

ADDENDA:

LEA's Family Handbook
Board Policy-Governance

Date: May 21,2021

To: Staff, Students, Parents and Guardians, MCOE

From: Lucette Zepeda, Executive Director

Re: LEA's:

Integrated Pest Management Policy
Board Policy for Operations and Recruitment
COVID 19 Vaccine Policy
Stipend Approval and Procedure Policy
Guidelines for conducting Investigations
Guidelines for PRA Request

Purpose:

This memorandum serves as a notification of changes to Oasis Charter Family Handbook. The charter has added Board policies regarding integrated pest management, and Board Policy for Operations and Recruitment, COVID 19 Vaccine Policy, and Stipend Approval and Procedure Policy. As well as guidelines developed for conducting investigations and PRA requests. This information added is being distributed in accordance with the California Education Code.

Integrated Pest Management Policy

The Executive Director or designee shall develop and implement an integrated pest management program that incorporates effective least toxic pest management practices.

Integrated pest management is a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Food and Agricultural Code 13181)

Procedures

In the control and/or management of pests at school facilities, the Executive Director or designee shall:

1. Carefully monitor and identify the pest and the site of infestation. Strategies for managing the pest shall

be influenced by the pest species and whether that species poses a threat to people, property or the environment.

2. Consider a full range of possible alternatives. Such alternatives include not taking any action or controlling the pest by physical, mechanical, chemical, cultural or biological means.
3. Select non-chemical pest management methods over chemical methods, whenever they are effective to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
4. Use the least toxic material when it is determined that a chemical method of pest management must be used. The least toxic material shall be chosen and applied in accordance with law.
5. Limit pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff, and they shall be stored and disposed of in accordance with state regulations and label directions registered with the Environmental Protection Agency.
6. Ensure that persons applying pesticides follow label precautions and are trained in the principles and practices of integrated pest management.

Notification

The Executive Director or designee shall annually notify staff and parents/guardians of students enrolled at a school site, in writing, regarding pesticide products expected to be applied at the school facility in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Food and Agricultural Code 13184.
2. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it.
3. An opportunity for interested persons to register to receive notification of individual pesticide application at the school site. The Executive Director or designee shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application.
4. Other information deemed necessary by the Executive director or designee.

If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the Executive Director or designee shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

Posting of Warning Signs

The Executive Director or designee shall post a warning sign at each area of the school site where pesticides will be applied, at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area".
2. The product name, manufacturer's name, and the Environmental Protection Agency's product registration number.

3. Intended areas and dates of application.

4. Reason for the pesticide application.

Notification During Emergency Conditions

Whenever the Executive Director or designee deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons, or the school site, he/she shall make every effort to provide the required notifications prior to the application of a pesticide. In such a case, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

Records

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. Such records may be maintained by retaining a copy of the warning sign posted for each pesticide application with a recording of the amount of the pesticide used. (Education Code 17611)

UCEN Board Member Operations and Recruitment Policy

Board Member Operations

Rules of Order

The business of the UCEN Board of Directors (the “Board”) of Oasis Public Charter School (the “School”) at its meetings will be conducted in accordance with the rules of order as determined by the Chair that will most effectively balance the goal of allowing full expression of comments by Directors and the public with the goal of having productive meetings within the time constraints of the meetings. Any member may rise to a point of order under these rules, which action shall take precedence over all other business before the Board.

Polling of Board of Trustees

Voting on resolutions shall be by the polling of voting Board members. The minutes shall record the person making the motion, the person seconding it, and the number of Directors voting for and against the motion or abstaining, as well as the number of Board members who are absent. Secret ballots and proxies are prohibited.

Board Member Compensation and Reimbursement of Actual and Necessary Expenses

Board members shall serve without compensation. Board members may, however, be reimbursed for actual and necessary expenses related to school business in accordance with the school’s fiscal policies and budget.

Officers, Directors and School Liability Insurance

The School will maintain adequate insurance to protect the School against loss because of fire, damage to school property, loss to other property, or general liability resulting as a responsibility of the School and its Board members or officers while acting on behalf of the School.

Appointment of Board Committees

Consistent with the charter, bylaws, and any other applicable provisions of contract or law, the Board may appoint committees for any purpose deemed appropriate by the Board. The resolution establishing the committee shall clearly define the range of the committee's responsibility and authority, and shall specify whether the committee shall be a standing or limited-term committee. In meeting and carrying out designated purposes, any such committee shall comply with any applicable legal or contractual requirements. Specifically, unless otherwise specified in Board by-laws, parent/teacher associations and/or parent committees shall be advisory only.

Board Election/Nomination Process

The Board shall carry out its election and nomination process consistent with the requirements of its charter and bylaws. Should the charter and bylaws not address any issue which may arise, the Board may adopt regulations which address such concerns. Should the Board wish to alter its election or nomination process, it must do so consistent with any requirements of its charter, unless the charter is revised.

Board Member Resignations

Board members may submit a resignation at any time during their term but should give due consideration, as to the timing of the resignation, concerning the impact the resignation may have upon the Board. While a resignation must be acknowledged by the Board at the next regularly scheduled meeting following notice of the resignation, assuming it may be properly agendized, a Board member's resignation need not be accepted by the Board. The resignation becomes effective once brought to the attention of the Board.

Board Member Removal From Office

A Board member may be removed from office by vote of the majority of the Board following a motion made in open session for the removal of the Board member. A motion to remove a Board member may not be made in closed session.

Board Member Recruitment Process

Formal announcement each year in March and April (May is the annual meeting)

New board in place June meeting (Board officers voted in June meeting)

Announced via Parent Square, Social Media, email contact list, press release, ad in the newspapers. The announcement shall include the date of the Governance meeting date and time. The date of the board meeting where board members will be selected. The duties of the board member. Expectations, terms and responsibilities, and qualifications (financial interested board members, conflicts of interest, disclosures) ,as well as officer duties.

An email and phone call confirmation of the application is received. The executive director will send Board bylaws and expectations to all applicants and add to a master list of applicants.

Understand that a board member that is not voted on at the appropriate time must renew at the designated yearly time to add board members or the term will expire.

Posting the process and timelines at the school, on the website, on parent square on social media.

When the time comes for the governance meeting, the candidates that applied will be contacted via phone and email to confirm their invitation and acceptance to the governance meeting to be interviewed. They will be provided the meeting date for the Board meeting in which they will be voted on.

Form 700 and documentation needed from the board members will be provided and filled with Oasis.

Training will be set up yearly so that Brown Act, Conflict of interest, and Board training can occur. The board will meet to discuss goal setting and vision setting for Oasis each year.

In the event that a board member resigns or is terminated, the Board holds the right to begin the recruitment process to fill its vacant position.

Stipend Approval Policy and Procedure

Stipends are used to compensate employees for activities that fall outside of an employee's contracted responsibilities, and/or outside an employee's contracted hours. All staff is eligible to receive a stipend upon approval. All stipends must be reviewed by the Office Manager, and/or Executive Director. All stipends must be approved or denied by a school Board President or designee.

Stipend Procedure:

1

Oasis administration will identify the work duty for stipend, the employee who can perform the task, when a stipend will be issued to an employee as well as how that stipend will be allocated.

2

The administrator making the request will complete the Stipend Request Google Forms to process requests for the stipend(s).

3

Office Manager and Executive Director will review the form and electronically sign off on stipend requests. All forms will be available in printed format.

4

Once the Stipend Google Form is reviewed, the Executive Director or designee will notify the UCEN Board President or designee via email.

5

UCEN Board designee will review and approve or deny the stipend request and notify the Executive Director or designee of approval or denial.

6

Oasis will notify staff of the approval or denial of the stipend request via email and will release the appropriate funds to an employee as stated in the request.

7

Officer manager stipend requests must be reviewed by the Executive Director. All Executive Director requests will go directly to the Board.

SARS-CoV-2 (COVID-19) Vaccine Policy

The purpose of this policy is to protect the health and safety of the employees of Oasis Charter Public School. Vaccines are an important tool to help stop the COVID-19 pandemic. Teachers and staff hold jobs critical to the continued functioning of society and are at potential occupational risk of exposure to SARS-CoV-2. Vaccinating is one layer of prevention and protection for teachers and staff.

The policy requires all employees working on-site participate in education about the SARS-CoV-2 vaccines that will be available via Safe Schools and either consent or opt out to administration of the vaccine.

Oasis Charter Public School will highly encourage and offer vaccinations to all employees as they are made available to the school through Monterey County Office of Education.

Guidelines for Conducting Investigations

The following are guidelines as a means to guide person(s) responsible for investigations regarding complaints filed by member(s) of the public. In the event there are any questions regarding guidelines, the person (s) is responsible to consult with legal counsel for further clarification(s).

Complaint

If you receive a verbal complaint ask the complainant if they will reduce their complaint to writing.

If no, than the process may not require a full and detailed investigation and require a different and less in-depth approach.

If in writing be sure you understand the allegation being made by the complainant.

Notify the complainant that you have received the written complaint either electronically, or phone, or other means available.

If uncertain what the complainant is stating meet with the complainant and clarify the issue(s). Do not presuppose the complainant's answers.

In the absence of knowing how few or many people you may need to interview, you should inform the complainant an approximate window of time in which you anticipate completing the investigation.

If you cannot complete the investigation by the anticipated date, you should inform the complainant of the reasons you believe why it will take longer than anticipated.

Allegations:

Complaints must be taken seriously.

First determine which policies, laws or school procedures, the accused may have violated.

Identify the issue and other issues that may relate to the allegation(s).

Begin to gather all material facts.

Depending on the seriousness of the allegation(s) you may want to consult with legal counsel for consultation on how to proceed.

Considerations

Action to be considered before the investigation

Allegations of criminal misconduct

Repeated misconduct

Paid Administrative Leave

In the event it is determined that the allegation(s) are serious enough to warrant the removal of the accused from the campus to preempt any further harm to a victim(s) until the investigation is complete.

Planning the Investigation

What documents should be obtained, reviewed and analyzed

Collect information and evidence

Who should be interviewed

Complainant

Witness(es)

Victim(s)

Student(s)

Other staff

Accused

Confidentiality

Persons involved in the investigation have privacy rights

Ethical and legal

“Need to know basis”

Attorney-Client privilege

Do not promise anonymity

Only discuss allegations only as necessary

Interviews

Location

All interviews need to be conducted in a private location and be uninterrupted.

Conducting the Interviews

All interviews need to include date, time, names of interviewer, interviewee, job title, if necessary and location

When conducting the interviews start with broad based questions, then move toward more specific questions regarding the incident,

such as; who, what where, when and why

Assure the interviewee of no retaliation or reprisals

Insure confidentiality

Maintain integrity of process

Remain serious about the nature of the allegation(s)

Maintain the accuracy of information

Information should be first-hand

Avoid asking “leading questions”

Complainant

Have the complainant repeat the allegation(s)

Clarify allegation(s) with the complainant

Clarify if the complainant has shared his/her information with anyone else

Get the names of others who may have information

Ask for names of victim(s) or witnesses

Victim(s) and Witnesses

Victim(s) and witnesses should be your first target group for interviews

Obtain from witnesses and victim(s) what they know, if anything

It is important not to suggest answers to questions

At the conclusion of the interview be sure you have all contact information in the event you need to re-interview the person

Accused

This person should be the last person you interview

Provide the opportunity to hear their side of the story

Gather information about any history the person may have with the complainant, alleged victim(s)

Interviews with students

- Be aware of younger students who are unable to communicate clearly

Avoid leading questions to assist the student in answering a question

Keep questions simple

Clarify with the student each answer to a question before moving on to the next question. Particularly with very young students or students who may sense they are in trouble

Completion of interviews

After completion of each interview allow time for yourself to review your notes while they are fresh in your mind before engaging in next interview, this is particular to interviews with students

Any questions or doubts about a particular interview should be noted for reconsideration

If a second interview is being considered look for consistency and/or that their story is closely matched with the first interview

At the same time look for inconsistencies, if so, and the person is not demonstrating any change to that story or question, consider that person as not being a reliable source

Writing the Report

Report outline should include the following;

Background

Allegations

Findings

Conclusion(s)

Recommendations

Results of Investigation

Actions if any

Collect all your information you gathered from your investigation such as, notes, written statement of allegation(s), interview notes and summaries, lists of names, dates and times of each interview, copies of any documents, an outline of how you proceeded to investigate the matter

**Save all materials gathered from the investigation and file for future or further reference:
Consider at least two years**

Before your final report it is well to write a first draft, this will allow you to reflect on your information and include all information whether it supports or doesn't support your conclusion

Format

The format should include the following sections;

Background

Allegation(s)

Investigation Plan

Who conducted the investigation, name and title

Findings

Results of the interviews in detail

Include all information both pro & con

Use clear and concise sentences

Recommendations

Be brief but clear

Actions

Actions may be several depending on the severity of the allegation(s) findings

The disciplinary action you take is not disclosable to the complainant, complainant only needs to know that “you took the appropriate action based on the findings of your investigation.”

Possible Action Steps

Verbal warnings of misconduct or policy violations

Training on subject matter of complaint

Written reprimand placed in personnel file

Leave of absence w/o pay

Termination

Assurance

Inform complainant that the complaint was taken seriously and appropriate action(s) were taken according the findings of the investigation.

Guidelines for PRA Requests

Preface:

The following are suggested guidelines and extractions from **Government Code-Gov. Title 1. General, (100 – 7914), Division 7, Miscellaneous (6000 – 7599.2) Chapter 3.5 Inspection of Public Records (6250 – 6276.48), General Provisions (6250 – 6270).** as a means to guide person(s) responsible for responding to PRA requests submitted by a member of the public.

In the event there are any questions regarding these guidelines, or Sections of the Government Code noted in the guidelines, the person(s) responding to the PRA shall be responsible to reference the Government Code for purposes of further clarity or contact their legal counsel. (See attached Government Code)

Verbal request for a document

Members of the public may request a copy of a single document; Eg. school calendar for the following year.

If the document is in draft form or has not been approved by the board, you may simply respond to the person verbally or in a brief written response either electronically or by other written means.

Such requests may not require the agency to comply with the PRA process to the fullest extent of the law.

Records requested to be copied on-site

Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided. Any reasonably portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

Sect. 6253(a)

A requester who requests to copy records on site must submit their request in writing as to the records to be copied.

The agency should establish a reasonable date that would allow the requester to come to the site and copy records.

A requester who inspects a disclosable record on the premises of the agency has the right to use the requester's equipment on those premises, **without being charged any fees or costs** to photograph, copy or reproduce the record in a manner that does not require the

equipment to make physical contact with the record, unless the means of copy or reproduction would result in;

(A) Damage to the record

(B) Unauthorized access to computer system(s), software, network capable of accessing, altering, or compromising the agency's electronic records.

The agency may impose any reasonable limits on the use of the

requester's equipment that are necessary to protect the safety of the records or prevent the copying of records from being unreasonable burden to the orderly function of the agency and its employees. In addition..... **Sect. 6253 (d), (1) (A), (B), (2).**

PRA Request Submitted to Request Records from the Agency

If a member of the public submits in writing a request for record(s) regarding any issue accountable for by the agency, the following should be verified before responding to the request

The request should be in writing or a form used by the school

The request must include the date of the request

Shall include the name(s) of person(s) making such request

Should be specific (as possible) as to records being requested

School Review of Request

The request should be first reviewed by the local agency for a clear understanding as to what information the member of the public is requesting before responding.

If there are questions regarding the request, it is well to address those to the requester before applying the following steps. Clarifying any questions must be done within 10day requirement to respond.

The agency upon a request for copy of records shall within the 10 days of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reason therefor. **Sect. 6253(c)**

Shall include date and time of response and the name of the person providing the response

A “reasonable” date anticipated to complete the process

As used in this paragraph, “unusual circumstances”, the time limit prescribed in the law (10 days) may be extended by written notice by the head of the agency or designee to the person making the request and the reasons for the extension and the date on which the information is expected to be dispatched **6253 Sect. (c), (1), (2), (3), (4)**

“Unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request;

The need to search for, collect the requested records from field facilities or other establishments that are separate from the office processing the request.

The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

No notice shall specify a date that would result in an extension of more than 14 days. **Sect. 6253(c)**

In the event the local agency requires the services of another agency or agencies to provide necessary documentation to complete the request that may result in a delay to provide documentation to the member of the public, the Director or designee of the local agency should notify the member of the public to inform the member of the public of any delay due to outside agency timeliness to provide documentation.

Sect. 6253 (c), (1), (2), (3), (4).

Fees

Upon request for a copy of records that reasonably describes identifiable records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication.

Sect. 6253 (b)

Agency Obligations

When a member of the public requests to inspect or obtain a public record the agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record(s) shall do the following to the extent reasonable under the circumstances. **Sect. 6253.1(a), (1), (2), (3)**

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request.

(2) Describe the information technology and physical location in which the record(s).

(3) Provide suggestion for overcoming any practical basis for denying access to the record(s) or information sought.

****A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter. Sect. 6253.3**

The requirements stated in **Sect. 6253.1 (a)** shall be deemed to have been satisfied if the agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record or records.

Sect. 6253.1, Sect. (b). refer to legal counsel

Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format shall make that information available in electronic format when requested by any person and when applicable, shall comply with the following; **Sect. 6253.9 (a),(1,2), (b 1, 2), (c), (d), (e), (f), (g)**

Except as provided in Sections 6254.7 and 6254.13 this chapter does require the disclosure of any of the following records; **Sect. 6254, (a), (b), (c), (d), (1), (2), (3), (4)**

The home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

Sect. 6254.3 (a), (1), (2), (3, (4), (b), (1), (2), (c)

Electronic Records

Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is an electronic format shall make that information available in an electron format when requested by any person and, when applicable, shall comply with following; **Section 6253.9 (a), (1), (2), (b), (1), (2), (c), (d), (e), (f), (g).**

Exempted Information

Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records; **Section 6254, (a), (b), (c), refer to legal counsel for other exempt records**

Denial of Records

Except with respect to public records exempt from disclosure by express provisions of law. **Sect 6253 (b)**

The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial. **Sect. B (3) refer to legal counsel**

Reference:

Government Code Title I, General (100-7914 Division 7. Miscellaneous (6000-7599.2 Chapter 3.5 Inspection of Public Records (6250—6276.48) Article 1 General Provisions (6250-6270.7).

Article 1 General Provisions (6250-6270).