

MEMORANDUM OF UNDERSTANDING
BETWEEN
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND ITS
RIVERSIDE CHAPTER #506
AND THE
RIVERSIDE UNIFIED SCHOOL DISTRICT
September 4, 2020

This memorandum of understanding (MOU) is agreed between the Riverside Unified School District (the "District" or "RUSD") and the California School Employees Association and its Chapter 506 ("CSEA"), collectively, ("the parties") concerning the District's response to the Novel Coronavirus (COVID-19) and the Instructional Assistant and Intensive Behavior Intervention Assistant classifications working remotely.

As a result of negotiations, the District and CSEA met and agree to the following;

- For the classifications of the Instructional Assistant and Intensive Behavior Intervention Assistant, Wednesday will be available for remote work, subject to change as essential employees. Site Administrator can give one additional day per the discretion of Administrator in collaboration with Personnel based on site/student needs, with the understanding that when students are brought back to campus for instruction all Instructional Assistant and Intensive Behavior Intervention Assistants are back on campus.
- Employees must be capable of completing their assigned work from home with their own personal equipment. Remote work is an OPTION, not a requirement, District has no responsibility to provide equipment or additional compensation for remote work equipment/needs.
- Working remotely is not an alternative for child (or elder) dependent care. The employee is not available during scheduled work hours to provide supervision or care for children and/or elders in the home.
- The District will continue to comply with all the components of the law related to H.R. 6201 Families First Coronavirus Response Act ("FFCRA"), which is applicable from April 1, 2020 through December 31, 2020.

- Employees that are unable to come to work due to documented medical issues will go through the ADA interactive process with personnel. At that time, remote working will be considered.
- The District and CSEA agree to the attached list defining recommendations from the Classified Instructional Assistant and Intensive Behavior Intervention Assistant Work Action Team regarding the ability to work in a hybrid environment. (see attached list)
- The District and CSEA agree to the following expectations:
 - Instructional Assistant and Intensive Behavior Intervention Assistants will have the teacher/student they are assigned to and what that teacher's daily schedule is, they will be expected to coordinate their schedule with the teacher to ensure all students' needs are being met.
 - Instructional Assistant and Intensive Behavior Intervention Assistants follow instructional hours of student(s) (hours may be different based on afternoon virtual learning). Employees will not be expected to work/answer phone/attend meetings during the weekend or outside of assigned duty hours
 - All live interactions that are being used for instructional purposes are recorded through the teacher.
 - Instructional Assistant and Intensive Behavior Intervention Assistants working remotely must adhere to the confidentiality policies of the District and to protect RUSD information, and information systems at their home work location. Due to the nature of the work Instructional Assistant and Intensive Behavior Intervention Assistants will be doing in a virtual classroom staff must be diligent in protecting Personally Identifiable Information (PII), Family Educational Rights and Privacy Act (FERPA) information, Health Insurance Portability and Accountability Act of 1996 (HIPAA) information, and other confidential information from the view of other individuals, in accordance with the following Board Policies: Board Policy #3580 - District Records Board Policy #4119.23 - Unauthorized Release Of Confidential/Privileged Information Board Policy #5125 - Student Records (see attached)

- This MOU shall expire on December 31, 2020, or until the end of Phase 1, whichever comes first.
- This Memorandum of Understanding shall not be precedent setting nor form any basis for a past practice.

This Memorandum of Understanding (MOU) is subject to review under CSEA's policy 610 and the approval of RUSD's Board of Education.

FOR THE DISTRICT

FOR THE CSEA

Kyley Gbarra

Kyley Gbarra
Assistant Superintendent, Personnel
Riverside Unified School District

Anahi Chavez

Anahi Chavez
President, CSEA #506

Mays Kakish

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Joy Hurst

Hayley Calhoun

Hayley Calhoun

Michael Baum

Michael Baum

Nyron Johnson

Nyron Johnson

Job Classification	Possible Remote Working Duties
<u>Instructional Assistant</u>	<ol style="list-style-type: none"> 1. Make phone calls 2. Prep materials for students
<u>Instructional Assistant - Computer Resources</u>	<ol style="list-style-type: none"> 1. Assist with informational communication via phone 2. Make phone calls 3. Help with troubleshooting
<u>Instructional Assistant - Head Start</u>	<ol style="list-style-type: none"> 1. Take notes on observations 2. Make phone calls 3. Help assist families of students with technology 4. Assist with informational communication via phone
<u>Instructional Assistant - Infant Care</u>	<ol style="list-style-type: none"> 1. Take notes on observations 2. Make phone calls 3. Help assist families of students with technology 4. Assist with informational communication via phone
<u>Instructional Assistant - Preschool</u>	<ol style="list-style-type: none"> 1. Take notes on observations 2. Make phone calls 3. Help assist families of students with technology 4. Assist with informational communication via phone
<u>Instructional Assistant - Special Education I</u>	<ol style="list-style-type: none"> 1. Document levels of engagement in Google Classroom 2. Assist with behavior management based on IEP 3. Prepare art materials/student materials 4. Small group instruction 5. Redirect student direction in Google Classroom 6. Monitor chat questions 7. Present on screen while teacher views students in Google Classroom 8. Make calls to students to check in on the students 9. Possible change in work hours due to classroom schedule
<u>Instructional Assistant - Special Education II</u>	<ol style="list-style-type: none"> 1. Document levels of engagement in Google Classroom 2. Assist with behavior management based on IEP 3. Prepare art materials/student materials 4. Small group instruction 5. Redirect student direction in Google Classroom 6. Monitor chat questions 7. Present on screen while teacher views students in Google Classroom 8. Make calls to students to check in on the students 9. Possible change in work hours due to classroom schedule
<u>Instructional Assistant - Special Education II - Sign Language</u>	<ol style="list-style-type: none"> 1. Sign for student on Google Meet
<u>Instructional Program Assistant</u>	<ol style="list-style-type: none"> 1. Prepare materials 2. Make phone calls
<u>Intensive Behavior Interventions Assistant</u>	<ol style="list-style-type: none"> 1. Document levels of engagement in Google Classroom 2. Assist with behavior management based on IEP 3. Prepare art materials/student materials 4. Small group instruction 5. Redirect student direction in Google Classroom 6. Monitor chat questions 7. Present on screen while teacher views students in Google Classroom 8. Make calls to students to check in on the students 9. Assist with duties of IASE I 10. Possible change in work hours due to classroom schedule

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Unauthorized Release Of Confidential/Privileged Information

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The Board of Education recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code [54963](#))

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code [54963](#))

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code [54963](#))

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The district shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

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

2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action

3. Disclosing information that is not confidential

Other Disclosures

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

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

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 6164.2 - Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions

35160 Authority of Board of Educations

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49079 Pupil records

GOVERNMENT CODE

1098 Public officials and employees: confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: July 17, 2018 Riverside, California

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Student Records

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Purpose

The purpose of this policy is to clarify District expectations in the area of retaining and securing student records.

Position

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law.

The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy. These regulations shall also ensure parental rights to review, inspect, copy, and request modifications to student records.

(cf. [3580](#) - District Records)

(cf. [4040](#) - Employee Use of Technology)

(cf. [5125.1](#) - Release of Directory Information)

(cf. [5125.3](#) - Challenging Student Records with Disabilities)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR [431](#))

Student Records from Social Media

The Superintendent or designee may adopt a program to gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code [49073.6](#))

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [5131.2](#) - Bullying)

(cf. [5145.6](#) - Parental Notifications)

(cf. [9322](#) - Agenda/Meeting Materials)

(cf. [9323](#) - Meeting Conduct)

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code [49073.1](#) and other applicable state and federal laws.

(cf. [3312](#) - Contracts)

Legal Reference:

EDUCATION CODE

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

GOVERNMENT CODE

6252-6260 Inspection of public records

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

PENAL CODE

245 Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act Policy Number # 5125

1232h Protection of Pupil Rights Amendment

UNITED STATES CODE, TITLE 26

152 Definition of dependent child

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

Management Resources:

FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance,

<http://www.ed.gov/policy/gen/guid/fpco>

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: May 21, 1979 Riverside, California

revised: March 19, 1984

revised: May 18, 1987

revised: May 19, 1992

revised: January 19, 1993

revised: March 6, 2017

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District Records

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The Board of Education recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. [1340](#) - Access to District Records)

(cf. [3440](#) - Inventories)

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

(cf. [5125](#) - Student Records)

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. [0440](#) - District Technology Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29 and 1798.82, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29, 1798.82)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

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

(cf. 5145.6 - Parental Notifications)

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

49069 Absolute right to access

CIVIL CODE

1798.29 Breach of security involving personal information

CODE OF CIVIL PROCEDURE

1985.8 Electronic Discovery Act

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

430 Individual student records; definition

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy Act

Management Resources:

WEB SITES

California Secretary of State: <http://www.sos.ca.gov/safeathome>

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: July 17, 2018 Riverside, California

1232h Protection of Pupil Rights Amendment

UNITED STATES CODE, TITLE 26

152 Definition of dependent child

UNITED STATES CODE, TITLE 42

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