reviewed by Policy Committee
01/14/20	First Reading
02/04/20	Second Reading and Adoption
02/27/20	Distribution
<b><u>12/08/20</u></b>	<b><u>Reviewed by Policy Committee</u></b>
<b><u>01/12/21</u></b>	<b><u>First Reading</u></b>
<b><u>02/02/21</u></b>	<b><u>Second Reading and Adoption</u></b>

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Revisions to Board Policy 5145.3 – Prohibition on Discrimination and Harassment	<b>Agenda Item No.:</b> VIII.F. <b>Enclosures:</b> 5
<b>Reason:</b> Second Reading and Adoption of Board Policy Revisions	<b>From:</b> Policy Committee <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

Attached are proposed revisions to Board Policy 5145.3 – Prohibition on Discrimination and Harassment. All proposed revisions are indicated by strikeouts and bold underlined additions.

A brief summary of the rationale and basis for the proposed revisions follows:

- The proposed policy revisions reflect the creation of new Board Policy 5145.7 (Prohibition on Sexual Harassment) and clarify grievance procedures so they are consistent with current law.

The Policy Committee reviewed Board Policy 5145.3 – Prohibition on Discrimination and Harassment on December 8, 2020 and recommended that the revised policy be presented to the Board for First Reading. The First Reading of the revised policy occurred at the January 12, 2021 meeting.

**SUPERINTENDENT’S RECOMMENDATION:**

The Superintendent recommends that the Board of Education hear the Second Reading and adopt the proposed revisions to Board Policy 5145.3 – Prohibition on Discrimination and Harassment.

# DRAFT

## 5000 – STUDENTS

### **PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES**

**BP 5145.3**

(Page 1 of 5)

The Sacramento County Board of Education (Board) is committed to providing a safe school environment that allows all pupils equal access and opportunities in the Sacramento County Office of Education's (SCOE) academic and other educational support programs, services, and activities. All individuals shall be treated equitably in the receipt of SCOE services. This policy applies to all acts related to school activity or school attendance occurring within SCOE's schools or educational programs and to those acts that occur outside of school activities but may create a hostile environment at school.

The Board prohibits, at any school, or school-sponsored or school-related activity, unlawful discrimination, harassment, intimidation, and bullying of any pupil based on the pupil's actual race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, genetic information, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, and all other circumstances specified in law, as applicable. ~~As used herein, the prohibition against "harassment" shall include the prohibition against sexual harassment of pupils at school or at a school-sponsored or school-related activity.~~ The term "immigration status" encompasses citizenship status and includes a prohibition against unlawful discrimination for not providing information regarding a pupil's immigration status, citizenship status, or national origin. **Sexual harassment is specifically addressed in Board Policy 5145.7: Prohibition on Sexual Harassment.**

Transgender and gender variant pupils shall be allowed to access SCOE programs and facilities in accordance with their gender identity, irrespective of the gender listed on their pupil records to the extent consistent with federal and state laws, policies of Probation, any court orders, and legal settlements.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that affects a pupil's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a pupil's academic performance; or otherwise adversely affects a pupil's educational opportunities.

The Board also prohibits any form of retaliation against any pupil who files a complaint or report, testifies, or otherwise participates in the complaint process for a complaint regarding an incident of discrimination, harassment, intimidation, or bullying.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES

BP 5145.3

(Page 2 of 5)

SCOE staff shall provide pupils with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

The Sacramento County Superintendent of Schools (Superintendent) or designee shall provide age-appropriate training and/or information to pupils, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the Board's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

Pupils who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline.

When employees and volunteers provide instruction, guidance, supervision, or other services to SCOE pupils and parents/guardians, they shall carefully guard against stereotyping or inappropriately segregating pupils.

SCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

Individuals with disabilities and/or parents/guardians shall notify the Superintendent or principal if they have a disability that requires reasonable accommodation. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

#### Grievance Procedures

SCOE shall investigate and resolve complaints of discrimination, harassment, intimidation, retaliation or bullying related to school activity or attendance at SCOE's schools in accordance with SCOE's Uniform Complaint Procedures (**UCP**). ~~Such complaints and allegations shall be kept confidential except as necessary to carry out the investigation or take other necessary action.~~ **For complaints that do not comply with the UCP formal filing requirements, SCOE has discretion to investigate the allegations and resolve appropriately.**



# DRAFT

## 5000 – STUDENTS

### **PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES**

**BP 5145.3**

(Page 3 of 5)

#### Notice

The Superintendent or designee shall notify pupils, parents/guardians, and applicants for admission about SCOE's nondiscrimination policy. Parents and guardians will be informed of their children's right to free public education, regardless of their immigration status, religious beliefs, or association with any other protected class. This will include dissemination of educational rights information issued by the California Attorney General or other comparable information.

Future publications of the pupil handbook and annual parent notices will clearly describe SCOE's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, retaliation or bullying; and the resources that are available to pupils who believe that they have been the victim of any such behavior. SCOE's policy shall also be posted on SCOE's website or in other locations that are easily accessible to pupils.

The nondiscrimination policy and related informational materials shall be published, when required by law, in a language other than English.

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#### Legal References:

##### CIVIL CODE

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

##### EDUCATION CODE

200-262.4 Prohibition of discrimination  
48900-48927 Suspension and expulsion  
48980 Notice at beginning of term  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51007 Legislative intent: state policy  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES

**BP 5145.3**

(Page 4 of 5)

#### GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by the state

11138 Rules and regulations

54953.2 Brown Act compliance with Americans with Disabilities Act

#### PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

#### TITLE 20, UNITED STATES CODE

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

#### TITLE 29, UNITED STATES CODE

794 Section 504 of the Rehabilitation Act of 1973

#### TITLE 42, UNITED STATES CODE

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

12101-12213 Americans with Disabilities Act

#### TITLE 5, CALIFORNIA CODE OF REGULATIONS

4600-4671 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### TITLE 28, CODE OF FEDERAL REGULATIONS

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

#### TITLE 34, CODE OF FEDERAL REGULATIONS

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.71 Nondiscrimination on the basis of sex in education programs

# DRAFT

## 5000 – STUDENTS

### **PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES**

**BP 5145.3**

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07/02/12	Drafted
07/17/12	Reviewed by Policy Committee
08/14/12	First Reading
09/04/12	Second Reading and Adoption
09/24/12	Distribution
05/07/13	Reviewed by Policy Committee
06/04/13	First Reading
06/18/13	Second Reading and Adoption
07/01/13	Distribution
11/17/15	Reviewed by Policy Committee
12/15/15	Reviewed by Policy Committee
02/02/16	First Reading
02/16/16	Second Reading and Adoption
02/24/16	Distribution
10/04/16	Reviewed by Policy Committee
11/15/16	First Reading
12/13/16	Second Reading and Adoption
12/14/16	Distribution
04/17/18	Reviewed by Policy Committee
06/12/18	Reviewed by Policy Committee
06/26/18	First Reading
07/10/18	Second Reading and Adoption
07/13/18	Distribution
<b><u>12/08/20</u></b>	<b><u>Reviewed by Policy Committee</u></b>
<b><u>01/12/21</u></b>	<b><u>First Reading</u></b>
<b><u>02/02/21</u></b>	<b><u>Second Reading and Adoption</u></b>

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> New Board Policy 5145.7 – Prohibition on Sexual Harassment	<b>Agenda Item No.:</b> VIII.G. <b>Enclosures:</b> 4
<b>Reason:</b> Second Reading and Adoption of Board Policy Revisions	<b>From:</b> Policy Committee <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

Attached is the proposed New Board Policy 5145.7 – Prohibition on Sexual Harassment. All proposed revisions are indicated by strikeouts and bold underlined additions.

A brief summary of the rationale and basis for the proposed revisions follows:

- This policy is created to comply with recent changes in Title IX regulations.

The Policy Committee reviewed Board Policy 5145.7 – Prohibition on Sexual Harassment on December 8, 2020 and recommended that the revised policy be presented to the Board for First Reading. The First Reading of the revised policy occurred at the January 12, 2021 meeting.

**SUPERINTENDENT’S RECOMMENDATION:**

The Superintendent recommends that the Board of Education hear the Second Reading and adopt the proposed revisions to new Board Policy 5145.7 – Prohibition on Sexual Harassment.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

BP 5145.7

(Page 1 of 4)

The Sacramento County Board of Education (Board) prohibits sexual harassment targeting any person at any Sacramento County Office of Education (SCOE) school, or school-sponsored or school-related activity. This policy also applies to acts that occur outside of school activities but may create a hostile environment at school.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a pupil's academic status or progress.
2. Submission to or rejection of the conduct by a pupil is used as the basis for academic decisions affecting the pupil.
3. The conduct has the purpose or effect of having a negative impact on the pupil's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the pupil is used as the basis for any decision affecting the pupil regarding benefits and services, honors, programs, or activities available at or through any SCOE program or activity.

The Board also prohibits any form of retaliation against any person who files a complaint or report, testifies, or otherwise participates in the process for a complaint alleging sexual harassment.

The Superintendent or designee will appoint an individual to coordinate SCOE's efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints (Title IX Coordinator). The contact information for the Title IX Coordinator as well as the rules and procedures for resolving sexual harassment complaints are set forth in the accompanying regulation, ARR 5145.7.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

BP 5145.7

(Page 2 of 4)

#### Grievance Procedures

Pupils who feel that they are being or have been sexually harassed by another pupil or an adult in a SCOE setting, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

The Title IX Coordinator will ensure that all complaints of sexual harassment related to SCOE's schools or programs are investigated and resolved in accordance with ARR 5145.7 and applicable law. Depending on the circumstances of the complaint, the Title IX Coordinator will follow Title IX Regulations or SCOE's Uniform Complaint Procedures to address each complaint. The Title IX Coordinator shall provide supportive measures to pupils involved in the complaint process, as set forth in ARR 5145.7.

Persons who are found to have engaged in sexual harassment or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline.

#### Prevention and Education and Training

To the extent possible, SCOE schools shall focus on the prevention of sexual harassment by establishing clear rules for pupil conduct and implementing strategies to promote a positive, collaborative school climate.

The Superintendent or designee shall ensure that all SCOE pupils receive age-appropriate information on sexual harassment and that all SCOE staff are trained on SCOE's policy.

When employees and volunteers provide instruction, guidance, supervision, or other services to SCOE pupils and parents/guardians, they shall carefully guard against stereotyping or inappropriately segregating pupils.

# **DRAFT**

## **5000 – STUDENTS**

### **PROHIBITION ON SEXUAL HARASSMENT**

**BP 5145.7**

(Page 3 of 4)

#### **Notice**

The Superintendent or designee shall notify pupils, parents/guardians, and applicants for admission about SCOE's sexual harassment policy in SCOE's annual parent notices. The policy will also be posted in a prominent location on SCOE's website and be displayed in a prominent location in the main administrative building or other area where notices of SCOE's rules, regulations, procedures, and standards of conduct are posted.

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#### **Legal References:**

##### **CIVIL CODE**

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

##### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

48900-48927 Suspension and expulsion

48980 Notice at beginning of term

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51007 Legislative intent: state policy

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

##### **GOVERNMENT CODE**

11000 Definitions

11135 Nondiscrimination in programs or activities funded by the state

11138 Rules and regulations

54953.2 Brown Act compliance with Americans with Disabilities Act

##### **PENAL CODE**

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

##### **TITLE 20, UNITED STATES CODE**

1681-1688 Discrimination based on sex or blindness, Title IX

**DRAFT**  
**5000 – STUDENTS**

**PROHIBITION ON SEXUAL HARASSMENT**

**BP 5145.7**  
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**TITLE 42, UNITED STATES CODE**

**1983 Civil action for deprivation of rights**

**2000d-2000d-7 Title VI, Civil Rights Act of 1964**

**TITLE 5, CALIFORNIA CODE OF REGULATIONS**

**4600-4671 Uniform Complaint Procedures**

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

**4916 Sexual harassment definitions**

**TITLE 34, CODE OF FEDERAL REGULATIONS**

**100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI**

**104.1-104.39 Section 504 of the Rehabilitation Act of 1973**

**106.1-106.71 Nondiscrimination on the basis of sex in education programs**

**12/08/20      Reviewed by Policy Committee**

**01/12/21      First Reading**



**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Revisions to Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures	<b>Agenda Item No.:</b> VIII.H. <b>Enclosures:</b> 17
<b>Reason:</b> Informational	<b>From:</b> David W. Gordon <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

The Sacramento County Office of Education (SCOE) and the Sacramento County Superintendent of Schools have revised the attached Administrative Rules and Regulations (ARR) 1312.3 – Uniform Complaint Procedures. ARR changes are proposed to reflect recent changes to the law and CDE requirements.

This item is provided for information, and no action is required by the Board.

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## 1000 - COMMUNITY RELATIONS

### UNIFORM COMPLAINT PROCEDURES

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These Uniform Complaint Procedures shall be used to investigate and resolve complaints alleging violations of federal or state laws as specified in BP 1312.3 and discussed herein.

#### I. Compliance Officer or Designee

The Sacramento County Office of Education (SCOE) has designated the following **its Title IX Coordinator as its** Compliance Officer ~~or designee~~ to receive and investigate complaints and ensure SCOE's compliance with law. ~~Deputy Superintendent (or such other person designated by the Sacramento County Superintendent of Schools (Superintendent))~~ **complianceofficer@scoe.net**, 10474 Mather Boulevard, Mather, CA 95655, P.O. Box 269003, Sacramento, CA 95826-9003; (916) 228-2409**201**. ~~complianceofficer@scoe.net.~~

The Compliance Officer or designee shall maintain a record of each complaint and subsequent related actions, as required by law, including all information required for compliance with California Code of Regulations, title 5, sections 4631 and 4633. (See, Ed. Code, § 234.1.) All complaints and responses are public records, unless otherwise provided by law.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee. (Cal. Code Regs., tit. 5, § 4621.)

#### II. Notifications

The Superintendent or designee will annually disseminate a written notice of SOCE's Uniform Complaint Procedures (Annual Notice) to all pupils, employees, parents or guardians of its pupils, school and SCOE advisory committee members, appropriate private school officials or representatives, and other interested parties as appropriate. **The notice may be available on SCOE's website.**

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The Annual Notice will include the list of all federal and state programs within the scope of the UCP and information regarding allegations about discrimination, harassment, intimidation, or bullying. It will also include the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known and a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs they are assigned to investigate. ~~information regarding the requirements of Education Code section 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code section 52075 relating to Local Control and Accountability Plans (LCAP).~~

SCOE's Annual Notice shall be in English, and, when necessary, in the primary language of the pupils (if 15 percent or more of pupils enrolled in a particular school speak a single primary language other than English) or the mode of communication of the recipient of the notice. (Ed. Code, § 48985; Cal. Code Regs., tit. 5, § 4622.)

~~SCOE will have a notice posted in each California state preschool program classroom and in each SCOE school that helps identify the appropriate subjects of complaints regarding state preschool health and safety issues. It will notify parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to Health and Safety Code section 1596.7925 and (2) where to get a form for a complaint related to state preschool health and safety issues.~~

### III. Scope of Uniform Complaint Procedures

- A. SCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Uniform Complaint Procedures will be used for any claim alleging noncompliance with laws relating to all programs and activities implemented by SCOE that are subject to the Uniform Complaint Procedures. All complainants are protected from retaliation.
- B. The Uniform Complaint Procedures shall be used to address complaints that allege that SCOE has violated federal or state laws or regulations governing academic and educational programs, including:
  - 1. Accommodations for pregnant and parenting pupils (Ed. Code, § 46015)

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2. Adult education (Ed. Code, §§ 8500-8538, 52334.7, 52500-52616.4)
3. After school education and safety (Ed. Code, §§ 8482-8484.65)
4. Agricultural career technical education (Ed. Code, §§ 52460-52462)
5. Career technical and technical education; career technical; technical training (state) (Ed. Code, §§ 52300-52462)
6. Career technical education (federal) (Ed. Code, §§ 51226-51226.1)
7. Child care and development (Ed. Code, §§ 8200-8493)
8. Compensatory education (Ed. Code, § 54400)
9. **Consolidated Categorical Aid Programs (Ed. Code, § 33315)**
10. Course periods without educational content (Ed. Code, §§ 51228.1-51228.3)
11. **Education and graduation requirements for** of pupils in foster care, pupils who are homeless, current juvenile court school pupils, former juvenile court pupils now enrolled in a SCOE school, pupils of military families, pupil who is a migratory child, and pupil participating in a newcomer program (Ed. Code, §§ 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (20 U.S.C. § 6301 et seq.)
13. Local control and accountability plans (LCAP) (Ed. Code, § 52075)
14. Migrant education (Ed. Code, §§ 54440-54445)
15. Physical education instructional minutes (Ed. Code, §§ 51210, 51223)
16. Pupil fees (Ed. Code, §§ 49010-49011)
17. Reasonable accommodations to a lactating pupil (Ed. Code, § 222)
18. Regional occupational centers and programs (Ed. Code, §§ 52300-52334.7)

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19. School plans for student achievement (Ed. Code, § 64001)
  20. School safety plans (Ed. Code, §§ 32280-32289)
  21. School site councils (Ed. Code, § 65000)
  22. State preschool (Ed. Code, § 8235-8239.1)
  23. State preschool health and safety issues in LEAs exempt from licensing (Ed. Code, §§ 8235.5, 33315; Health & Saf. Code, § 1596.7925)
  24. **Any other state or federal educational programs the State Superintendent of Public Instruction (SSPI) or designee deems appropriate (Ed. Code, § 33315)**
  25. Other complaints or concerns received regarding the operation of SCOE, at the discretion of the Superintendent or designee.<sup>1</sup>
- B. SCOE will also use its Uniform Complaint Procedures when addressing allegations of:
1. Unlawful discrimination harassment, intimidation, retaliation, or bullying against any protected group on the basis of any actual or perceived characteristic in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55 including: age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnicity, race, ancestry, national origin, immigration status, ethnic group identification, nationality, religion, color, or mental or physical disability; or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by ~~a local agency~~ **an educational institution as defined in Education Code section 210.3** that is funded by, or receives or benefits from, any state financial assistance. (Cal. Code Regs., tit. 5, § 4610.)

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<sup>1</sup> SCOE does not offer all of these programs, but CDE requires the complete list to be included. The Superintendent may also choose to utilize the Uniform Complaint Procedure for other complaints that do not fall within the specific categories listed within this ~~policy~~ **ARR**.

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2. Violations of SCOE Board Policies prohibiting discrimination, harassment, intimidation, or bullying in SCOE educational programs.
- C. These Uniform Complaint Procedures may also be used to file complaints with SCOE or to appeal SCOE decisions that concern unlawful discrimination in SCOE's educational programs under federal law, including:
  1. Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 (ADA) for charges of discrimination based on physical or mental disability.
  2. Title IX of the Education Amendments of 1972 for charges of discrimination based on sex, including charges of sexual harassment.
- D. The following complaints are not subject to SCOE's Uniform Complaint Procedures:
  1. Allegations of child abuse shall be referred to the applicable County Department of Child Protective Services or to the appropriate law enforcement agency.
  2. Health and safety complaints regarding a Child Development Program shall be referred to the Sacramento County Department of Health and Human Services for licensed facilities and to the appropriate Child Development regional administrator for licensing exempt facilities.
  3. Allegations of unlawful employment discrimination shall be resolved in accordance with SCOE's employee complaint resolution procedures in SP 1006 and SP 1006.1 and may be filed with the State Department of Fair Employment and Housing (DFEH).
  4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in CDE. (Cal. Code Regs., tit. 5, § 4611.)

#### IV. Procedures

##### A. Step 1: Filing of Complaint

1. Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs, as set forth above.

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Except as ~~otherwise~~ stated below, the complaint shall be presented to SCOE's Compliance Officer or designee **not later than one year from the date the alleged violation occurred unless otherwise provided by law. The Compliance Officer** ~~who~~ shall maintain a log of complaints received, including the date of receipt.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCOE staff shall assist the complainant in the filing of the complaint. (Cal. Code Regs., tit. 5, § 4600.)

2. Unlawful Discrimination, Harassment, Intimidation, Retaliation, and Bullying. A complaint concerning unlawful discrimination, harassment, intimidation, retaliation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, retaliation, or bullying; or by a person who believes that an individual or specific class of individuals has been subjected to it; **or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, § 4630.)**

When the complainant or the alleged victim requests confidentiality, the Compliance Officer shall inform the requester that the request may limit SCOE's ability to investigate or take other necessary action. SCOE will, nevertheless, take all reasonable steps to investigate and respond to the complaint **to the extent possible**. ~~The identity of the complainant and/or alleged victim will be kept confidential as appropriate.~~

A complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, retaliation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, retaliation, or bullying. However, upon written request by the complainant, the Superintendent or designee may, for good cause, extend in writing the filing period for up to 90 calendar days. (Cal. Code Regs., tit. 5, § 4630.)

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3. Pupil Fees. A complaint alleging noncompliance with the law prohibiting pupils to pay pupil fees must be filed within one year of the alleged violation. (Cal. Code Regs., tit. 5, § 4630.) Complaints regarding the unlawful charging of pupil fees may be filed with the school principal, Superintendent, or Compliance Officer.

Pupil fee and LCAP complaints may be filed anonymously, **that is, without an identifying signature**, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Ed. Code, §§ 49013, 52075; Cal. Code Regs., tit. 5, § 4630.)

4. **LCAP. For complaints relating to the LCAP, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that SCOE adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Ed. Code, § 52075; Cal. Code Regs., tit. 5, § 4630.)**

- ~~5. State Preschool Health and Safety Issues. Uniform Complaints regarding state preschool health and safety issues pursuant to Health and Safety Code section 1596.7925 (state preschool health and safety issues complaint) may be filed with the preschool program administrator or designee.~~

~~A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate local educational agency official for resolution.~~

~~The complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if so requested. A complaint form shall include a space to indicate whether a response is requested.~~

~~A state preschool health and safety issues complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.~~



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#### B. Step 2: Investigation of Complaint

1. The Compliance Officer or designee shall provide the complainant and/or the complainant's representative an opportunity to present any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer or designee also shall collect documents and interview witnesses with information pertinent to the complaint. The Compliance Officer may implement interim measures, as appropriate, pending the outcome of the investigation.
2. A complainant's refusal to provide the SCOE Compliance Officer or designee with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (Cal. Code Regs., tit. 5, § 4631.)
3. In accordance with law, SCOE shall provide the Compliance Officer or designee with access to records and other information related to the allegation in the complaint, shall cooperate in the investigation, and shall not in any way obstruct the investigation. Failure or refusal to comply with this requirement may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (Cal. Code Regs., tit. 5, § 4631.)
4. Investigations of discrimination, harassment, intimidation, retaliation, and bullying complaints shall be conducted in a manner that protects the confidentiality of the parties to the extent permitted by law (including their immigration status) and the integrity of the process. (Cal. Code Regs., tit. 5, § 4630.)
5. ~~The preschool program administrator or designee shall make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint. (Ed. Code, § 8235.5.)~~

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#### C. Step 3: Written Response

Unless extended by written agreement with the complainant, the SCOE Compliance Officer or designee shall prepare and send to the complainant a written report of SCOE's decision within 60 days of receiving the complaint unless otherwise stated herein or required by law. If the parties choose to participate in mediation, mediation will not extend the 60-day timeline to respond unless the complainant agrees in writing to the extension.

~~The investigator of a state preschool health and safety issues complaint will report to the complainant the resolution of the complaint within 45 working days of the initial filing when a response is requested. If the preschool program administrator makes this report, the administrator shall also report the same information in the same timeframe to the Compliance Officer.~~

A Uniform Complaint Procedures report shall be in writing and sent to the complainant. The decision shall be written in English and in the language of the complainant whenever feasible or required by law.

For all complaints, the report shall include:

1. the findings of fact based on the evidence gathered,
2. ~~conclusion(s) of law~~ **a conclusion that provides a clear determination for each allegation as to whether SCOE is in compliance with the relevant law,**
3. ~~disposition of the complaint,~~
4. ~~the rationale for such disposition,~~
5. corrective actions; **if SCOE finds merit in a complaint,** ~~if any are warranted,~~
6. notice of the complainant's right to appeal SCOE's decision ~~within 15 days to CDE,~~
7. procedures to be followed for initiating an appeal to CDE. (Cal. Code Regs., tit. 5, § 4631.)

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In addition, any decision concerning a discrimination complaint based on State law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies. (Ed. Code, § 262.3.)

#### D. Step 4: Remedy

If a complaint alleging noncompliance with the laws regarding LCAP requirements, physical education instructional minutes (grades one through eight), **course periods without educational content**, and/or pupil fees is found to have merit, SCOE shall provide a remedy to all affected pupils and parents/guardians. (Ed. Code, §§ 49013, **51222**, 51223, 52075.) **With respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, SCOE shall attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.** ~~Where applicable, this shall include reasonable efforts to reimburse pupil fees. Reasonable efforts means good faith attempts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.~~ (Ed. Code, § 49013; Cal. Code Regs., tit. 5, § 4600.)

**For all other complaints within the scope of the UCP, the remedy shall go to the affected pupil.**

~~If SCOE finds merit in a complaint regarding reasonable accommodations to a lactating pupil, course periods without educational content (grades 9 through 12), and/or education of pupils in foster care, pupils who are homeless, current or former juvenile court school pupils, pupils in military families, pupils who are migratory children, and pupils participating in a newcomer program, the remedy shall go to the affected pupil. (Ed. Code, §§ 222, 48645.7, 51225.2, 51228.3.)~~

~~The investigator of a state preschool health and safety issue shall remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. A complainant not satisfied with the resolution of a complaint regarding state preschool health and safety issues by the preschool program administrator or SCOE's Compliance Officer has the right to describe the complaint to SCOE's board at a regularly scheduled hearing.~~

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#### E. Step 5: Appeals to the California Department of Education

If dissatisfied with SCOE's decision, the complainant may appeal in writing to CDE within 45 **30** days of receiving SCOE's written **report** ~~decision~~, except for state preschool health and safety issues. (Cal. Code Regs., tit. 5, § 4632.) ~~To appeal SCOE's decision of state preschool health and safety issues the complainant must file a written appeal within 30 days of receiving the decision to the State Superintendent of Public Instruction (State Superintendent).~~

When appealing to CDE, the complainant must specify the reason(s) for appealing SCOE's decision, **including at least one of the following**; ~~and whether the facts are incorrect and/or the law has been misapplied.~~

1. **SCOE failed to follow its complaint procedures, and/or**
2. **SCOE's report lacks material findings of fact necessary to reach a conclusion of law, and/or**
3. **the material findings of fact in SCOE's report are not supported by substantial evidence, and/or**
4. **the legal conclusion in the report is inconsistent with the law, and/or**
5. **in a case in which SCOE found noncompliance, the corrective actions fail to provide a proper remedy.**

The appeal must include a copy of the locally filed complaint and SCOE's ~~decision~~ **report**. (Cal. Code Regs., tit. 5, § 4632.)

Upon notification by CDE that the complainant has appealed SCOE's decision, the Superintendent or designee shall forward the following documents to CDE **within 10 days**:

1. A copy of the original complaint;
2. A copy of the decision **report**;
3. ~~3. A summary of the nature and extent of the investigation conducted by SCOE, if not covered by the decision;~~

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3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the SCOE Compliance Officer or designee;
4. A report of any action taken to resolve the complaint;
5. A copy of SCOE's Uniform Complaint Procedures;
6. Other relevant information requested by CDE. (Cal. Code Regs., tit. 5, § 4633.)

~~For appeals to the State Superintendent regarding a SCOE decision on state preschool health and safety issues, the State Superintendent shall comply with the requirements of 5 CCR section 4633 and shall provide an investigation report to the State Board of Education describing the basis for the complaint, SCOE's response to the state preschool health and safety issues complaint, and the remedy or proposed remedy.~~

#### ~~F. Step 6: Report to SCOE's Board~~

~~SCOE's Compliance Officer shall publicly report summarized data on the nature and resolution of all state preschool health and safety complaints on a quarterly basis to the Superintendent and Board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Ed. Code, § 8235.5)~~

#### V. Civil Law Remedies

A complainant may pursue available civil law remedies outside of SCOE's complaint procedures under state or federal discrimination, harassment, intimidation or bullying laws. ~~Complainants may seek assistance from mediation centers or public/private interest attorneys.~~ Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

~~For discrimination complaints based on State law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies, provided SCOE has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with California Code of Regulations, title 5, section 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Ed. Code, § 262.3)~~

# DRAFT

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**ARR 1312.3**

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08/03/92	Draft
11/03/92	Revised
12/08/92	Reviewed
03/09/95	Revised
05/25/95	Distributed
02/28/03	Draft Revisions
05/18/03	Revised
06/08/07	Distributed to Policy Committee
06/13/07	Reviewed by Board
06/11/13	Reviewed by Cabinet
06/18/13	Reviewed by Board of Education
07/01/13	Distribution
06/18/14	Reviewed by Cabinet
06/24/14	Reviewed by Board
06/27/14	Distribution
09/29/15	Reviewed by Cabinet
09/30/15	Technical Correction and Distribution
11/22/16	Reviewed by Cabinet
12/13/16	Reviewed by Board of Education
12/14/16	Distribution
03/27/18	Reviewed by Cabinet
06/26/18	Reviewed by Board of Education
06/29/18	Distribution
01/21/20	Reviewed by Cabinet
02/04/20	Reviewed by Board of Education
02/27/20	Distribution
<b><u>01/12/21</u></b>	<b><u>Reviewed by Cabinet</u></b>
<b><u>02/02/21</u></b>	<b><u>Reviewed by Board of Education</u></b>



## UNIFORM COMPLAINT PROCEDURES FORM (NON-WILLIAMS)\*

Last Name \_\_\_\_\_ First Name/MI \_\_\_\_\_

Pupil Name (if applicable) \_\_\_\_\_

Street Address/Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Message/Work Phone \_\_\_\_\_

School/Office of Alleged Violation \_\_\_\_\_

You are filing this complaint on behalf of:

- ☐ yourself
- ☐ your child
- ☐ another student
- ☐ a group
- ☐ other \_\_\_\_\_ (Specify)

\*There is a separate form available for complaints regarding instructional materials, facility conditions, and teacher assignments. A written complaint will not be rejected because the form is not used.

### Section 1

**Please check the box that appropriately refers to your complaint. For complaints regarding discrimination, harassment, intimidation, and bullying, complete Section 2.**

- ☐ Accommodations for Pregnant and Parenting Pupils
- ☐ Adult Education
- ☐ After School Education and Safety
- ☐ Agricultural Career Technical Education
- ☐ **Consolidated Categorical Aid Program**
- ☐ Career Technical Education and Training Programs (State/Federal)
- ☐ Child Care and Development
- ☐ Civil Rights Guarantees
- ☐ Compensatory Education

- ☐ Course Periods Without Educational Content
- ☐ Every Student Succeeds Act
- ☐ Former/Current Juvenile Court School Education
- ☐ Foster Youth Education
- ☐ Homeless Pupil Education
- ☐ Local Control and Accountability Plans
- ☐ Military Family Pupil Education
- ☐ Migrant Pupil Education
- ☐ Newcomer Program
- ☐ Physical Education Instructional Minutes
- ☐ Pupil Fees
- ☐ Reasonable Accommodation to Lactating Pupil
- ☐ Regional Occupational Centers and Programs
- ☐ School Plans for Pupil Achievement
- ☐ School Safety Plans
- ☐ School Site Councils
- ☐ Section 504 of the Rehabilitation Act of 1973
- ☐ State Preschool (file with program administrator)
- ☐ Other \_\_\_\_\_

## **Section 2**

**Check if your complaint is regarding:**

- ☐ Discrimination
- ☐ Harassment
- ☐ Intimidation
- ☐ Bullying

**Check below the boxes that reflect the basis of your complaint.**

- ☐ Age
- ☐ Sex
- ☐ Sexual Harassment
- ☐ Sexual Orientation



- ☐ Gender
- ☐ Gender Identity
- ☐ Gender Expression
- ☐ Genetic Information
- ☐ Ethnicity
- ☐ Race
- ☐ Ancestry
- ☐ National Origin
- ☐ Immigration Status
- ☐ Ethnic Group Identification
- ☐ Nationality
- ☐ Religion
- ☐ Color
- ☐ Mental or Physical Disability
- ☐ Association with Person/Group with protected characteristics
- ☐ Other \_\_\_\_\_

Please explain the nature of your complaint. Please print or type. Give detailed information such as date, times, places, types of complaints, people involved, and if there were any witnesses. Use the reverse of this form or additional sheets, if necessary.

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The Sacramento County Office of Education's Compliance Officer is the Deputy Superintendent, (916) 228-2409, [complianceofficer@scoe.net](mailto:complianceofficer@scoe.net). **Submit or mail the completed form to:**

Deputy Superintendent **Title IX Coordinator/Compliance Officer**

Sacramento County Office of Education

Mailing Address: P.O. Box 269003, Sacramento, CA 95826-9003

Physical Address: 10474 Mather Boulevard, Mather, CA 95655

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003

Sacramento, CA 95826-9003

<b>Subject:</b> Revisions to Administrative Rules and Regulations 5145.3 – Prohibition on Discrimination and Harassment	<b>Agenda Item No.:</b> VIII.I. <b>Enclosures:</b> 9
<b>Reason:</b> Informational	<b>From:</b> David W. Gordon <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

The Sacramento County Office of Education (SCOE) and the Sacramento County Superintendent of Schools have revised the attached Administrative Rules and Regulations (ARR) 5145.3 – Prohibition on Discrimination and Harassment. The proposed ARR revisions clarify grievance procedures so they are consistent with current law and reflect the creation of new Policy/ARR 5145.7 (Prohibition on Sexual Harassment).

This item is provided for information, and no action is required by the Board.

# DRAFT

## 5000 – STUDENTS

### **PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES**

**ARR 5145.3**

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The Sacramento County Office of Education (SCOE) prohibits, in any SCOE academic or educational program or activity, unlawful discrimination, harassment, intimidation, or bullying of any pupil as set forth in Board Policy 5145.3.

#### **Complaint Process/Grievance Procedure**

Any school employee who observes an incident of discrimination, harassment, intimidation, retaliation, or bullying at any school, or school sponsored or school-related activity, shall immediately intervene when safe to do so or take other appropriate action.

Any pupil who believes that he/she has been subjected to discrimination, harassment, intimidation, retaliation or bullying should immediately contact the principal or any other staff member. In addition, any person who observes any such incident should report the incident to the principal. An employee who receives such a complaint shall report it to the principal or the Assistant Superintendent of the designated program.

The principal or Assistant Superintendent will report all complaints to SCOE's ~~Deputy Superintendent, who is SCOE's~~ **Title IX Coordinator**/Compliance Officer. (See ARR 1312.3.) The Compliance Officer is responsible for ensuring SCOE's compliance with state and federal nondiscrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act.

Complaints of discrimination, harassment, intimidation, retaliation or bullying related to school activity or attendance at SCOE's schools, shall be reported, filed, and resolved in accordance with SCOE's Uniform Complaint Procedures (ARR 1312.3).

SCOE prohibits any form of retaliation against any pupil who files a complaint or report, testifies, or otherwise participates in the complaint process for a complaint regarding an incident of discrimination, harassment, intimidation, or bullying.

#### **Sexual Harassment**

~~The prohibition against "harassment" shall include the prohibition against sexual harassment of pupils at school or at a school-sponsored or school-related activity. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions:~~

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES

ARR 5145.3

(Page 2 of 4)

- ~~1. Submission to the conduct is explicitly or implicitly made a term or condition of a pupil's academic status or progress.~~
- ~~2. Submission to or rejection of the conduct by a pupil is used as the basis for academic decisions affecting the pupil.~~
- ~~3. The conduct has the purpose or effect of having a negative impact on the pupil's academic performance or of creating an intimidating, hostile, or offensive educational environment.~~
- ~~4. Submission to or rejection of the conduct by the pupil is used as the basis for any decision affecting the pupil regarding benefits and services, programs, or activities available at or through any SCOE program or activity. (Ed. Code, § 212.5; Cal. Code Regs., tit. 5 § 4916.)~~

#### Transgender and Gender Variant Pupils

To ensure that transgender and gender variant pupils are afforded the same rights, benefits, and protections provided to all pupils, SCOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

##### 1. Right to Privacy

SCOE personnel will only disclose a pupil's transgender or gender variant status with the pupil's prior consent, except when the disclosure is otherwise required by law or is warranted to preserve the pupil's physical or mental well-being. Transgender and gender variant pupils have the right to openly discuss and express their gender identity and to decide when, with whom, and how much information to share.

##### 2. Determining a Pupil's Gender Identity

SCOE personnel shall accept the pupil's gender identity assertion unless personnel have a credible basis for believing that the pupil's assertion is for an improper purpose. In such a case, the Superintendent or designee shall document the improper purpose and, within seven school days of receiving notification of the pupil's assertion, shall provide a written response to the pupil and, if appropriate, to the pupil's parents or guardians.

# DRAFT

## 5000 – STUDENTS

### **PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES**

**ARR 5145.3**

(Page 3 of 4)

#### 3. Accessibility to Sex-Segregated Facilities, Programs, and Activities

A pupil shall be entitled to access SCOE facilities, including restrooms and locker rooms, and participate in SCOE programs and activities consistent with the pupil's gender identity to the extent allowed by state and federal laws. Activities that may involve the need for accommodations to address pupil privacy concerns will be addressed on a case-by-case basis. A pupil's right to participate in a sex-segregated activity in accordance with the pupil's gender identity shall be consistent with applicable eligibility rules and laws, established for participation in the activity.

#### 4. Pupil Names/Records

A pupil's legal name or gender as entered on the mandatory pupil record required pursuant to Title 5, California Code of Regulations 432 shall only be changed pursuant to a court order. However, at the written request of a pupil or, if appropriate, a parent or guardian, SCOE shall use the pupil's preferred name and pronouns consistent with the pupil's gender identity to address the pupil and on all other SCOE related documents and to verbally address the pupil.

#### 5. Dress Code

A pupil has the right to dress in a manner consistent with the pupil's gender identity subject to any dress code adopted on a SCOE school site.

### **Education and Training**

To the extent possible, SCOE schools shall focus on the prevention of discrimination, harassment, intimidation, and bullying by establishing clear rules for pupil conduct and implementing strategies to promote a positive, collaborative school climate.

SCOE shall educate pupils 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. (Ed. Code, § 234.7.)

# DRAFT

## 5000 – STUDENTS

### **PROHIBITION ON DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES**

**ARR 5145.3**

(Page 4 of 4)

SCOE will provide training to teachers and other appropriate school staff to raise their awareness about their legal duty to take reasonable steps to eliminate a hostile environment and prevent discrimination, harassment, intimidation, and bullying of SCOE pupils. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the pupil body and school community, including their varying immigration experiences;
2. Discuss bullying prevention strategies with pupils, and teach pupils 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; and
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior. (Ed. Code, § 234.7.)

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05/21/13	Drafted
06/11/13	Reviewed by Cabinet
06/18/13	Reviewed by Board of Education
07/01/13	Distribution
08/31/15	Reviewed by Cabinet
11/24/15	Reviewed by Cabinet
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02/24/16	Distribution
04/17/18	Reviewed by Cabinet
05/29/18	Reviewed by Cabinet
07/10/18	Reviewed by Board of Education
07/13/18	Distribution
<b>01/12/21</b>	<b>Reviewed by Cabinet</b>
<b>02/02/21</b>	<b>Reviewed by Board of Education</b>

**PROHIBITION OF DISCRIMINATION/ AND HARASSMENT/SEXUAL HARASSMENT AND PARTICIPATION OF TRANSGENDER PUPILS**  
**in Sacramento County Office of Education Academic and Educational Programs**

Every pupil is entitled to a safe school environment free from discrimination, harassment, intimidation, and bullying.

The Sacramento County Office of Education's (SCOE) Board Policies prohibiting discrimination, harassment, intimidation and bullying in SCOE's academic and educational programs are available by request, in the Annual Notifications: Parents Rights & Responsibilities and Pupil Behavior Standards handbook, and on the SCOE website.

1. SCOE prohibits, at any school, or school-sponsored or school-related activity, unlawful discrimination, harassment, intimidation, and bullying of any pupil based on the pupil's actual race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, genetic information, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, and all other circumstances specified in law, as applicable. This prohibition applies to all acts related to school activity or school attendance occurring within a school under SCOE's jurisdiction.
2. School personnel must immediately intervene if they witness an act of discrimination, harassment, intimidation or bullying, provided it is safe to do so or take other appropriate action.
3. Acts of discrimination, harassment, intimidation and bullying should be brought to the attention of the principal.
4. Pupils who violate SCOE's policies prohibiting discrimination, harassment, intimidation or bullying will be subject to discipline up to and including suspension or expulsion.
5. A formal complaint of discrimination, harassment, intimidation or bullying can be made by completing the attached Uniform Complaint Procedures form and returning it to SCOE's the Deputy Superintendent Title IX Coordinator/Compliance Officer of SCOE, whose contact information is on the complaint form. The identity of the complainant will be kept confidential as appropriate.
6. If a person wishes to appeal the resolution of a complaint, he or she may file an appeal with the ~~State Superintendent of Public Instruction~~ California Department of Education within ~~45~~ 30 days of receiving SCOE's final decision on the complaint. An appeal may also be filed if SCOE does not make a decision on the complaint within 60 days.
7. SCOE prohibits retaliation against individuals who make complaints of discrimination, harassment, intimidation or bullying; or who provide information related to such complaints.





## UNIFORM COMPLAINT PROCEDURES FORM (NON-WILLIAMS)\*

Last Name\_\_\_\_\_First Name/MI\_\_\_\_\_

Pupil Name (if applicable)\_\_\_\_\_

Street Address/Apt. #\_\_\_\_\_

City\_\_\_\_\_State\_\_\_\_\_Zip\_\_\_\_\_

Home Phone\_\_\_\_\_Message/Work Phone \_\_\_\_\_

School/Office of Alleged Violation\_\_\_\_\_

You are filing this complaint on behalf of:

- ☐ yourself
- ☐ your child
- ☐ another student
- ☐ a group
- ☐ other\_\_\_\_\_ (Specify)

\*There is a separate form available for complaints regarding instructional materials, facility conditions, and teacher assignments. A written complaint will not be rejected because the form is not used.

### Section 1

**Please check the box that appropriately refers to your complaint. For complaints regarding discrimination, harassment, intimidation, and bullying, complete Section 2.**

- ☐ Accommodations for Pregnant and Parenting Pupils
- ☐ Adult Education
- ☐ After School Education and Safety
- ☐ Agricultural Career Technical Education
- ☐ **Consolidated Categorical Aid Program**
- ☐ Career Technical Education and Training Programs (State/Federal)
- ☐ Child Care and Development
- ☐ Civil Rights Guarantees
- ☐ Compensatory Education

- ☐ Course Periods Without Educational Content
- ☐ Every Student Succeeds Act
- ☐ Former/Current Juvenile Court School Education
- ☐ Foster Youth Education
- ☐ Homeless Pupil Education
- ☐ Local Control and Accountability Plans
- ☐ Military Family Pupil Education
- ☐ Migrant Pupil Education
- ☐ Newcomer Program
- ☐ Physical Education Instructional Minutes
- ☐ Pupil Fees
- ☐ Reasonable Accommodation to Lactating Pupil
- ☐ Regional Occupational Centers and Programs
- ☐ School Plans for Pupil Achievement
- ☐ School Safety Plans
- ☐ School Site Councils
- ☐ Section 504 of the Rehabilitation Act of 1973
- ☐ State Preschool (file with program administrator)
- ☐ Other \_\_\_\_\_

## Section 2

**Check if your complaint is regarding:**

- ☐ Discrimination
- ☐ Harassment
- ☐ Intimidation
- ☐ Bullying

**Check below the boxes that reflect the basis of your complaint.**

- ☐ Age
- ☐ Sex
- ☐ Sexual Harassment
- ☐ Sexual Orientation

- ☐ Gender
- ☐ Gender Identity
- ☐ Gender Expression
- ☐ Genetic Information
- ☐ Ethnicity
- ☐ Race
- ☐ Ancestry
- ☐ National Origin
- ☐ Immigration Status
- ☐ Ethnic Group Identification
- ☐ Nationality
- ☐ Religion
- ☐ Color
- ☐ Mental or Physical Disability
- ☐ Association with Person/Group with protected characteristics
- ☐ Other \_\_\_\_\_

Please explain the nature of your complaint. Please print or type. Give detailed information such as date, times, places, types of complaints, people involved, and if there were any witnesses. Use the reverse of this form or additional sheets, if necessary.

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The Sacramento County Office of Education's Compliance Officer is the Deputy Superintendent, (916) 228-2409, [complianceofficer@scoe.net](mailto:complianceofficer@scoe.net). **Submit or mail the completed form to:**

~~Deputy Superintendent~~ **Title IX Coordinator/Compliance Officer**

Sacramento County Office of Education

Mailing Address: P.O. Box 269003, Sacramento, CA 95826-9003

Physical Address: 10474 Mather Boulevard, Mather, CA 95655

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003

Sacramento, CA 95826-9003

<b>Subject:</b> New Administrative Rules and Regulations 5145.7 – Prohibition on Sexual Harassment	<b>Agenda Item No.:</b> VIII.J. <b>Enclosures:</b> 17
<b>Reason:</b> Informational	<b>From:</b> David W. Gordon <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

The Sacramento County Office of Education (SCOE) and the Sacramento County Superintendent of Schools have proposed the new Administrative Rules and Regulations (ARR) 5145.7 – Prohibition on Sexual Harassment. This ARR is created to comply with recent changes in Title IX regulations.

This item is provided for information, and no action is required by the Board.

# **DRAFT**

## **5000 – STUDENTS**

### **PROHIBITION ON SEXUAL HARASSMENT**

**ARR 5145.7**

(Page 1 of 12)

**The Sacramento County Office of Education (SCOE) prohibits, sexual harassment of any pupil in any SCOE academic or educational program or activity, as set forth in Board Policy 5145.7.**

### **Complaint Process/Grievance Procedure**

**The Superintendent designates the following individual as the responsible employee to investigate and resolve sexual harassment complaints under Title IX of the Education Amendments of 1972 or SCOE's Uniform Complaint Procedures (UCP):**

**Title IX Coordinator/Compliance Officer**  
**10474 Mather Boulevard, Mather CA 95655**  
**(916) 228-2226**  
**[complianceofficer@scoe.net](mailto:complianceofficer@scoe.net)**

**SCOE shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of SCOE's Title IX Coordinator. (34 CFR 106.8)**

**Any pupil who believes that she/he has been subjected to sexual harassment should immediately contact the principal or any other staff member. In addition, any person who observes any such incident should report the incident to the principal. SCOE prohibits any form of retaliation against any pupil who files a complaint or report, testifies, or otherwise participates in the complaint process for a complaint regarding an incident of sexual harassment.**

**Any school employee who observes an incident or allegation of sexual harassment at any school, or school sponsored or school-related activity, shall intervene as appropriate, then directly and promptly notify the Title IX Coordinator. The principal or Assistant Superintendent will report all complaints of sexual harassment to the Title IX Coordinator.**

**The Title IX Coordinator will determine whether Title IX or UCP procedures will govern the complaint process:**

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

(Page 2 of 12)

- A. Title IX Regulations will govern complaints that meet one of the following criteria.
1. Any SCOE employee conditioning the provision of a SCOE aid, benefit, or service on the student's participation in unwelcome sexual conduct.
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student equal access to SCOE educational programs or activities.
  3. Sexual assault, dating violence, or stalking as defined in 20 USC 1092 or 34 USC 12291.
- B. The UCP Procedures will govern all other complaints that do not rise to the level of a Title IX complaint. Administrative Rules and Regulations 1312.3 sets forth the procedures to be taken in addressing such UCP complaints.

### Title IX Procedures

Upon receiving a report of conduct meeting one of these criteria, the Title IX Coordinator or designee shall conduct an initial meeting with the complainant and inform him or her of the process for filing a complaint. If the complainant chooses not to file a complaint, the Title IX Coordinator shall discuss possible informal resolution and potential supportive measures as set forth below.

If the complainant chooses not to file a complaint but the conduct reported presents a safety threat, the Title IX Coordinator shall file a complaint. The Title IX Coordinator may file a complaint in other situations as permitted under Title IX regulations. In these cases, the alleged victim is not a party to the complaint but will receive notices as required by Title IX regulations.

A complaint may be signed physically or digitally and may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by SCOE.

The Title IX Coordinator, investigator, decision-maker, or facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or on an individual basis. Such persons shall receive training in accordance with 34 CFR 106.45.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

(Page 3 of 12)

#### Supportive Measures

Upon receipt of a report of sexual harassment, even if a complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonable burden the other party. Such measures may include, but are not limited to: counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus to the extent feasible. Title IX Coordinator shall consider the complainant's wishes and other legal requirements with respect to supportive measures.

#### Emergency Removal

On an emergency basis, SCOE may remove a student from an education program or activity, provided SCOE:

- conducts an individualized safety and risk analysis;
- determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations; and
- provides the student with notice and an opportunity to challenge the decision immediately following the removal.

This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. If a SCOE employee is the respondent, the employee may be placed on administrative leave during the pendency of the complaint process.

#### Dismissal of a Complaint

The Title IX Coordinator *shall* dismiss a formal complaint if:

- the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 (see above) even if proved
- the conduct did not occur in a SCOE education program or activity
- the conduct did not occur against a person in the United States



# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

(Page 4 of 12)

The Title IX Coordinator *may* dismiss a complaint if:

- the complainant notifies SCOE in writing that the complainant would like to withdraw the complaint or any allegations in the complaint
- the respondent is no longer enrolled or employed by SCOE
- sufficient circumstances prevent SCOE from gathering evidence sufficient to reach a determination with regard to the complaint.

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal to both parties simultaneously.

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment under Title IX, the conduct shall be addressed pursuant to UCP procedures set forth in BP 1312.3 and ARR 1312.3.

Either party has a right to appeal a dismissal under appeal procedures discussed below.

#### Informal Resolution Process

When a complaint of sexual harassment is filed, SCOE may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. SCOE may facilitate informal resolution by:

1. Obtaining the parties' voluntary, written consent to the informal resolution process and
2. Providing the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.

SCOE shall *not* offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

SCOE shall *not* require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a complaint.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7  
(Page 5 of 12)

#### Investigation Process

If a complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following:

1. SCOE Complaint Process, including informal resolution (set forth in this ARR 5145.7).
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, SCOE investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is not presumed responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process.
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence.
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

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6. Title IX Coordinator will provide the parties with the name of the investigator, facilitator of an informal resolution process (if there is one), and decision-maker. The Title IX Coordinator shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

#### SCOE shall:

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. SCOE may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to all parties.
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report.
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory, and determine credibility in a manner that is not based in a person's status as a complainant, respondent, or witness.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

(Page 7 of 12)

8. Create a report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the report in an electronic format or a hard copy, for their review.
9. After sending the report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow up questions from each party.

#### Prohibited Evidence

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered:

- a) to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- b) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent are offered to prove consent.

#### Privacy Rights

The privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

#### Written Decision

A SCOE employee shall be designated as the decision-maker to determine responsibility for the alleged conduct. This employee shall not also serve as the Title IX Coordinator or a person involved in the investigation of the matter.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

(Page 8 of 12)

Within 60 calendar days of receipt of complaint, the decision-maker shall issue and simultaneously provide to both parties a written decision as to whether the respondent is responsible for the alleged conduct. The 60-day timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (CFR 106.45) If the parties agree to participate in the informal resolution process, the timeline may be extended by mutual agreement of the parties.

In making this determination, SCOE shall use the “preponderance of the evidence” standard for all complaints of sexual harassment. The same standard of evidence shall be used for complaints against students as for complaints against employees.

The written decision shall include the following:

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30.
2. A description of the procedural steps taken from receipt of the complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence.
3. Findings of fact supporting the determination.
4. Any conclusions regarding the application of SCOE’s policies.
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, whether corrective measures have been taken, and whether SCOE will provide remedies designed to restore or preserve equal access to SCOE educational programs and activities to the complainant.
6. Appeal procedures and permissible bases for either party to appeal.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

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#### Appeals

Either party may appeal the written decision or dismissal of a complaint or any allegation in the complaint, if the party believes that a procedural irregularity, new evidence, or a conflict of interest or bias on the part of any Title IX personnel involved in the complaint process affected or could have affected the outcome of the complaint process.

Upon receiving an appeal, SCOE shall:

1. Notify the other party in writing and implement appeal procedures equally for both parties.
2. Ensure that the person hearing the appeal is trained in accordance with Title IX regulations and is not the same as the person as the investigator, Title IX Coordinator, or decision-maker in the decision that is being appealed.
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
4. Issue a written decision describing the result of the appeal and the rationale for the result.
5. Provide the written decision simultaneously to both parties.

#### Appeal Timeline

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U. S. Department of Education's Office for Civil Rights.

A written appeal decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

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#### Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, SCOE shall provide remedies to the complainant. Such remedies may include the same individualized services described and provided as “Supportive Measures”.

Once a determination of responsibility has been made after the completion of the complaint procedure, disciplinary sanctions or other adverse actions against a respondent are permissible as a remedy. For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. (Ed. Code, §§ 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law.

#### Record-Keeping

SCOE shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to Title IX regulations.

# DRAFT

## 5000 – STUDENTS

### PROHIBITION ON SEXUAL HARASSMENT

ARR 5145.7

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SCOE shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process.

#### Education and Training

To the extent possible, SCOE schools shall focus on the prevention of sexual harassment by establishing clear rules for pupil conduct and implementing strategies to promote a positive, collaborative school climate.

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex.
2. A clear message that students do not have to endure sexual harassment.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the SCOE's procedure for investigation complaints and the person(s) to whom a report of sexual harassment should be made.
5. Providing a copy of Board Policy 5145.7 for new and continuing pupils.
6. Posting information about Board Policy 5145.7 in a prominent location on SCOE premises where notices of SCOE rules, regulations, procedures and standards of conduct are posted.
7. Posting Board Policy 5145.7 on the SCOE website in a prominent location that is easily accessible to students, parents and guardians.

The Superintendent or designee shall ensure that, to extent required by law, SCOE staff receive training and instruction in recognizing incidents of sexual harassment and their obligations under the regulations and state and federal law.



**DRAFT**  
**5000 – STUDENTS**

**PROHIBITION ON SEXUAL HARASSMENT**

**ARR 5145.7**  
(Page 12 of 12)

**01/12/21**      **Reviewed by Cabinet**  
**02/02/21**      **Reviewed by Board of Education**

## **PROHIBITION OF SEXUAL HARASSMENT in Sacramento County Office of Education Academic and Educational Programs**

Every pupil is entitled to a safe school environment free from sexual harassment.

The Sacramento County Office of Education's (SCOE) Board Policies prohibiting sexual harassment in SCOE's academic and educational programs are available by request, in the Annual Notifications: Parents Rights & Responsibilities and Pupil Behavior Standards handbook, and on the SCOE website.

1. SCOE prohibits sexual harassment at any school, or school-sponsored or school-related activity. This prohibition applies to all acts related to school activity or school attendance occurring within a school under SCOE's jurisdiction.
2. School personnel must immediately intervene if they witness an act of sexual harassment provided it is safe to do so or take other appropriate action.
3. Acts of sexual harassment should be brought to the attention of the principal.
4. Pupils who violate SCOE's policies prohibiting sexual harassment will be subject to discipline up to and including suspension or expulsion.
5. A formal complaint of sexual harassment can be made by completing the attached Uniform Complaint Procedures form and returning it to SCOE's Title IX Coordinator/Compliance Officer of SCOE, whose contact information is on the complaint form. The identity of the complainant will be kept confidential as appropriate.
6. If a person wishes to appeal the resolution of a complaint, he or she may file an appeal to the appropriate authority indicated in SCOE's final decision. Appeals of decisions governed by UCP procedures may be filed with the California Department of Education within 30 days of receiving that decision. Appeals of decisions governed by Title IX regulations may be filed with SCOE's Title IX Coordinator within 30 days of receiving that decision.
7. SCOE prohibits retaliation against individuals who make complaints of sexual harassment or who provide information related to such complaints.



## UNIFORM COMPLAINT PROCEDURES FORM (NON-WILLIAMS)\*

Last Name \_\_\_\_\_ First Name/MI \_\_\_\_\_

Pupil Name (if applicable) \_\_\_\_\_

Street Address/Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Message/Work Phone \_\_\_\_\_

School/Office of Alleged Violation \_\_\_\_\_

You are filing this complaint on behalf of:

- ☐ yourself
- ☐ your child
- ☐ another student
- ☐ a group
- ☐ other \_\_\_\_\_ (Specify)

\*There is a separate form available for complaints regarding instructional materials, facility conditions, and teacher assignments. A written complaint will not be rejected because the form is not used.

### Section 1

**Please check the box that appropriately refers to your complaint. For complaints regarding discrimination, harassment, intimidation, and bullying, complete Section 2.**

- ☐ Accommodations for Pregnant and Parenting Pupils
- ☐ Adult Education
- ☐ After School Education and Safety
- ☐ Agricultural Career Technical Education
- ☐ **Consolidated Categorical Aid Program**
- ☐ Career Technical Education and Training Programs (State/Federal)
- ☐ Child Care and Development
- ☐ Civil Rights Guarantees
- ☐ Compensatory Education

- ☐ Course Periods Without Educational Content
- ☐ Every Student Succeeds Act
- ☐ Former/Current Juvenile Court School Education
- ☐ Foster Youth Education
- ☐ Homeless Pupil Education
- ☐ Local Control and Accountability Plans
- ☐ Military Family Pupil Education
- ☐ Migrant Pupil Education
- ☐ Newcomer Program
- ☐ Physical Education Instructional Minutes
- ☐ Pupil Fees
- ☐ Reasonable Accommodation to Lactating Pupil
- ☐ Regional Occupational Centers and Programs
- ☐ School Plans for Pupil Achievement
- ☐ School Safety Plans
- ☐ School Site Councils
- ☐ Section 504 of the Rehabilitation Act of 1973
- ☐ State Preschool (file with program administrator)
- ☐ Other \_\_\_\_\_

## Section 2

**Check if your complaint is regarding:**

- ☐ Discrimination
- ☐ Harassment
- ☐ Intimidation
- ☐ Bullying

**Check below the boxes that reflect the basis of your complaint.**

- ☐ Age
- ☐ Sex
- ☐ Sexual Harassment
- ☐ Sexual Orientation

- ☐ Gender
- ☐ Gender Identity
- ☐ Gender Expression
- ☐ Genetic Information
- ☐ Ethnicity
- ☐ Race
- ☐ Ancestry
- ☐ National Origin
- ☐ Immigration Status
- ☐ Ethnic Group Identification
- ☐ Nationality
- ☐ Religion
- ☐ Color
- ☐ Mental or Physical Disability
- ☐ Association with Person/Group with protected characteristics
- ☐ Other \_\_\_\_\_

Please explain the nature of your complaint. Please print or type. Give detailed information such as date, times, places, types of complaints, people involved, and if there were any witnesses. Use the reverse of this form or additional sheets, if necessary.

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The Sacramento County Office of Education's Compliance Officer is the Deputy Superintendent, (916) 228-2409, [complianceofficer@scoe.net](mailto:complianceofficer@scoe.net). **Submit or mail the completed form to:**

**Title IX Coordinator/Compliance Officer**

Sacramento County Office of Education

Mailing Address: P.O. Box 269003, Sacramento, CA 95826-9003

Physical Address: 10474 Mather Boulevard, Mather, CA 95655

## **SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Elimination of Board Policies Listed Below	<b>Agenda Item No.:</b> VIII.K. <b>Enclosures:</b> 6
<b>Reason:</b> Second Reading of Proposed Elimination of Board Policies	<b>From:</b> Policy Committee <b>Prepared By:</b> Teresa Stinson <b>Board Meeting Date:</b> 02/02/21

### **BACKGROUND:**

On December 8, 2020, the Policy Committee reviewed the attached Board Policies and recommended that the proposed elimination of these policies be forwarded to the Board for First Reading. The First Reading of the proposed elimination occurred at the January 12, 2021 Board Meeting. These policies are recommended for elimination for the reasons explained below.

- BP 1150 – Distribution of County School Directory is no longer necessary. For many years, SCOE has compiled, prepared, and printed a Directory of each school district in the county, its board members, and employees. However, the Directory generally becomes outdated soon after it is printed. It is more efficient for SCOE to post information on its website listing each of the thirteen school districts, district superintendents, and links to district websites. This will enable interested persons to obtain the most current, up-to-date information directly from each school district and/or its website.
- The following policies relate to the Sacramento County Special Education Local Plan Area (SELPA). The subject area is comprehensively covered in the SELPA Local Plan, which is the governing document of the SELPA.

BP 2700 – Governance

BP 2800 – Part C - Local Interagency Agreement

BP 3800 – Supplementation of State/Federal Funds

BP 3900 – Maintenance of Effort

- BP 3321 – Purchasing is unnecessary. SCOE purchasing requirements, including bid and RFP requirements, are comprehensively covered in SCOE's Business Office Procedures Manual. The Procedures Manual is regularly updated to ensure compliance with current and evolving requirements of the California Public Contract Code, state and federal statutes and regulations, Generally Accepted Accounting Principles, California Association of School Business Officials publications, and Federal Uniform Guidance.

### **SUPERINTENDENT'S RECOMMENDATION:**

The Superintendent recommends that the Board of Education hear the Second Reading and eliminate the Board Policies listed above.

## 1000 – COMMUNITY RELATIONS

### **DISTRIBUTION OF COUNTY SCHOOL DIRECTORY**

**BP 1150**

The County Office of Education shall prepare and distribute a County School Directory. The directory shall be made available to County and district personnel, other educational institutions, government agencies, and such other individuals or groups approved by the County Superintendent. The directory shall not be distributed or loaned for commercial use.

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05/26/89	
06/20/89	Revised
07/11/89	First Reading
07/18/89	Second Reading
07/18/89	Approved
12/16/08	Reviewed by Policy Committee
<b><u>11/10/20</u></b>	<b><u>Reviewed by Cabinet</u></b>
<b><u>12/08/20</u></b>	<b><u>Reviewed by Policy Committee</u></b>
<b><u>01/12/21</u></b>	<b><u>First Reading</u></b>
<b><u>02/02/21</u></b>	<b><u>Second Reading and Elimination</u></b>



It shall be the policy of the Sacramento County Office of Education to support and comply with the provisions of the Sacramento County SELPA Local Plan's governance structure and any necessary administrative support to implement the plan.

*(See Appendix B-Description of the Governance & Administration of Sacramento County Special Education Local Plan Area–Section 7 in the Local Plan Document)*

#### LEGAL REFERENCES

20 USC 1412 (a), 20 USC 1413 (a)(1), 20 USC 1413 (a)(5), 56205 (a)(12), 56001 (f), 56190-4, 56195.1(b)(c), 56195.3, 56195.9, 56205 (b)(4), 56205(b)(5), 47640-47647

05-20-03	Adopted as Part of the SELPA Local Plan
<b><u>11/10/20</u></b>	<b><u>Reviewed by Cabinet</u></b>
<b><u>12/08/20</u></b>	<b><u>Reviewed by Policy Committee</u></b>
<b><u>01/12/21</u></b>	<b><u>First Reading</u></b>
<b><u>02/02/21</u></b>	<b><u>Second Reading and Elimination</u></b>

The Sacramento County Office of Education supports and acknowledges the requirement that the Sacramento County SELPA submit the Part C (infant/toddler) Local Interagency Agreements to the State as part of the Annual Service Plan.

*[See Appendix A-Part C Transition (Interagency Agreement–Section 6 in the Sacramento County SELPA Local Plan Document)]*

#### LEGAL REFERENCES

20 USC 1431-35, EC 56205 (B) (3), EC 56429, 14 GO 95000

05-20-03

Adopted as Part of the SELPA Local Plan

**11/10/20**      **Reviewed by Cabinet**

**12/08/20**      **Reviewed by Policy Committee**

**01/12/21**      **First Reading**

**02/02/21**      **Second Reading and Elimination**

**BUSINESS -- 3000**

**SUPPLEMENTATION OF STATE/FEDERAL FUNDS**

**BP 3800**

**Page 1 of 1**

It shall be the policy of the Sacramento County Office of Education to include information regarding supplementation of state and federal special education funds in the Annual Budget Plan submitted annually to the State.

**ASSURANCE STATEMENT**

It shall be the policy of the Sacramento County Office of Education, as a member of the Sacramento County SELPA, to include this information in the Annual Budget Plan submitted annually to the State.

**LEGAL REFERENCES**

20 USC 1412 (a) (18), 56205 (a) (18)

05-20-03 Adopted as Part of the SELPA Local Plan

Dox: Supp-State-Fed-BP-3800

**11/10/20 Reviewed by Cabinet**

**12/08/20 Reviewed by Policy Committee**

**01/12/21 First Reading**

## BUSINESS -- 3000

### MAINTENANCE OF EFFORT

**BP 3900**

**Page 1 of 1**

It shall be the policy of the Sacramento County Office of Education to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement state, local, and other Federal funds and not to supplant those funds; and will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

### **ASSURANCE STATEMENT**

It shall be the policy of the Sacramento County Office of Education, as a member of the Sacramento County SELPA, to include this information in the Annual Budget Plan submitted annually to the State.

### LEGAL REFERENCES

20 USC 1412 (a) (19), CFR 30.231-2, 56205 (a) (19)

05-20-03 Adopted as Part of the SELPA Local Plan

**11/10/20 Reviewed by Cabinet**

Dox: Maintenance of Effort-BP-3900

**12/08/20 Reviewed by Policy Committee**

**01/12/21 First Reading**

**02/02/21 Second Reading and Elimination**

## 3000 - BUSINESS

### PURCHASING

**BP 3321**

It shall be the policy of the County Board of Education to:

1. comply with all federal and state provisions of law governing purchasing;
2. purchase without favor or prejudice;
3. practice competitive bidding to the maximum extent possible;
4. develop specifications which are sufficiently detailed and descriptive to attract responsible bidders and promote competitive bidding;
5. grant awards to the lowest bidder meeting specifications consistent with price, quality, delivery dates, and service;
6. adhere to the fundamental principles of purchasing, which are:
  - a. buy the proper product for the purpose required;
  - b. have the product available where and when needed;
  - c. purchase the proper quantity of the product;
  - d. pay the lowest possible price consistent with the preceding principles;
7. document every transaction for the purchase of services, supplies and equipment by a requisition, purchase order, formal contract, agreement, or other written consent.

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5/16/89	Draft
9/12/89	First Reading
10/17/89	Second Reading
10/17/89	Approved
<b><u>11/10/20</u></b>	<b><u>Reviewed by Cabinet</u></b>
<b><u>12/08/20</u></b>	<b><u>Reviewed by Policy Committee</u></b>
<b><u>01/12/21</u></b>	<b><u>First Reading</u></b>
<b><u>02/02/21</u></b>	<b><u>Second Reading and Elimination</u></b>

**SACRAMENTO COUNTY BOARD OF EDUCATION**

10474 Mather Boulevard, P.O. Box 269003  
Sacramento, CA 95826-9003

<b>Subject:</b> Update: Diversity, Equity, and Inclusion	<b>Agenda Item No.:</b> VIII.L. <b>Enclosures:</b> 2
<b>Reason:</b> Informational	<b>From:</b> David W. Gordon <b>Prepared By:</b> Kristin Wright, MA Dr. Channa Cook-Harvey <b>Board Meeting Date:</b> 02/02/21

**BACKGROUND:**

SCOE is in the process of building capacity within the organization to further SCOE's deep commitment to supporting an anti-racist organization that is diverse, equitable, and inclusive. SCOE is also embedding this work in its support of districts and schools through an intentional equity lens within its improvement work.

The presentation will highlight activities that have already taken place and outline upcoming activities, including a Board Study Session on February 16, 2021 from 6:00 p.m. – 8:00 p.m.

This item is provided for information and no action is required by the Board.

## ***Update: Diversity, Equity, and Inclusion***

### ***February 2, 2021***

Kristin Wright, Executive Director, Equity, Diversity, Early Intervention and Support Services  
Dr. Channa Cook-Harvey, Executive Director, School and District Support

#### **Board Study Session with National Equity Project**

On February 16, 2021, [Lisa Laskey](#), a Managing Director with the National Equity Project, will facilitate a conversation with the SCOE Board and Cabinet to begin establishing the ways in which the SCOE Board can further the equity work from its sphere of influence in Sacramento County. In the conversations with the Board thus far, we understand the proactive role the Board has expressed it would like to take in this work. This upcoming learning session will be a key milestone in further setting the stage for the Board's focused equity work ahead.

#### **Proposed Outcomes for 2020 – 2021**

- Learn about the Diversity, Equity, and Inclusion (DEI) work taking place at SCOE. Identify opportunities to build upon and advance these efforts throughout the organization and county-wide.
- Learn about student and staff experiences in SCOE programs/schools and in county-LEAs regarding issues of DEI to elevate their voices, needs, and hopes as we craft our plan for progress in this area.
- Continue to build a knowledge base for SCOE employees on the history of DEI in the United States, how it plays out in education, and what our role is in creating a more inclusive and diverse system that more equitably serves all students.
- Develop a shared leadership model where representatives from SCOE help create a set of design questions to refine/define SCOE's "equity lens". Plan a training series for the entire staff and analyze data from various sources to determine priorities and address needs.

#### **SCOE Activities January 2021 – June 2021**

In an effort to build on professional learning and capacity building with SCOE Cabinet and Leadership during 2020, a number of activities are scheduled for the first half of 2021. Additional learning opportunities and activities designed to support Diversity, Equity, and Inclusion within the organization will be developed with the assistance of the recently formed Steering Committee/Design Team. This team will have its first meeting on February 11, 2021, following the January 25, 2021 learning session with the National Equity Project (NEP). Activities for January/February 2021 include:

- SCOE SELPA DEI training 1/11/21
- NEP Expanded Leadership Team Learning Session 1/25/21
- 1st Steering Committee/Design Team Meeting 2/11/21
- SCOE Board Study Session with NEP 2/16/21
- First two SCOE Department DEI Focus Groups – Early Childhood Department and Mental Health Clinicians – February 2021
- WestEd Equity Accelerator Fellowship participation 2020 – 2022

## **Completed Activities July 2020 – December 2020**

In the summer of 2020, two new Executive Directors were charged with the stewardship of SCOE's intentional, organization-wide equity work. This commitment to cultivating an anti-racist, more diverse, and inclusive organization has resulted in the following activities and events:

- Opportunities were created for Youth Voice to be shared at Student Focus Groups held on July 23, September 24, and December 11, 2020.
- A variety of sessions have been facilitated among SCOE staff and the SCOE Board with a focus on Diversity, Equity, and Inclusion:
  - Board Equity Study Sessions 8/4/20 & 10/6/20
  - Leadership Meetings 8/31/20 & 9/30/20
  - Cabinet Retreat 9/3/20
  - Learn at Lunch 9/23/20
  - Infant Development Program Staff Training 12/7/20
  - National Equity Project Implicit Bias and Structural Racism Workshop 12/8/20
  - Weekly DEI Discussions at Cabinet
- In addition to these sessions, the following activities have taken place and/or are in progress:
  - Conducted SWOT Analysis
  - Analyzed Data
  - Drafted Definitions of DEI
  - Developed Draft Equity Vision
  - Enhanced SCOE's Differentiated Assistance approach to center issues of equity, student voice, and data throughout each support session with LEAs
  - Established partnership with National Equity Project 12/20
  - Begin WestEd Equity Accelerator Fellowship 11/20
  - *How to be an Anti-Racist* (read by Cabinet) 11/20

In collaboration with the newly established Steering Committee/Design Team and in consultation with the National Equity Project, additional activities will be scheduled. Through a shared leadership model, we believe we can increase momentum across the organization in this work and believe collective ownership and buy-in SCOE-wide is critical.

## **SCOE Vision Statement (working draft)**

At the Sacramento County Office of Education, we believe our efforts are enriched by the diversity of those we serve; therefore, we strive to cultivate an anti-racist organization that promotes a sense of belonging for each and every student, family, educator, and employee.

Furthermore, we believe that to eliminate the opportunity and achievement gaps, we must develop and promote creative and innovative strategies, programs, and services, to meet the unique needs of each and every student. In doing so, we are disrupting inequities and re-envisioning education with a focus on empowering the next generation of youth who will take on new challenges and thrive.