

TULARE/KINGS COUNTIES PERSONNEL COMMITTEE

Tulare County Office of Education

Redwood Room CDEF

Friday, February 7, 2025

9:00 a.m. - 11:00 a.m.

❖ Welcome 😊

❖ Hot Topics open discussion 9:05 -9:45

- Title IX Desiree Serrano
- AB 2534 Dedi Somavia
- Other

❖ Negotiation Hot Topics – Desiree Serrano, Lozano Smith 9:45 – 10:25

❖ Credential Update – Sara Marvin 10:25 – 10:40

- CTC Updates
- CalSAAS Reports
- Framework for Teaching – Rachel Silveira

❖ California Center on Teaching Careers – Marvin Lopez 10:40 – 10:50

- Teacher Residency for Rural Education (TRRE)
- Statewide Residence Technical Assistance Center (SRTAC)

❖ Questions & wrap-up

Upcoming Events

Law Seminar

Student Custody Orders, Restraining Orders...

Wednesday, March 12, 2025

Personnel Committee

Lessons learned from EEOC

Friday, April 11, 2025

AB 2534

<https://docs.google.com/presentation/d/1TKkDJohm7HbGVUALeoExBP4R-olRXOncg2w8-gq7ye8/edit?usp=sharing>



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Title IX in January 2025 –

Presented by: Desiree Serrano and Gail Zurek

Tulare County Office of Education Personnel Committee – February 7, 2025

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Topics



- Overview of *Tennessee vs. Cardona*
- Current Status of the Title IX Regulations
- Best Practice Strategies
 - Investigations
 - Policies
 - Trainings
- Refresher



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Title IX Recalibration

- **Register here:**
https://lozanosmith.zoom.us/webinar/register/WN_yw4o1O3WR-eoT7BiSShGXg#/registration

OR

- **Email:**
clientservices@lozanosmith.com
and we will send the registration link.



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LIVE WEBINAR

Title IX Recalibration:

The Differences Between The 2024 and The 2020 Title IX Regulations & How to Process Matters

Thursday, February 20, 2025

9:00am - 10:30am

\$95/per person

Presented By:



Monica D. Batanero
Attorney at Law



Sarah E. Fama
Attorney at Law

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Overview of *Tennessee vs. Cardona*

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The Road to *Tennessee vs. Cardona*

- 2024 Title IX Regs. issued by DOE (“Final Rule”), eff. 8/1/24
- Discrimination “on the basis of sex” explicitly included sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity
- Hostile environment standard:
 - was broadened to ***severe or pervasive*** that it ***limits or denies*** person’s ability to participate/benefit from education program/activity
 - Changed from 2020 regulations which was ***severe and pervasive*** that it ***effectively denies*** equal access



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The Road to *Tennessee vs. Cardona*



- On June 17, 2024, the court granted a preliminary injunction and stay, which prevented the Final Rule from going into effect in Plaintiff states
- Plaintiff states and the DOE filed motions for summary judgment
- The Final Rule was challenged in three areas:
 1. Discrimination “on the basis of sex”
 2. “De minimis harm” standard
 3. Hostile environment harassment standard



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Tennessee vs. Cardona

- On January 9, 2025, a Kentucky federal district court ***vacated*** the 2024 Title IX Regulations on the following grounds:
 - DOE exceeded its statutory authority
 - Final Rule violates the Constitution
 - Final Rule is Arbitrary and Capricious




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Trump Executive Orders

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January 20, 2025

- Title: DEFENDING WOMEN FROM GENDER IDEOLOGY EXTREMISM AND RESTORING BIOLOGICAL TRUTH TO THE FEDERAL GOVERNMENT
 - Defines sex as individual's immutable biological classification as either male or female
 - "Sex" is not a synonym for and does not include the concept of "gender identity."

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Current Status of the Title IX Regulations

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Status of Title IX Regulations

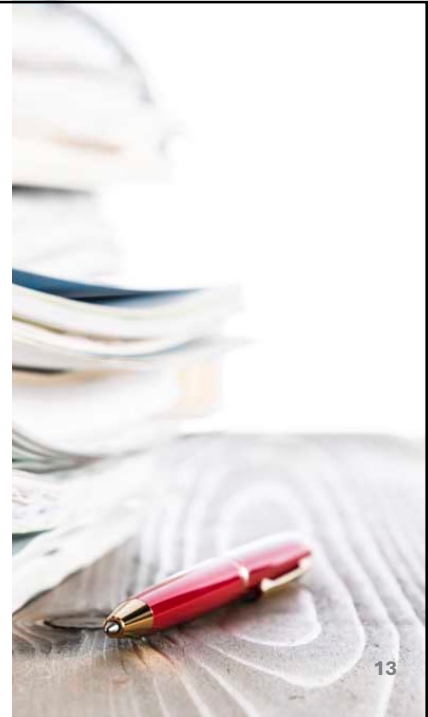
- OCR has referenced the *Tennessee* decision vacating the 2024 Final Rule on its website (<https://www.ed.gov/about/ed-offices/ocr/regulations-enforced-by-the-office-for-civil-rights>)

“Consistent with the court’s order, the 2024 Title IX regulations and these resources are not effective in any jurisdiction”

- No appeal has been filed by DOE



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Best Practice Strategies

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Caveat: the law could change again

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This slide features a background image of a classical building with columns and an American flag. A blue geometric overlay is present in the center. The text 'Caveat: the law could change again' is centered in white. The footer contains the LS logo, the website 'LozanoSmith.com', and the number '15'.

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Investigations

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This slide features the same background image and blue overlay as slide 15. The text 'Investigations' is centered in white. The footer contains the LS logo, the website 'LozanoSmith.com', and the number '16'.

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Existing Investigations

- Existing Investigations
 - Continue investigation under 2020
 - **Best Practice:** Issue amended notice of investigation utilizing 2020 Title IX Grievance Procedures
- Investigations Completed under 2024 regulations



Title IX Policies



Title IX Policies



- Adopt/publish 2020 Title IX Grievance Procedures (aka 5145.71 or 4119.12)
- What other policies were updated to align with 2024?



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Title IX Policies

- Best Practice improvements to 2020 Title IX ARs
 - Consider removing language aligning timeline of UCP with Title IX Grievance Procedure
 - Consider including definitions of consent, sexual assault, dating violence, domestic violence, and stalking



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Trainings under Title IX

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Trainings under Title IX



- No more “all employee” training requirement under Title IX,
 - but ensure all employees are aware of obligations
- Districts must post Title IX trainings on website
- Title IX trainings should cover 2020 Regulations

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2020 Mini Refresher

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Protections under California Law

- Protections under CA law include prohibition of sex discrimination based on sexual orientation and gender identity
 - Ed Code Section 220
 - FEHA
- Grievance Procedure when not using Title IX = UCP, Sexual Harassment or 4030



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2020 Title IX Sexual Harassment

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

An **employee** conditioning the provision of an aid, benefit, or service of the district on the complainant's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the district's education program or activity; or

"Sexual assault," "dating violence," "domestic violence," or "stalking."



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2020 Title IX Jurisdiction

- The conduct occurs against a person **in the United States**;
- The conduct occurs in an education program or activity over which the District exercised **substantial control** over both:
 - 1) The **respondent** and
 - 2) The **context** in which the sexual harassment occurs; **and**
- The complainant was **participating/attempting to participate in** the educational program or activity at the time the complaint was filed.



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2020 Title IX Grievance Procedure (K-12)

- Formal Title IX Complaint
- Exchange of all directly related evidence (10 day)
- Exchange of Investigation Report
- Opportunity to submit relevant questions
- Separate Investigator and Decision-Maker



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Title IX Recalibration

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Takeaways

- 2020 Title IX Regulations are the applicable law
- Title IX still requires training
- Update templates
- CA law still provides protection



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Questions?

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Negotiation Hot Topics

Presented by: Desiree Serrano

Tulare County Office of Education Personnel Committee | February 7, 2025

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Topics



Framework of Collective Bargaining

Preparing for Negotiations

Hot Topics



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Framework of Collective Bargaining Laws

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The Educational Employment Relations Act of 1976 (EERA)

- Government Code Sections 3540-3549.3
- Administered by the Public Employment Relations Board (PERB)
- Mutual Obligation to Bargain in Good Faith On Matters within the Scope of Representation:
 - Includes Wages, Hours and Working Conditions
 - Also, Effects Bargaining
 - Also, Consultation Obligations

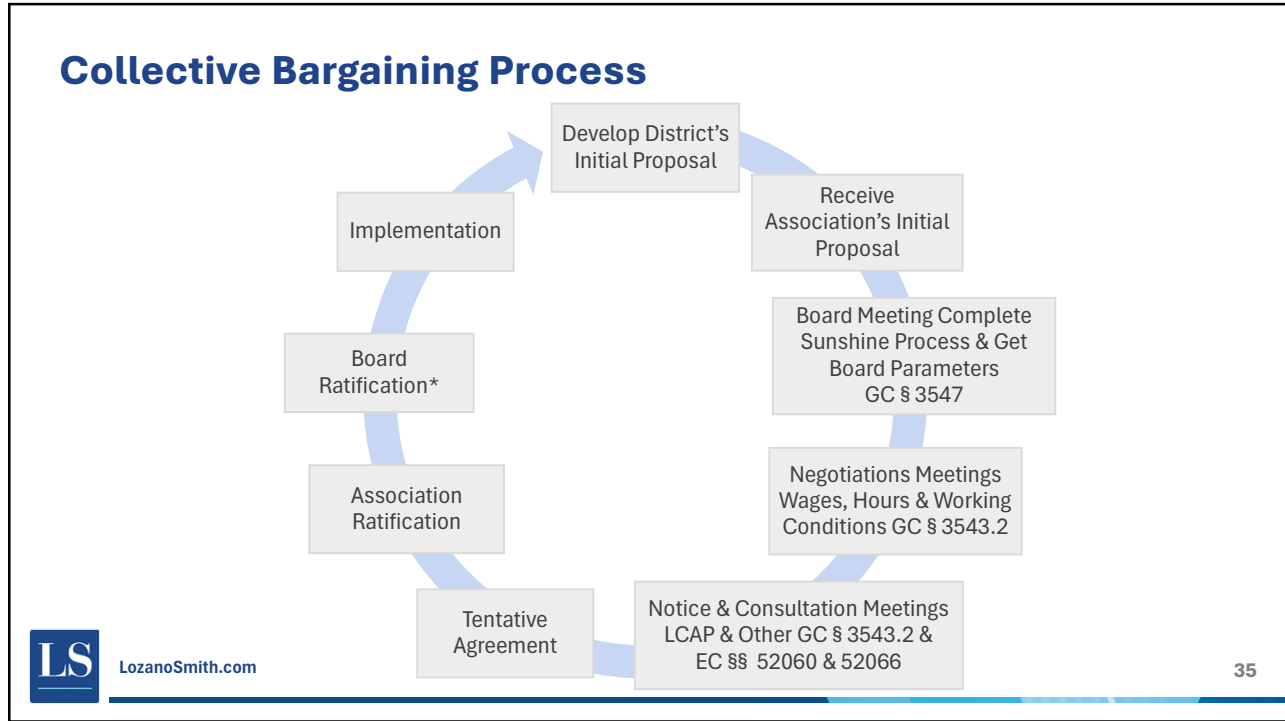


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(Govt. Sec. 3543.2(a) and EC Sec. 52060(g))

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Negotiation/Impasse Statistics

	2020-2021	2021-2022	2022-2023	2023-2024
Mediation Approvals	67	76	85	102
Fact Finding Approvals	11	17	15	27
Percentage of Mediations That Became Fact Finding	16.4%	22.3%	17.6%	26.5%

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Phillips, M., & Spencer, K. (2025, January 14). *Fact Findings Increased Significantly*.
School Services of California. sscal.com

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Preparing for Negotiations

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How Do Boards Identify Their Guiding Principles for Negotiations and Develop Parameters?

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What Do You Need to Know About School Budgets to Prepare for Negotiations?

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How to Build Trust With Bargaining Partners Before, During and After Negotiations?

How to Use Negotiations Norms to Build Trust?

How to Get Negotiations Back on Track?

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How to Communicate About Negotiations?

Must be Accurate and Factual

No Direct Dealing

Cannot Promise a Benefit or Threaten a Harm

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Avoid



Direct Dealing

Bad Faith Bargaining

Unfair Labor Practices

Contract Violations/Grievances

Slow Responses to Request for Info

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Hot Topics

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Use of Artificial Intelligence

- CBA language to prohibit use of AI in “anyway that would impinge upon the duties traditionally performed by employees”



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Coordinated Bargaining Efforts

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Safety-Related Proposals

District will make every reasonable effort to remediate unsafe environment.

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Proposals Related to Salary Schedule Placement

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Common Good Proposals

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Professional Work-Day

How do we define the work-day?

When do teachers get paid for activities that are outside contract time?

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Proposals for COLA Pass-Through

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Employee Speech



Displays in the classroom

Displaying materials on cars in parking lots



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Questions?

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For more information or questions about the presentation, please feel free to contact:

Desiree Serrano

Attorney at Law

213.929.1066

dserrano@lozanosmith.com



Or any of the attorneys in one of our 8 offices.

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Personnel Committee Meeting

February 7, 2025



HOT TOPICS

Open discussion

AB 2534



Edjoin new features
Sample Documents - Google folder
Agreement to respond

https://drive.google.com/drive/folders/1EUBBERNOkbvnOwUR7-ttFkFBceQVEIQM?usp=drive_link

AB2534 Jobseeker Profile/Application Page

A new section will be added to the Jobseeker's Profile as well as all Certificated Job Postings. This section will allow the Jobseeker to add all LEA information.

There is an unlimited number of entries for both their Profile and Application. As usual, any information entered on their Profile this will auto-populate on every Certificated Application they submit.

Application Navigation

- Personal Information
- Credentials
- Employment
- AB2534**
- References
- Education
- Signature
- Submit Application

Prev Next

Clicking Next Will Save Your Progress

CodeStack

Position: Elementary Teacher

AB2534

AB2534: Effective January 1, 2025, the new law will require applicants for a certificated position to provide a complete list of every local educational agency (LEA) where the applicant has previously worked.

LEAs considering the applicant must inquire with previous employers whether the applicant was the subject of egregious misconduct complaints, investigations, or discipline.

San Joaquin County

Job Title* Agency Name*

Agency Address* City State* Zipcode*

Hire Date* Employed From Date* Employed To Date*

HR/Agency Contact Name* HR/Agency Contact Phone* HR/Agency Contact Email*

Add Agency **New Section to add LEA information**

Application Navigation

- Personal Information
- Credentials
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San Joaquin County

Elk Grove County of Education

Job Title* Agency Name*

Agency Address* City State* Zipcode*

Hire Date* Employed From Date* Employed To Date*

HR/Agency Contact Name* HR/Agency Contact Phone* HR/Agency Contact Email*

Add Agency **Add unlimited entries**

System User - Manage District Profile

Profile for Tulare County Office Of Education

District Information

Name

Tulare County Office Of Education

Telephone

(559) 733-6306

Chief HR Administrator

Somavia, Dedi

EDJOIN Administrator

Somavia, Dedi

Fax

(559) 733-6688

Email

dedi.somavia@tcoe.org

District Text

Credentials

Sara Marvin





Tulare County
Office of Education

Tim A. Hire, County Superintendent of Schools

New Teacher & Leadership Development

Rachel Silveira

IMPACT Intern Program

Online Information
Meetings



IMPACT
TEACHER CREDENTIAL PROGRAM

Earn Your Credential While You Teach!

- Single Subject
Preliminary Credential
- Multiple Subject
Preliminary Credential
- Education Specialist
Preliminary Credential

The IMPACT Intern Credential Program is designed for individuals to complete their California Preliminary Teacher Credential while employed as a teacher-of-record. The Tulare County Office of Education and a consortium of local school districts partner to educate and employ teachers through the IMPACT Program. The IMPACT Program is fully accredited by the California Commission on Teacher Credentialing (CTC). Program completers may teach anywhere in the state of California.

Meeting Dates:

Click on date to register

Thursday, February 20, 2025

Wednesday, March 12, 2025

Monday, April 7, 2025

4:30 - 5:30 p.m.

Meetings are offered online,
at no cost to you!

IMPACT Intern Program

6200 S. Mooney Blvd.
P.O. Box 5091
Visalia, CA 93278-5091

<https://tcoe.org/NTLD/IMPACT>

Additional Questions?

Contact Gabbi Barnes
(559) 733-6487

IMPACT.info@tcoe.org

NTLD
NEW TEACHER • LEADERSHIP
DEVELOPMENT

Tulare County
Office of Education
Tim A. Hire, County Superintendent of Schools

Upcoming Information Meeting Dates:

Thursday, February 20, 2025

Wednesday, March 12, 2025

Monday, April 7, 2025

Framework for Teaching Schedule

- Session 1 2024-2025: September - November
- Session 2 2024-2025: January - March
- Session 3 2024-2025: March - April
- Session 4 2024-2025: April - June



First come, first enrolled

https://docs.google.com/presentation/d/1ULN7UMqd0I2OhL4d8EI9iJDOuhpNZ3yr3gYIk6nLIPo/edit#slide=id.g33043e71a48_0_1

Marvin Lopez - The Center for Teaching Careers



thank
you

The image features the words "thank you" written in a bold, black, cursive script. The word "thank" is positioned above "you". A horizontal arrow with a feathered tail on the left and a pointed tip on the right passes through the middle of the text, separating the two words. The word "thank" is decorated with a small heart above the 'a', a diamond to the left of the 't', and a diamond to the right of the 'k'. The word "you" is decorated with a small heart above the 'y', a small heart to the left of the 'y', and a small heart to the right of the 'u'. The entire composition is centered on a white rectangular background, which is itself set against a larger orange background with faint, circular bokeh effects on the right side.