

# Hanford Elementary School District

1/114

## REGULAR BOARD MEETING AGENDA

**Wednesday, October 19, 2011**

HESD District Office Board Room  
714 N. White Street, Hanford, CA

### OPEN SESSION

- 5:30 p.m.
- Call to Order
  - Members present
  - Pledge to the Flag

### CLOSED SESSION

6:00 p.m.

- **Student Discipline** (*Education Code Section 48918...requires closed sessions in order to prevent the disclosure of confidential student record information*)

#### Administrative Panel Recommendations and Readmissions

Case # 30-11 – King  
Case # 44-11 – Wilson  
Case # 12-09 – Wilson  
Case #12-10 – Kennedy

- **Personnel** (*Pursuant to Government Code Section 54956.9, trustees will adjourn to Closed Session to discuss the items listed below. The items to be discussed shall be announced in accordance with Government Code Section 54954.5 and/or under Education Code provisions.*)
  - Public Employee Discipline/Dismissal/Release (GC 54957) – Classified

### OPEN SESSION

6:30 p.m.

#### **1. PRESENTATIONS, REPORTS AND COMMUNICATIONS**

*(In order to insure that members of the public are provided an opportunity to address the Board on agenda items or non-agenda items that are within the Board's jurisdiction, agenda items may be addressed either at the public comments portion of the agenda, or at the time the matter is taken up by the Board. A person wishing to be heard by the Board shall first be recognized by the president and identify themselves. Individual speakers are allowed three minutes to address the Board. The Board shall limit the total time for public input on each item to 20 minutes.)*

- a) Public comments
- b) Board and staff comments
- c) Requests to address the Board at future meetings
- d) Review Dates to Remember

#### **2. CONSENT ITEMS**

*(Items listed are considered routine and may be adopted in one motion. If discussion is required, a particular item may be removed upon request by any Board member and made a part of the regular business.)*

- a) Approve warrant listings dated September 30, 2011 and October 7, 2011.
- b) Approve minutes of Regular Board Meeting October 5, 2011.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of \$55.95 from Target to Hamilton School. (Espindola)

- *Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Superintendent's Office located at 714 N. White Street, Hanford, CA during regular business hours.*
- *Any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent in writing.*

- e) Approve donation of \$1,500.00 from Monroe PTC to Monroe School for study trips. (Martinez)
- f) Approve donation of \$308.08 from Washington PTP Club to Washington School. (Rubalcava)
- g) Approve donation of eight (8) Dell computers from McLellan Industries. (Goldsmith)

### **3. INFORMATION ITEMS**

- a) Receive for information quarterly report on Williams Uniform Complaints. (Terry)
- b) Receive the following new Board Policy and Administrative Regulation for information: (Terry)
  - BP/AR 3320 – Claims and Actions Against the District (New)
- c) Receive the following new Administrative Regulation for information: (Terry)
  - AR 3514.2 – Integrated Pest Management (New)
- d) Receive the following revised Board Policy and Administrative Regulation for information: (Terry)
  - BP/AR 3516 – Emergencies and Disaster Preparedness Plan (revised)
- e) Receive the following revised Administrative Regulation for information: (Terry)
  - AR 7160 – Charter School Facilities (revised)
- f) Receive the following revised Board Policy and Administrative Regulation for information: (Williams)
  - BP/AR 4222 – Teacher Aides/Paraprofessionals (revised)

### **4. BOARD POLICIES AND ADMINISTRATION**

- a) Consider adoption of the following revised Board Policy and Administrative Regulation: (Terry)
  - BP/AR 1325 – Advertising and Promotion (revised)
- b) Consider adoption of the following revised Board Policy: (Terry)
  - BP 3312 – Contracts (revised)
- c) Consider adoption of the following revised Board Policy and Administrative Regulation: (Terry)
  - BP/AR 3514 – Environmental Safety (revised)
- d) Consider adoption of the following new Board Policy: (Terry)
  - BP 3515 Campus Security (New)
- e) Consider adoption of the following revised Board Bylaw: (Terry)
  - BB 9223 Filling Vacancies (revised)
- f) Consider adoption of the following revised Board Policy: (Williams)
  - BP 4221.1 – Wages for Temporary and Substitute Work (revised)
- g) Hear public input and accept California School Employees Association's (CSEA) initial proposal for 2011-2012 amendments to the 2011-2014 Collective Bargaining Agreement between Hanford Elementary School District (HESD) and CSEA (reopened articles).
- h) Hear public input and accept HESD's initial proposal for 2011-2012 amendments to the 2011-2014 Collective Bargaining Agreement between HESD and CSEA (reopened articles).

## 5. PERSONNEL

### a) Employment

#### Certificated

- Rick Calvillo, Teacher, Temporary, effective 10/3/11

#### Certificated Short-term

- Irene Mendes, Short-term School Nurse – 4.0 hrs., Special Services, effective 10/3/11 to 10/24/11 (6 days only)
- Jeanne Russ, Short-term School Nurse – 4.0 hrs., Special Services, effective 10/3/11 to 10/26/11 (6 days only)

#### Temporary Employees/Substitutes/Yard Supervisors

- Sandra Acevedo, Substitute Translator: Oral Interpreter and Written Translator, effective 9/27/11
- Bryant Barger, Substitute READY Program Tutor, effective 10/3/11
- Javantae Farmah, Short-term Yard Supervisor – 1 hr., (M,T,Th,F), Washington, effective 10/3/11 to 11/18/11
- Evette Gonzalez, Short-term Yard Supervisor – 1.75 hrs., King, effective 10/3/11 to 11/18/11
- Amber Lepper, Substitute Yard Supervisor, effective 9/28/11
- Martha Martinez, Substitute Alternative Education Aide, Bilingual Aide I, Educational Tutor K-6, Instructional Aide, READY Program Tutor, and Special Education Aide, effective 10/10/11
- Martin Southall, Substitute Yard Supervisor, effective 10/6/11
- Tamara Taylor, Substitute Babysitter and Yard Supervisor, effective 10/4/11
- Mercedes Yang, Substitute Yard Supervisor, effective 9/27/11

### b) Resignations

- Tanya M. Jimenez, Yard Supervisor – 2.5 hrs., King, effective 9/30/11
- Martha Martinez, READY Program Tutor – 4.5 hrs., Roosevelt, effective 10/7/11

### c) Retirement

- Geri Rocha, Food Service Worker I – 2.25 hrs., Simas, effective 9/29/11

### d) Voluntary Transfer

- Naomi Gaffney, Food Service Worker I – 2.25 hrs., from Washington to Simas, effective 10/3/11

### e) Leave of Absence

- Zujey Garcia Zavala, Yard Supervisor – 1.75 hrs., King, effective 8/18/11 to 9/27/11, child rearing

### f) Volunteers

<u>Name</u>	<u>School</u>
Paula Alapisco	Hamilton
Toby Cano	Hamilton
Teresa Dominguez	Hamilton
Melissa Chavez	Jefferson
Megan Allen	Monroe
Maria Correia	Monroe
Sonia Correia	Monroe
Crystal Zeno Jaworski	Monroe
Jessie Lane	Monroe
Irene Mackey	Monroe
Yvonne Ramirez	Monroe
Adrian Young	Richmond
Tracy Siegart	Roosevelt
Sandra Neighbors	Simas
Erin Aguilar	Washington

**6. FINANCIAL**

- a) Consider approval of Resolution #8-12: Final revision of the 2010-11 Budget.
- b) Consider approval of Resolution #9-12: Revision of the 2011-12 Budget.

**ADJOURN MEETING**

HANFORD ELEMENTARY SCHOOL DISTRICT  
AGENDA REQUEST FORM

TO: Dr. Paul Terry  
FROM: Liz Simas  
DATE: October 10, 2011

For: ☒ Board Meeting  
☐ Superintendent's Cabinet  
☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011

ITEM: Student Discipline

PURPOSE: Administrative Panel Recommendations and Readmissions

Case# 30-11 - King  
Case# 44-11 - Wilson  
Case# 12-09 - Wilson  
Case# 12-10 - Kennedy

**Hanford Elementary School District**  
***Minutes of the Regular Board Meeting***  
**October 5, 2011**

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on October 5, 2011, at the District Office Board Room, 714 N. White Street, Hanford, CA.

- Call to Order** President Garner called the meeting to order at 5:30 p.m. Trustees Hill, Revious, Hernandez, and Jay were present.
- Closed Session** At 6:00 p.m. Trustees adjourned to closed session for:
- Student Discipline
  - Conference with Labor Negotiator
- Trustees returned to open session at 6:12 p.m.
- HESD Managers Present** Dr. Paul J. Terry, Superintendent, and the following administrators were present: Don Arakelian, Doug Carlton, Anthony Carrillo, Debra Colvard, Kenny Eggert, Javier Espindola, Joy Gabler, Lucy Gomez, Jaime Martinez, Gerry Mulligan, Jennifer Pitkin, Jill Rubalcava, Liz Simas, Diane Williams, and Nancy White.
- Revoke Readmission Case #23-11** Trustee Revious made a motion to revoke readmission for Case #23-11 based upon the student's failure to abide by school and district rules upon return to regular school. Parents may apply for readmission on or after January 9, 2012. Trustee Hill seconded; motion carried 5-0.
- Expulsions #12-02, #12-03, 12-05, 12-06, 12-07, and 12-08** Trustee Revious made a motion to accept the Findings of Facts and expel Case #12-02, 12-03, 12-05, 12-06, 12-07, and 12-08 for the remainder of the 2011-2012 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held on October 3, 2011. Parents may apply for readmission on or after June 8, 2012. Trustee Hernandez seconded; motion carried 5-0.
- Expulsions #12-01 and #12-04** Trustee Revious made a motion to accept the Findings of Facts and expel Case #12-01, and 12-04 for the remainder of the 2011-2012 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held on October 3, 2011. However, Trustee Revious further moved that the parents may apply for readmission on or after January 9, 2012. If readmission is granted, the expulsion order shall be suspended and student may attend regular school in probationary status on a Behavior Conditions Plan through June 8, 2012. Trustee Jay seconded; motion carried 5-0.

**PRESENTATIONS, REPORTS AND COMMUNICATIONS**

- Public Comments** None.
- Board and Staff Comments** None

**Requests to Address the Board at Future Meetings** None.

**Dates to Remember** President Garner reviewed Dates to Remember: HESD Educational Foundation Board meeting October 18; next regular Board meeting October 19; Fall Round Robin #2 at Richmond/JFK October 22; JFK Fall Band Concert October 26.

### **INFORMATION ITEMS**

**CSEA's Initial Proposal**

Diane Williams, Assistant Superintendent Human Resources, acknowledged and introduced Shereese Rose, California School Employees Association (CSEA) local president, who presented for information CSEA's Initial Proposal for 2011-2012 amendments to the 2011-2014 Collective Bargaining Agreement between Hanford Elementary School District (HESD) and CSEA (reopened articles). Rose stated CSEA was pleased to be working with the District toward common goals and that successful negotiations are expected.

**District's Initial Proposal for 2011-2012 amendments**

Diane Williams, Assistant Superintendent Human Resources, presented for information the District's Initial Proposal for 2011-2012 amendments to the Collective Bargaining Agreement between HESD and CSEA (reopened articles).

**BP 4221.1**

Diane Williams, Assistant Superintendent Human Resources, presented for information the following Board Policy:

- BP 4221.1 - Wages for Temporary and Substitute Work (revised)

**BP/AR 1325**

Superintendent Dr. Terry presented for information the following Board Policy and Administrative Regulation:

- BP/AR 1325 – Advertising and Promotion (revised)

**BP 3312**

Superintendent Dr. Terry presented for information the following Board Policy:

- BP 3312 – Contracts (revised)

**BP/AR 3514**

Superintendent Dr. Terry presented for information the following Board Policy and Administrative Regulation:

- BP/AR 3514 – Environmental Safety (revised)

**BP 3515**

Superintendent Dr. Terry presented for information the following Board Policy:

- BP 3515 – Campus Security (new)

**BB 9223**

Superintendent Dr. Terry presented for information the following Board Policy and Administrative Regulation:

- BB 9223 – Filling Vacancies (revised)

**PUBLIC HEARING:  
Instructional  
Materials**

At 6:23 p.m. President Garner opened the public hearing regarding Instructional Materials Funding Realignment Program. Joy Gabler, Assistant Superintendent Curriculum, Instruction and Professional Development, reviewed with the Board the District's core instructional materials for 2011-12 and presented an opportunity for the public to review the sufficiency of instructional materials. President Garner called for questions from the audience. There being none, the President Garner closed the public hearing at 6:25 p.m.

**CONSENT ITEMS**

Trustee Revious made a motion to take consent items "a" through "h" together. Trustee Hernandez seconded, motion carried 5-0. Trustee Revious then made a motion to approve consent items "a" through "h". Trustee Hernandez seconded, motion carried 5-0. The items approved are:

- a) Warrant listings dated September 9, 2011; September 16, 2011; and September 23, 2011.
- b) Minutes of September 21, 2011 Regular Board Meeting.
- c) Interdistrict transfers as recommended.
- d) Donation of \$1,000.00 from Walmart to Richmond School.
- e) Donation of \$50.18 from Target to Richmond School.
- f) Donation of a flute valued at approximately \$250 from Magdalena Flores to Woodrow Wilson Band.
- g) Donation of \$356.36 from Target to Monroe School.
- h) Donation of \$153.16 from Target to King School.

Trustee Revious thanked and acknowledged donors Walmart, Target, and Ms. Flores for their generous support of our schools.

**BOARD POLICIES AND ADMINISTRATION****Resolution #4-12**

- a) Trustee Hill made a motion to adopt Resolution #4-12 pertaining to the sufficiency of instructional materials. Trustee Hernandez seconded; motion carried 5-0.

**Certification of  
compliance EC  
60422(a)**

- b) Trustee Revious made a motion to certify compliance with Education Code Section 60422(a) and California Code of Regulations (CCR), Title 5 Section 9531(a). Trustee Hill seconded; motion carried 5-0.

**SES Providers**

- c) Trustee Hill made a motion to approve contract with the Supplemental Educational Services (SES) Provider Organizations. Trustee Jay seconded; motion carried 5-0.

**Out-of-state travel**

- d) Trustee Jay made a motion to approve Doug Carlton and Preston Cooper to attend Genesis National Users Conference in Tempe, Arizona. Trustee Hernandez seconded; motion carried 5-0.



## PERSONNEL

Trustee Hill made a motion to take Personnel items "a" through "g" collectively. Trustee Jay seconded; motion carried 5-0. Then Trustee Hill made a motion to approve Personnel items "a" through "g". Trustee Jay seconded; the motion carried 5-0. The following items were approved:

### ***Item "a" – Employment***

Classified Management: Josefina "Pini" Etchegoin, School Operations Officer – 8.0 hrs., King, effective 9/29/11

Classified: Martha Murillo, Bilingual Clerk Typist I – 5.0 hrs., Jefferson, effective 9/19/11; Paul Huerta, READY Program Tutor – 4.5 hrs., Monroe, effective 9/20/11

Temporary Employees/Substitutes/Yard Supervisors: Harley Garcia, Wrestling Coach boys/girls – 12 units, Wilson, effective 11/7/11 to 2/4/12; Jodi Lovejoy, Substitute Special Education Aide, effective 9/14/11; Sonia Mena, Short-term Yard Supervisor – 1.0 hr., Jefferson, effective 9/19/11 to 11/18/11; Lidia Ortega, Yard Supervisor – 1.0 hr, King, effective 10/3/11; Terrie Sandoval, Substitute Health Care Assistant, effective 9/15/11.

### ***Item "b" – Resignations***

Brenda Thomas, READY Program Tutor – 4.5 hours, Hamilton, effective 9/30/11

### ***Item "c" – Failure to Respond to Annual Notification***

David Goulart, Substitute Custodian II, effective 1/10/11; Leticia Martinez, Substitute Clerk Typist I, effective 9/8/10; Jeanette Madrid, Substitute READY Program Tutor, effective 6/3/11

### ***Item "d" – Increase in Hours***

Tracy Heinrich, Yard Supervisor, from 3.25 hrs. to 3.50, Monroe, effective 9/26/11; Robin Patison, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Jefferson, effective 9/13/11; Jessica Szalai, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Monroe, effective 9/26/11

### ***Item "e" – Decrease in Hours***

Jenny Delgado, Yard Supervisor, from 3.5 hrs. to 3.25 hrs., Kennedy, effective 9/26/11; Zujey Garcia Zavala, Yard Supervisor, from 2.5 hrs. to 1.75 hrs., King, effective 9/19/11

### ***Item "f" – Leave of Absence***

Kali Gonsalves, Teacher, Lincoln, effective 2011-2012 school year, baby bonding; Delia Griffith, Yard Supervisor – 2.25 hrs., Richmond, effective 9/15/11 to 10/12/11, personal

### ***Item "g" – Volunteers***

<u>Name</u>	<u>School</u>
Agnes Kepenyas	Jefferson
Rose Barcellos	King
Carolyn Balcazar	Lincoln
Kristen Lloyd	Monroe
Karey Vidana	Monroe
Maria Leap	Simas
Melissa Oliver	Simas

## FINANCIAL

### **2010-11 Unaudited Actual Financial Report**

Trustee Hill made a motion to approve Unaudited Actual Financial Report for 2010-2011. Trustee Hernandez seconded; motion carried 5-0.

### **Resolution #6-12 Gann Amendment**

Trustee Jay made a motion to approve Resolution #6-12: Gann Amendment. Trustee Hernandez seconded; motion carried 5-0.

**PUBLIC HEARING:** At 6:32 p.m. President Garner opened the Public Hearing regarding  
**Trustee Area changes** Trustee Area boundary changes. Mr. Randy Edwards of Griswold, LaSalle, Cobb, Dowd & Gin presented redistricting alternatives for balancing Trustee Area Boundaries as required by law based upon population growth and other data obtained in connection with the 2010 census. The audience was asked if a Spanish language interpreter was needed, as interpreters were present at the hearing. No need was indicated. Trustees reviewed and discussed the alternative maps presented. Questions or comments from the audience were invited. There being none, Trustees Hill and Jay indicated inclination toward Alternative #1, and Trustees Garner, Revious, and Hernandez were inclined toward Alternative #3 because of its stronger Majority-Minority balance in Trustee Areas #4 and #5. At 6:47 p.m. President Garner closed the Public Hearing.

**Trustee Area Boundaries** Trustee Revious made a motion to accept Alternative #3. Trustee Hernandez seconded. Motion passed 3-2, Trustees Hill and Jay dissenting.

**Resolution #7-12** Trustee Jay made a motion to adopt Resolution #7-12 regarding a plan to redraw Trustee Area Boundaries pursuant to California Education Code Section 5019.5. Trustee Revious seconded; motion carried 5-0.

**Closed Session** At 6:55 p.m. Trustees adjourned to Closed Session for conference with Legal Counsel. Trustees returned to Open Session at 7:19 p.m.

Upon return to Open Session, there being no further business, President Garner adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Paul J. Terry,  
Secretary to the Board of Trustees

Approved:

\_\_\_\_\_  
Jeff Garner, President

\_\_\_\_\_  
Tim Revious, Clerk

## Inters - OUT

No	A/D	Sch Req'd	Home Sch	BD Date
O-092	A	Lemoore	Kennedy	10/19/1
O-093	A	Pioneer	Washington	10/19/1

NO Inters - IN

HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Javier Espindola

DATE: October 5, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011

**ITEM:** Donation of \$55.95 from Target

**PURPOSE:** To purchase student incentives.

**FISCAL IMPACT:** Increase of \$55.94 to the Hamilton School 2011-2012 General Fund Budget ♦ 0100-0000-0-1110-1000-430001-029-0000

**RECOMMENDATIONS:** Accept donation.

**HANFORD ELEMENTARY SCHOOL DISTRICT**AGENDA REQUEST FORM

TO: Paul Terry

FROM: Jaime Martinez 

DATE: September 26, 2011

For: ☒ Board Meeting  
☐ Superintendent's CabinetFor: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2010

ITEM: Donation of \$1,500.00 from Monroe PTCPURPOSE: Accept donation of \$1500.00 from Monroe PTC for study trips for:  
1<sup>st</sup> Grade: Harvest Hollow Ranch/Pumpkin Patch  
Kinder – Imagine U Childrens MuseumPlease credit \$1200.00 to:  
Account #: 0100-0000-0-1110-1000-571020-024-0000  
(transportation)Credit: \$300.00 to:  
Account #: 0100-0000-0-1110-1000-430006-024-0000  
(other supplies)FISCAL IMPACT (if any): \$1500.00RECOMMENDATION (if any): Action.

HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Dr. Paul J. Terry

FROM: Jill Rubalcava

DATE: 10/10/11

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: 10/19/11


**ITEM:** Donation of \$308.08 from the Washington PTP Club.

**PURPOSE:** For costs of Zero Citation reward activity.

**FISCAL IMPACT:** Increase of \$308.08 to the Washington School 2011-2012 General Fund Budget 0100-0000-0-1110-1000-430001-028-0000.

**RECOMMENDATIONS:** Accept donation.

**HANFORD ELEMENTARY SCHOOL DISTRICT**AGENDA REQUEST FORM

TO: Dr. Paul Terry  
FROM: David Goldsmith   
DATE: September 27, 2011

For: ☒ Board Meeting  
☐ Superintendent's Cabinet

For: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011

ITEM: Donation of eight (8) Dell computers.

PURPOSE: McLellan Industries in Hanford has donated eight computers to HESD for student use. The total value of the donated equipment is \$800.00. The computers were previously used by management at McLellan, and surpass HESD minimum specifications for computer equipment.

FISCAL IMPACT:

RECOMMENDATION: Accept.

## HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: October 19, 2011

**ITEM:** Quarterly report (7/1/11 – 9/30/11) regarding Williams Uniform Complaints. The types of complaints covered in the Williams Uniform Complaint Procedures are:

1. Instructional Materials - Sufficient textbooks and instructional materials
2. Facilities – conditions that pose an emergency or urgent threat to the health or safety of students or staff
3. Teacher vacancy or misassignment

**PURPOSE:** To comply with the requirements Education Code 35186, the Superintendent shall report summarized data on the nature and resolution of all Williams Uniform Complaints to the Board and the County Superintendent of Schools on a quarterly basis.

For the first quarter of the 2011-12 school year there were no Williams Uniform Complaints filed.

**FISCAL IMPACT:** None.



# Valenzuela/CAHSEE Lawsuit Settlement

## Quarterly Report on Williams Uniform Complaints

[Education Code § 35186(d)]

District: HANFORD ELEMENTARY

Person completing this form: Paul J. Terry Title: Superintendent

Quarterly Report Submission Month/Quarter: ☒ October 1st Quarter  
 (check one) ☐ January 2<sup>nd</sup> Quarter  
☐ April 3<sup>rd</sup> Quarter  
 Quarterly Report Submission Year: 2011-12 ☐ July 4<sup>th</sup> Quarter

Date for information to be reported publicly at governing board meeting: October 19, 2011

Please check the box that applies:

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

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	-0-		
Teacher Vacancy or Misassignment	-0-		
Facilities Conditions	-0-		
CAHSEE Intensive Instruction and Services	-0-		
TOTALS	-0-		

Paul J. Terry, Ed.D.  
Superintendent

\_\_\_\_\_  
Signature

October 12, 2011  
Date

Please submit to:

Russell Watley, Sr.  
Kings County Office of Education  
Williams Compliance Technician  
(559)589-7082  
rwatley@kingscoe.org

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: October 19, 2011.

**ITEM:** Receive the following new Board Policy and Administrative Regulation for information:

- BP/AR 3320 – Claims and Actions Against the District (New)

**PURPOSE:** This new policy is necessary to align with current practices and legal requirements.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Consider for adoption at the next regular board meeting.

# Hanford ESD

## Board Policy

### Claims And Actions Against The District

BP 3320

#### Business and Noninstructional Operations

The Governing Board desires to ensure that the district's operations are conducted in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with law, Board policy, and administrative regulation as well as the district's Joint Powers Authority (JPA) agreement or insurance coverage.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or excepted by Government Code 905 shall be presented consistent with the manner and time limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law.

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance.

This policy applies retroactively to any existing causes of action and/or claims for money and/or damages.

#### Roster of Public Agencies

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board.  
(Government Code 53051)

Any changes to such information shall be filed within 10 days after the change has occurred.  
(Government Code 53051)

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

6500-6536 Joint exercise of powers

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730

Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29

CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.sos.ca.gov>

Adopted:

# **Hanford ESD**

## **Administrative Regulation**

### **Claims And Actions Against The District**

AR 3320

#### **Business and Noninstructional Operations**

##### **Time Limitations**

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

##### **Receipt of Claims**

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government, in a sealed envelope properly addressed to the district office with postage paid or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's JPA or insurance carrier in accordance with the applicable conditions of coverage.

##### **Review of Contents of the Claim**

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted

4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the public employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case."
7. The signature of the claimant or the person acting on his/her behalf

#### Notice of Claim Insufficiency

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

#### Amendment to Claims

Within the time limits provided under the section entitled "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

#### Late Claims

For claims under item #1 in the section entitled "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 911.4)

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

#### Action on Claims

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.

4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)



## HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: October 19, 2011.

**ITEM:** Receive the following new Administrative Regulation for information:

- AR 3514.2 – Integrated Pest Management (New)

**PURPOSE:** This new policy is necessary to align with current practices and legal requirements.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Consider for adoption at the next regular board meeting.

# **Hanford ESD**

## **Administrative Regulation**

### **Integrated Pest Management**

AR 3514.2

#### **Business and Noninstructional Operations**

##### **Definition**

Integrated Pest Management (IPM) means 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 nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

##### **Procedures**

The Superintendent or designee shall designate a staff person to develop, implement, and coordinate an IPM program that incorporates effective, least toxic pest management practices. The district's program shall include the following elements:

1. Carefully monitoring and identifying the pest population levels and identifying practices that could affect pest populations. 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. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazard that would indicate corrective action should be taken.
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Considering a full range of possible alternative treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazard to people and the environment.

6. Ensuring that persons applying pesticides follow label precautions and are trained in the principles and practices of IPM.
7. Limiting 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. They shall be stored and disposed of in accordance with state regulations and label directions registered with the U.S. Environmental Protection Agency (EPA) as well as any disposal requirements indicated on the product label.

#### Prohibited Pesticides

The IPM Coordinator shall not use a pesticide on a school site if that pesticide has been granted a conditional or interim registration or an experimental use permit by the California Department of Pesticide Regulation (DPR) or if the pesticide is subject to an experimental registration issued by the EPA and either of the following conditions exists: (Education Code 17610.1)

1. The pesticide contains a new active ingredient.
2. The pesticide is for new use.

In addition, the IPM Coordinator shall not use a pesticide on a school site if DPR cancels or suspends registration or requires that the pesticide be phased out from use. (Education Code 17610.1)

#### Notifications

The IPM Coordinator 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 (<http://www.schoolipm.info>) used to access information on pesticides and pesticide use reduction developed by the DPR 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 IPM Coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application.
4. Other information deemed necessary by the Superintendent or IPM Coordinator.

If a pesticide product not included in the annual notification is subsequently intended for use at a school site, the IPM Coordinator 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)

Whenever the IPM Coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. (Education Code 17612)

#### Posting of Warning Signs

The IPM Coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following information: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area"
2. The product name, manufacturer's name, and the EPA's product registration number
3. Intended areas and dates of application
4. Reason for the pesticide application

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide, 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 on that copy of the amount of the pesticide used. (Education Code 17611)

#### Legal Reference:

##### EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17608-17613 Healthy Schools Act of 2000

48980 Notice at beginning of term

48980.3 Notification of pesticides

##### FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

6250-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

Management Resources:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Adopting Integrated Pest Management, 1993

WEB SITES

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

California Department of Pesticide Regulation, School IPM: <http://schoolipm.info>

U.S. Environmental Protection Agency, Integrated Pest Management at Schools:

<http://www.epa.gov/pesticides/ipm>

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: October 19, 2011.

**ITEM:** Receive the following revised Board Policy and Administrative Regulation for information:

- BP/AR 3516 – Emergencies and Disaster Preparedness Plan (revised)

**PURPOSE:** These revisions reflect changes (see underlines and strikeouts) that are necessary to align with current practices and procedures.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Consider for adoption at the next regular board meeting.

# Hanford ESD

## Board Policy

### Emergencies And Disaster Preparedness Plan

BP 3516

#### Business and Noninstructional Operations

In order to save lives and protect property, all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters and events which threaten to result in a disaster.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling ~~all foreseeable~~ emergencies and disasters and which shall be included in the district's comprehensive school safety plan. ~~The Superintendent or designee may appoint a committee to regularly review the disaster preparedness plan and recommend changes.~~ (Education Code 32282)

The Superintendent or designee shall also develop and maintain emergency plans for each school site.

In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code 32282)

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

~~The principal or designee shall augment the district plan with working plans and procedures specific to each school. He/she shall present a copy of these site plans and procedures to the Superintendent.~~

~~District and site plans shall address at least the following situations:~~

- ~~1. Fire on school grounds which endangers students~~
- ~~2. Natural or man-made disasters~~

~~(cf. 3516.3 — Earthquake Emergency Procedure System)~~

3. ~~—— Bomb threat or actual detonation~~

(~~cf. 3516.2 — Bomb Threats~~)

4. ~~—— Attack or disturbance by individuals or groups~~

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

(~~cf. 1400 — Relations between Other Governmental Agencies and the Schools~~)

(~~cf. 3514 — Environmental Safety~~)

(~~cf. 3515 — Campus Security~~)

(~~cf. 3515.2 — Disruptions~~)

(~~cf. 3530 — Risk Management/Insurance~~)

(~~cf. 5131.4 — Campus Disturbances~~)

The Superintendent or designee should ensure that the plan includes:—

1. ~~—— Procedures for personal safety and security~~

2. ~~—— Ways to ensure smooth administrative control of operations during a crisis~~

3. ~~—— Procedures to establish a clear, effective communications system—~~

4. ~~—— Guidelines for law enforcement involvement, including specific steps for law enforcement intervention depending upon the intensity of the crisis~~

The Superintendent or designee shall use state-approved Standard Emergency Management System guidelines and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The Superintendent or designee shall consult with city and/or county agencies so that district and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each district school.

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 38051)

(~~cf. 3543 — Transportation Safety and Emergencies~~)

Disaster preparedness exercises shall be held regularly at each school site and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff



~~member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR inservice training to be offered at least once a year for district staff.~~

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

~~32000-32004 Uniform fire signals (with requirement that every school building with capacity of 50 or more students be provided with a fire warning system)~~

32040 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

~~35295-35297 Earthquake emergency procedures~~

~~38051- 39834 Operating overloaded bus~~

~~38132 Mass care and welfare shelters~~

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standard emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400 et seq. Standardized Emergency Management System Regulations

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Centers for Disease Control and Prevention: <http://cdc.gov>

Contra Costa County Office of Education, Pandemic influenza resources:

[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>

U.S. Department of Homeland Security: <http://www.dhs.gov>

Management Resources:

CDE PROGRAM ADVISORIES

~~0224.94 Contingency Planning for School Campus Emergencies, CIL: 93/94-04~~

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

~~Standardized Emergency Management System (SEMS) Guidelines, March 1995~~

~~SEMS Approved Course of Instruction, March 1995~~

Policy HANFORD ELEMENTARY SCHOOL DISTRICT  
adopted: December 18, 1996 Hanford, California  
reviewed: May 16, 2001  
revised:

# Hanford ESD

## Administrative Regulation

### Emergencies And Disaster Preparedness Plan

AR 3516

#### Business and Noninstructional Operations

##### Components of the Plan

The Superintendent or designee shall ensure that district and school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

(cf. 3516.1 - Fire Drills and Fires)

2. Earthquake or other natural disasters

(cf. 3516.3 - Earthquake Emergency Procedure System)

3. Environmental hazards

(cf. 3514 - Environmental Safety)

(cf. 3514.2 - Integrated Pest Management)

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 5131.4 - Student Disturbances)

5. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

(cf. 5141.22 - Infectious Diseases)

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment and identification of risks

(cf. 3530 - Risk Management/Insurance)

2. Instruction and practice for students and employees regarding emergency plans, including:

a. Training of staff in first aid and cardiopulmonary resuscitation

b. Regular practice of emergency procedures by students and staff

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site

b. Individuals responsible for specific duties

c. Designation of the principal for the overall control and supervision of activities at each school during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans

d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation

e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:

a. Identification of areas of responsibility for supervision of students

b. Procedures for evacuation of students and staff, including posting of evacuation routes

c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

(cf. 3543 - Transportation Safety and Emergencies)

e. Provision of a first aid kit to each classroom

f. Arrangements for students and staff with special needs

(cf. 4032 - Reasonable Accommodation)

(cf. 6159 - Individualized Education Program)

g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

(cf. 4161.1/4361.1 - Personal Illness/ Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 5113 - Absences and Excuses)

(cf. 6183 - Home and Hospital Instruction)

5. Closure of schools, including an analysis of:

a. The impact on student learning and methods to ensure continuity of instruction

b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

(cf. 3516.5 - Emergency Schedules)

6. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:

a. Identification of spokesperson(s)

(cf. 1112 - Media Relations)

b. Development and testing of communication platforms, such as hotlines, telephone trees, and web sites

(cf. 1113 - District and School Web Sites)

c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand

d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians

7. Cooperation with other state and local agencies, including:

a. Development of guidelines for law enforcement involvement and intervention

b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

8. Steps to be taken after the disaster or emergency, including:

a. Inspection of school facilities

b. Provision of mental health services for students and staff, as needed

(cf. 6164.2 - Guidance/Counseling Services)

The district disaster preparedness plan shall be available to staff, students and the public in the office of the Superintendent and in the office of each principal. Individual school site disaster plans shall be provided to each teacher and shall be available for public inspection at the principal's office. The principal shall make certain that students and staff are familiar with their site plan.

~~The Board of Trustees shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services it deems necessary to meet the community's needs. (Education Code 38132)~~

#### Release of Students

The following procedures shall be followed in releasing students in the event of an emergency or disaster:

1. The principal or designee shall receive authorization from the Superintendent or designee before releasing students.
2. Individual students shall not leave a school site without receiving permission from the principal or designee.

3. If possible, staff shall release students only to persons authorized on the student emergency card.
4. In absence of an emergency card or in an emergency in which reference to the emergency card is impossible, individual students shall be released, upon presentation of identification, to parents/guardians, persons authorized by the parents/guardians, or to authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student.
5. The principal or designee shall record the release of all students.

#### Role of Staff

School staff are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

During an emergency, staff shall fulfill the following roles:

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

1. The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she shall have authority to use discretionary judgment in emergency situations which do not permit execution of prearranged plans. The principal or designee shall:
  - a. Direct evacuation of buildings
  - b. Arrange for transfer of students when their safety is threatened
  - c. Ensure individuals with disabilities and their classroom teachers know and understand the emergency procedures and allowances are provided as appropriate.
  - d. Inform the Superintendent or designee of all emergency actions taken as soon as possible
  - e. Schedule monthly fire drills and other disaster preparedness exercises and keep appropriate records
  - f. Post directions for fire drills and civil defense drills in classrooms, multipurpose rooms, etc.
2. Teachers shall be responsible for supervision of students in their charge. Teachers shall:
  - a. Direct evacuation of students in their charge in accordance with the principal's

## instruction

- b. Give the DROP command as necessary
  - c. Take attendance, stay with the students and provide supervision
  - d. Report missing students to the principal or designee
  - e. Send students in need of first aid to the school nurse or a person trained in first aid
  - f. Ensure individual with disabilities know and understand emergency procedures and accommodations are provided as appropriate.
3. Custodians are responsible for the use of emergency equipment, the handling of supplies and the use of available utilities. Custodians shall:
- a. Survey and report damage to the principal
  - b. Direct rescue operations as required
  - c. Direct fire-fighting efforts until regular fire-fighting personnel take over
  - d. Control main shutoff valves for gas, water and electricity and ascertain that no hazard results from broken gas, water mains or fallen electrical lines
  - e. Disburse supplies and equipment as needed
4. The school operation officer and secretarial staff shall:
- a. Report a fire or disaster to the appropriate authorities
  - b. Answer telephones and monitor radio emergency broadcasts
  - c. Provide for the safety of essential school records and documents
  - d. Assist the principal as needed
5. The school nurse shall:
- a. Administer first aid
  - b. Supervise the administration of first aid
  - c. Organize first aid and medical supplies
6. The cafeteria manager shall direct the use and preparation of the cafeteria stock and water



supply whenever the feeding of students becomes necessary during a disaster.

7. The bus driver(s) shall:
  - a. Supervise students if a disaster occurs while they are on the bus
  - b. Issue the DROP command as necessary while students are on the bus
  - c. Transfer students to a new location when directed by the principal or designee.

Regulation	HANFORD ELEMENTARY SCHOOL DISTRICT
approved:	May 16, 2001 Hanford, California
revised:	March 29, 2005
revised:	

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: October 19, 2011.

**ITEM:** Receive the following revised Administrative Regulation for information:

- AR 7160 – Charter School Facilities (revised)

**PURPOSE:** These revisions reflect changes (see underlines and strikeouts) that are necessary to align with current practices and procedures.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Consider for adoption at the next regular board meeting.

# Hanford ESD

## Administrative Regulation

### Charter School Facilities

AR 7160  
Facilities

#### Definitions

Average daily classroom attendance (ADA) or classroom ADA is ADA for classroom-based apportionment as used in Education Code 47612.5. (5 CCR 11969.2)

In-district classroom ADA is classroom ADA attributable to in-district students. In-district students are those charter school students who are entitled to attend a district school. Students eligible to attend district schools based on an interdistrict attendance agreement or parent/guardian employment shall be considered students of the district where they reside. (5 CCR 11969.2)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance)

\*\*\*Note: 5 CCR 11969.2 provides that the district need not provide facilities for nonclassroom-based charter school students, unless it so chooses. Items #1-2 below are optional.\*\*\*

The district may allow a charter school to include nonclassroom ADA in the ADA calculation only: (5 CCR 11969.2)

1. To the extent of the instructional time that the students generating the nonclassroom-based ADA are actually in the classroom under the direct supervision of and control of a charter school employee
2. If the district and charter school agree upon the time(s) that the facilities devoted to students generating the nonclassroom-based ADA will be used

An eligible charter school operating in the district is one that is either currently providing public education to in-district students or has identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year, regardless of whether the district is or is proposed to be the chartering entity and whether or not the charter school has a facility inside the district's boundaries. (Education Code 47614; 5 CCR 11969.2)

Furnished and equipped means the facilities include reasonably equivalent furnishing necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools established under 5 CCR

11969.3(a) and that the facilities have equipment that is reasonably equivalent to the comparison group schools. Equipment means property that does not lose its identity when removed from its location and is not changed materially or consumed immediately (e.g., within one year). Equipment has relatively permanent value and its purchase increases the total value of the district's physical properties. Examples include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and certain intangible assets such as major software programs. Furnishings and equipment acquired for a school site or immediately adjacent to with nondistrict resources are excluded when determining reasonable equivalence. (5 CCR 11969.2)

#### Determination of Reasonably Equivalent Facilities

The district shall provide facilities to a charter school sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. (Education Code 47614; 5 CCR 11969.3)

Reasonably equivalent conditions shall be determined on the basis of: (5 CCR 11969.3)

1. A comparison group of district schools with similar grade levels, selected in accordance with 5 CCR 11969.3 (5 CCR 11969.3)

If a charter school's grade-level configuration is different from the configuration of the district's schools, the district is not obligated to pay for the modification of a school site to accommodate the charter school's configuration. (5 CCR 11969.3)

2. Capacity, in accordance with 5 CCR 11969.3, including equivalency of the ratio of teaching stations (classrooms) to average daily attendance ADA as those provided to district students in the school district attending comparison group schools, allocation as well as a share of the specialized classroom space and/or a provision for access to nonteaching station reasonably equivalent specialized classroom space. District ADA shall be determined using projections for the fiscal year and grade levels for which facilities are requested. (5 CCR 11969.3)

The number of teaching stations shall be determined using the classroom inventory prepared pursuant to 2 CCR 1859.31, adjusted to exclude classrooms identified as interim housing. Interim housing means the rental or lease of classrooms used to house students temporarily displaced as a result of the modernization of classroom facilities, as defined in 2 CCR 1859.2, and classrooms used as emergency housing for schools vacated due to structural deficiencies or natural disasters. (5 CCR 11969.3)

The district shall allocate and/or provide access to nonteaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of nonteaching station space in the comparison group schools. Nonteaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative, kitchen, multipurpose room, and play area

space. (5 CCR 11969.3)

3. Condition of facilities, as determined by assessing such factors as age of facilities (from last modernization), quality of materials, and state of maintenance, including: (5 CCR 11969.3)

a. School site size

b. Condition of interior and exterior surfaces

c. Condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes

~~d. ——— Conformity of mechanical, plumbing, electrical and fire alarm systems to applicable codes~~

e

d. Availability and condition of technology infrastructure

~~f. ——— Suitability. Condition of the facility as a safe learning environment, including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use~~

~~g. ——— The manner in which f. Condition of the facility is furnished facility's furnishing and equipped equipment~~

g. Condition of athletic fields and/or play area space

(cf. 7111 - Evaluating Existing Buildings)

#### Provision Of Facilities By District

~~As of November 8, 2003, or on the first day of July following the passage of a local school bond measure, the district shall make available to a charter school operating in the district facilities within the district sufficient for the charter school to accommodate all of its in-district students in conditions reasonably equivalent to those in other district schools. Facilities provided to charter schools shall be contiguous and shall be furnished and equipped as necessary to conduct classroom based instruction. (Education Code 47614; 5 CCR 11969.2, 11969.4)~~

~~(cf. 0420.4 Charter Schools)~~

~~(cf. 7110 Facilities Master Plan)~~

If a charter school was established through the conversion of an existing public school, the condition of the facility previously used by the district shall be considered to be reasonably equivalent for the first year the charter school uses the facility. (5 CCR 11969.3)\_

#### Request and Provision of Facilities: Timelines and Procedures

The following procedures shall apply to a charter school's request for and the district's provision of facilities:

1. On or before November 1, a

~~The district shall not be required to use unrestricted general fund revenues to rent, buy or lease facilities for charter schools. The district may charge the charter school a pro rata share of its facilities costs that the district pays with unrestricted general fund revenues. (Education Code 47614; 5 CCR 11969.7)~~

~~Procedures for requesting facilities shall include the following steps:-~~

~~1. A charter school must be operating in the district as defined in Education Code 47614 before it submits a request for facilities. A new or proposed charter school is eligible to request facilities for a particular fiscal year only if it submitted its charter petition before November 15 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to receive facilities only if its petition was approved before March 1 of the fiscal year preceding the year for which facilities are requested. (5 CCR 11969.9)~~

~~2. The charter school shall submit a written facilities request to the Board of Trustees by October 1 of the preceding fiscal year. A new charter school, as defined in 5 CCR 11969.9, shall submit its request by January 1 of request for facilities to the preceding Superintendent or designee for the next fiscal year. The request shall include: (Education Code 47614; 5 CCR 11969.9)~~

~~a. Reasonable projections of in-district and total average daily attendance and total classroom average daily attendance, broken down by grade level and by the schools that the students would otherwise attend ADA and in-district and total classroom ADA, based on ADA claimed for apportionment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year~~

Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the district school that the student would otherwise attend.

b. A description of the methodology for the projections

~~c. If relevant, c. If relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy~~

d. The charter school's ~~instructional~~ operational calendar

e. Information regarding the district's school site and/or general geographic area in which the charter school wishes to locate

- f. Information on the charter school's educational program, if any, that is relevant to assignment of facilities

In submitting a facilities request, the charter school shall use a form specified by the district. The charter school shall distribute, or otherwise make available for review, the written request to interested parties, including, but not limited to, parents/guardians and school staff.

~~3. The Board~~ 2. On or before December 1, the district shall review the charter school's projections of in-district and total ~~average daily attendance~~ ADA and in-district and total classroom ~~average daily attendance~~ ADA, express any objections in writing, and state the projections the district considers reasonable. If the district does not express any objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge and the district shall providebase its offer of facilities on those projections. (5 CCR 11969.9)

3. On or before January 2, the charter school ~~a reasonable opportunity to~~ shall respond to any ~~concerns raised by the district.~~ objections expressed by the district and to the district's attendance projections provided pursuant to item #2 above. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to item #2. If the charter school does not respond by January 2, the district's projections provided pursuant to item #2 are no longer subject to challenge and the district shall base its offer of facilities on those projections. (5 CCR 11969.9)

4. ~~The district may deny a facilities request when the projected average daily attendance for the year is less than 80. (Education Code 47614)~~

~~5. The Board~~ On or before February 1, the district shall prepare a written preliminary proposal regarding the space to be allocated to the charter school and ~~the~~ /or to which the charter school is to be provided access. At a minimum, the preliminary proposal shall include: (5 CCR 11969.9)

a. The projections of in-district classroom ADA on which the proposal is based

b. The specific location(s) of the space

c. All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space

d. The projected pro rata share amount; and shall providea description of the methodology used to determine that amount

e. A list and description of the comparison group schools used in developing the district's preliminary proposal and a description of the difference between the preliminary proposal and the charter school's request submitted pursuant to item #1 above

In evaluating and accommodating the charter school's request, the charter school's in-district students shall be given the same consideration as students in the district's schools, subject to the requirement that the facilities provided must be contiguous. (5 CCR 11969.2)

Contiguous facilities are those facilities contained on a school site or immediately adjacent to a school site. If the in-district classroom ADA of the charter school cannot be accommodated on any single school site, contiguous facilities also include facilities located at more than one site, provided that the district minimizes the number of sites assigned and considers student safety. (5 CCR 11969.2)

If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. The district shall not be obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration. (5 CCR 11969.3)

5. On or before March 1, the charter school shall respond in writing to the district's preliminary proposal made pursuant to item #4 above and shall express any concerns, including addressing differences between the preliminary proposal and the charter school's request, and/or make a counter proposal. (5 CCR 11969.9)

6. ~~The Board shall provide~~ On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school pursuant to item #5 above, the district shall submit, in writing, a final notification of the space offered to the charter ~~AR school by April 1~~ ~~preceding the fiscal year for which facilities are requested. The school.~~ The notification shall include a response to the charter school's concerns and/or counter proposal, if any. The final notification shall specifically identify: (5 CCR 11969.9)

a. The teaching ~~station~~stations, specialized classroom spaces, and nonteaching station spaces offered for the exclusive use of the charter school and ~~that to be the teaching stations, specialized classroom spaces, and nonteaching spaces to which the charter school is to be provided access on a shared basis with district-operated programs~~

b. Arrangements for sharing any shared space

c. The assumptions of in-district classroom ~~average daily attendance~~ADA for the charter school upon which the allocation is based, and ~~if the assumptions are different than those submitted by the charter school pursuant to item #3 above,~~ a written explanation of the reasons for ~~any~~the differences ~~than those submitted by the charter school~~

d. The specific location(s) of the space

e. All conditions pertaining to the space

f. The pro rata share amount



eg. The payment schedule for the pro rata amount, which shall take into account the timing of revenues from the state and from local property taxes

7. ~~The charter school shall provide written notification to the Board, by~~ By May 1 or within 30 days after the district notification pursuant to item #6 above, whichever is later, the charter school shall notify the district in writing whether or not it intends to occupy the offered space. (5 CCR 11969.9)

The charter school's notification may be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the district by this deadline that it intends to occupy the offered space, then the space shall remain available for district programs and the charter school shall not be entitled to use facilities of the district in the following fiscal year. (5 CCR 11969.9)

8. The district and charter school shall negotiate an agreement regarding the use of and payment for the space.—The agreement shall contain the information included in item #6 In addition, the district shall provide a draft of any proposed agreement pertaining to the charter school's use of the space in conjunction with the preliminary offer, as detailed in item #4 above. (5 CCR 11969.9)

~~The—~~ a. At a minimum, the agreement also shall require the contain the information included in the district's final notification, as listed in item #6 above.

b. The charter school shall maintain general liability insurance naming the district as an additional insured in order to indemnify the district for any damage or loss and losses. The district shall maintain first party property insurance for which the facilities allocated to the charter school is liable, and that the,

(cf. 3530 - Risk Management/Insurance)

c. The charter school shall comply with Board policies regarding the operations and maintenance of school facilities, furnishings, and equipment.

(cf. 3530 —Risk Management/Insurance)

d. A reciprocal hold-harmless/indemnification provision shall be established between the district and the charter school.

e. The district shall be responsible for any modifications necessary to maintain the facility in accordance with Education Code 47610(d) or 47610.5.

9. The space allocated to the charter school by the district, or the space to which the district provides the charter school access, shall be furnished, equipped, and available for occupancy at least seven10 working days prior to the first day of instruction of the charter school. For good cause, the district may reduce the period of availability to a period of not less than seven working

days. (5 CCR 11969.9)

Space allocated for use by the charter school shall not be sublet or used, subject to sharing arrangements, shall be available for the charter school's entire school year regardless of the district's instructional year or class schedule. The charter school shall not sublet or use the facilities for purposes other than those that are consistent with Board policies and district practices without permission of the Superintendent or designee. (5 CCR 11969.5)

(cf. 1330 - Use of School Facilities)

10. Facilities, furnishings, and equipment provided to a charter school by the district shall remain the property of the district. The district shall be responsible for projects eligible to be included in the district's deferred maintenance plan and the replacement of district-provided furnishings and equipment in accordance with district schedules and practices. The ongoing operations and maintenance of facilities, furnishings, and equipment shall be the responsibility of the charter school. (Education Code 47614; 5 CCR 11969.2, 11969.4)

#### Charges for Facilities Costs

The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools. The district may charge the charter school for a pro-rata share of the district's facilities costs for the charter school's use of the facilities in accordance with 5 CCR 11969.7. (Education Code 47614)

General fund means the main operating fund of the district which is used to account for all activities except those that are required to be accounted for in another fund. (5 CCR 11969.2)

Unrestricted revenues are those funds whose uses are not subject to specific constraints and that may be used for any purposes not prohibited by law. Restricted revenues are those funds received from external sources that are legally restricted or that are restricted by the donor to specific purposes. Programs funded by a combination of restricted and unrestricted sources will be accounted for and reported as restricted. Funds or activities that are not restricted or designated by the donor, but rather by the Governing Board, shall be accounted for and reported as unrestricted. (5 CCR 11969.2)

Facilities costs are those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools, as well as plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases. (5 CCR 11969.2)

The charter school shall report actual in-district and total ~~average daily attendance-ADA~~ and classroom ~~average daily attendance-ADA~~ to the district every time that the charter school reports ~~average daily attendance-ADA~~ for apportionment purposes. If the charter school generates less ~~average daily attendance-ADA~~ than projected, the charter school shall reimburse the district for

the over-allocated space ~~at rates as~~ set forth in 5 CCR 11969.8, unless the district agrees, in response to the notification by the ~~State Board~~ charter school of Education-over-allocation, to exercise its sole discretion to use the over-allocated space for district programs. (Education Code 47614; 5 CCR 11969.8, 11969.9)

#### ~~Funding For New Construction~~

~~Applications for facilities funding for new construction pursuant to Education Code 17078.52-17078.62 may be submitted by either: (Education Code 17078.53)~~

- ~~1. The district on behalf of a charter school that is physically located within the geographical boundaries of the district~~
- ~~2. A charter school on its own behalf, if the charter school has provided written notification of its intent to both the Board and Superintendent at least 30 days prior to submitting the preliminary application that had demonstrated construction grant eligibility based on current enrollment data~~

~~Any project applying for such funding shall: (Education Code 17078.54)~~

- ~~1. Meet all the requirements for public school construction, including Field Act, plan approvals, toxic substance review, site selection and site approval that apply to noncharter school projects~~

~~(cf. 7150—Site Selection and Development)~~

- ~~2. Fund only new construction to be physically located within the geographical jurisdiction of the district~~

~~If a charter school ceases to use any facilities funded through this program, the facility may be used for other purposes in accordance with the priorities established in Education Code 17078.62.~~

#### ~~Zoning Ordinances~~

~~Upon a two-thirds vote, the Board may render a city or county ordinance inapplicable to a charter school facility if the facility is physically located within the district's geographical jurisdiction. (Government Code 53097.3)~~

~~(cf. 9323.2—Actions by the Board)~~

#### ~~Legal Reference:~~

##### ~~EDUCATION CODE~~

~~17070.10-17080—Leroy F. Greene School Facilities Act of 1998, including:  
17078.52-17078.66—Charter schools facility funding; state bond proceeds~~

~~17280-17317 Field Act~~

~~46600 Interdistrict attendance agreements~~

~~47600-47616.5 Charter Schools Act of 1992, as amended~~

~~48204 Residency requirements for school attendance~~

#### ~~GOVERNMENT CODE~~

~~53094 Authority to render zoning ordinance inapplicable~~

~~53097.3 Charter school ordinances~~

#### ~~CODE OF REGULATIONS, TITLE 2~~

~~1859.160-1859.171 Charter school facilities program, new construction~~

#### ~~CODE OF REGULATIONS, TITLE 5~~

~~11969.1-11969.9 Charter school facilities~~

#### ~~COURT DECISIONS~~

~~Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185~~

~~Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986~~

#### ~~ATTORNEY GENERAL OPINIONS~~

~~80 Ops. Cal. Atty. Gen. 52 (1997)~~

#### Management Resources:

##### WEB SITES

California Department of Education, Charter Schools Office: <http://www.cde.ca.gov/sp/es>

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

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

#### Policy ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~adopted: February 9, 2005 Hanford, California~~  
Additional Provisions for Charter School  
 Established at an Existing School Site

The following provisions apply only to a charter school established at an existing school site pursuant to Education Code 47605(a)(2), 52055.5, 52055.55, or 52055.650 that operated at the site in its first year pursuant to 5 CCR 11969.3(c)(2). (5 CCR 11969.3)

1. The school site, as identified in the school's charter, shall be made available to the charter school for its second year of operation and thereafter upon annual request for facilities from the district pursuant to Education Code 47614 and this administrative regulation. (5 CCR 11969.3)

The district may charge the charter school the pro-rata costs for the site pursuant to 5 CCR 11969.7 and the district shall be entitled to receive reimbursement for over-allocated space from the charter school pursuant to 5 CCR 11969.8. (5 CCR 11969.3)

If, by February 1 of its first year of operation, a charter school notifies the district that it will have over-allocated space in the following fiscal year, the space identified is not subject to reimbursement for over-allocation space pursuant to 5 CCR 11969.8 in the following year or thereafter. The district may occupy all or a portion of the space identified. (5 CCR 11969.3)

A charter school that wants to recover space surrendered to the district shall apply to the district and the district shall evaluate the application in accordance with law and this administrative regulation. (5 CCR 11969.3)

2. If, as a result of a material revision of the charter, either the location of the charter school is changed or the district approves the operation of additional sites by the charter school, then the charter school may request, and the district shall provide, facilities in accordance with the revised charter, law, and this administrative regulation. (5 CCR 11969.3)

a. If the charter school was established pursuant to Education Code 47605(a)(2), the district shall change the school's attendance area only if the State Board of Education (SBE) grants a waiver of the requirement in Education Code 47605(d)(1) that the charter school continuously give admission preference to students residing in the former attendance area of the school site. (5 CCR 11969.3)

b. If the charter school was established pursuant to Education Code 52055.5, 52055.55, or 52055.650, the district shall relocate the school or change the school's attendance area only if the SBE grants a waiver of the provision of statute binding the school to the existing site. (5 CCR 11969.3)

c. If the district decides to change the charter school's attendance areas as provided in #2(a) or 2(b) above, and if the decision occurs between November 1 and June 30 and becomes operative in the forthcoming fiscal year, then the space allocated to the charter school is not subject to reimbursement for over-allocated space pursuant to 5 CCR 11969.8 in the forthcoming fiscal year. (5 CCR 11969.3)

#### Mediation of Disputes

If a dispute arises between the district and a charter school pursuant to Education Code 47614 or 5 CCR 11969.1-11969.10 both parties may agree to settle the dispute using mediation. Mediation consists of the following steps: (5 CCR 11969.10)

1. If both parties agree to mediation, the initiating party shall select a mediator, subject to the agreement of the responding party. If the parties are unable to agree on a mediator, the initiating party shall request the CDE to appoint a mediator within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.

2. Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall send a notice to the responding party and the mediator. The notice shall include the following information:

a. Name, address, and phone numbers of designated representatives of the parties

b. A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute

- c. The specific sections of the statute or regulations that are in dispute
  - d. The specific resolution sought by the initiating party
3. Within seven days of receiving the notice, the responding party shall file a written response.
4. The mediation shall be entirely informal in nature. Each party shall share copies of exhibits upon which its case is based with the other party. The relevant facts shall be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses.
5. Any agreement reached by the parties shall be in writing and shall not set a precedent for any other case.
6. The mediation shall be terminated if the district and the charter school fail to meet within the specified timelines, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares an impasse.
7. The costs of the mediation shall be divided equally between the parties and paid promptly.

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams DW

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 19, 2011**

**ITEM:** Receive the following revised Board Policy and Administrative Regulation for information.

**PURPOSE:** The following Board Policy and Administrative Regulation reflect changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

- BP/AR 4222 Teacher Aides/Paraprofessionals (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

## Classified Personnel

AR 4222 (a)

## INSTRUCTIONAL AIDES/PARAPROFESSIONALS

- A. No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the district. (Education Code 45330, 45344.5, 45361.5)
- B. A paraprofessional who has passed a comparable proficiency test in another district shall be considered to have met the district's proficiency standards. (Education Code, 45344.5, 45361.5)
- ~~C. The district also requires the following:~~
  - ~~1. A passing score on the Comprehensive Tests of Basic Skills (CTBS) administered by the district. The minimum passing score on each part of the exam shall be:~~
    - ~~a. 10th grade or above for all aides employed for assignment to Kindergarten through 3rd grade classes, and for substitute employees.~~
    - ~~b. 12th grade or above for all aides employed for assignment from pre-school through 8th grade classes.~~
- ~~D. When no candidate who passed the CTBS test with the minimum score on all parts is available and a vacant position must be filled to provide essential services, an applicant who otherwise meets the district's standards of employment may be offered temporary employment with the condition that a passing score on all parts of the CTBS test must be achieved within six months for continued employment.~~
  - ~~1. Temporary employees who fail to achieve the minimum passing scores required for their position within six months after hire shall be released from employment as an aide in the district.~~
  - ~~2. Temporary employees who passed all parts of the CTBS exam with the scores required for their position within six months of the date of employment and who meet performance standards shall be continued in service and the time served as a temporary employee shall count toward the probationary service required for permanent status.~~
- C E. Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)



AR 4222 (b)

**INSTRUCTIONAL AIDES/PARAPROFESSIONALS (continued)**

D F. Instructional aides need not perform their duties in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

**E G. Qualifications and Duties of Paraprofessionals in Title I Programs**

All paraprofessionals ~~hired after January 8, 2002, to working~~ in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (20 USC 6319; 34 CFR 200.58; Education Code 45330)

(cf. 6171 – Title I Programs)

In addition, ~~such paraprofessionals shall have met at least one of the following criteria: at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002:~~ 20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. ~~Completed~~ Completion of at least two years of study at an institution of higher education in accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 48 semester units or equivalent quarter units.
2. Possession of an associate's degree or higher
3. ~~Met a rigorous standard of quality and demonstrated, through a formal local academic assessment, knowledge of and the ability to assist in instructing either:~~ Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment.

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

a. ~~Reading, writing and mathematics~~

b. ~~Reading readiness, writing readiness and mathematics readiness~~

All paraprofessionals hired before January 8, 2002, and working in a program supported by Title I funds shall satisfy one of the above requirements by the end of 2005-2006 school year. (20 USC 6319; Education Code 45330)

**INSTRUCTIONAL AIDES/PARAPROFESSIONALS** (continued)

When a paraprofessional has previously worked in another district, the superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator, or whose duties consist solely of conducting parental involvement activities consistent with ~~20 USC 6318~~ 20 USC 6319; 34 CFR 200.59; Education Code 45330).

F H. Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher
2. Assist with classroom management, such as organizing instructional and other materials
3. Provide assistance in a computer laboratory
4. Conduct parental involvement activities
5. Provide support in a library or media center
6. Act as a translator
7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher.

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319)

G I. The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal legal requirements regarding the qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)

AR 4222 (d)

**INSTRUCTIONAL AIDES/PARAPROFESSIONALS (continued)**

The Human Resources Department shall be responsible for enforcing Board policy and this administrative regulation for verification of proficiencies in basic skills by persons employed as aides in the Hanford Elementary School District.

**H J. Parental Notification**

At the beginning of each school year, parents/guardians shall be notified that they may request information regarding whether their children are provided services by paraprofessionals and, if so, their qualifications. (20 USC 6311)

*(cf. 5145.6 - Parental Notification)*

Regulation

Approved: December 12, 1991

Revised: November 7, 2001

Revised: January 14, 2004

Revised: December 6, 2004

Revised: \_\_\_\_\_, 2011

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

**THIS BP REPLACES CURRENT BP****Classified Personnel**

BP 4222

**INSTRUCTIONAL AIDES/PARAPROFESSIONALS**

1. The Board of Trustees recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

*(cf. 1240 - Volunteer Assistance)**(cf. 4200 - Classified Personnel)**(cf. 6171 - Title I Programs)*

2. The Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.
3. Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.
4. In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.
5. Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.
6. The Superintendent or designee shall ensure that all paraprofessionals receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

*(cf. 4131 - Staff Development)**(cf. 4212 - Appointment and Conditions of Employment)**(cf. 4215 - Evaluation/Supervision)**(cf. 4231 - Staff Development)*

7. The Board encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

*(cf. 4112.2 - Certification)**(cf. 4112.21 - Interns)**Legal Reference: (see next page)*

## Legal Reference:

## EDUCATION CODE

44390-44393 California School Paraprofessional Teacher Training Program

44833 Postsecondary students as nonteaching aides

44835 Duties of nonteaching work study aides

45330 Paraprofessionals

45340-45349 Instructional aides

45350-45354 Teacher assistants

45360-45367 Teacher aides

54480-54486 Special Teacher Employment Programs

## CODE OF REGULATIONS, TITLE 5

12065-12070 Teacher aides for Special Teacher Employment Programs

## UNITED STATES CODE, TITLE 20

6311 State plans

6314 Schoolwide programs

6315 Targeted assistance schools

6318 Parent involvement

6319 Qualifications for teachers and paraprofessionals

## CODE OF FEDERAL REGULATIONS, TITLE 34

200.58-200.59 Qualifications and duties of paraprofessionals

## Management Resources:

## U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Roles for Education Paraprofessionals in Effective Schools, 1997

Title 1 Paraprofessionals, Non-Regulatory Guidance, March 1, 2004

## WEB SITES

CTC Paraprofessional Teacher Training Program: <http://www.ctc.ca.gov/para>CDE: <http://www.cde.ca.gov>CSBA: <http://www.csba.org>U.S. Department of Education: <http://www.ed.gov>California School Employees Association: <http://www.csea.com>National Resource Center for Paraprofessionals: <http://www.nrcpara.org>National Clearinghouse for Paraeducator Resources: <http://www.usc.edu/dept/education/CMMR/Clearinghouse.html>

## Policy

**HANFORD ELEMENTARY SCHOOL DISTRICT**

adopted: November 7, 2001

Hanford, California

revised: December 30, 2003

revised: \_\_\_\_\_, 2011

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011.

**ITEM:** Consider approval of the following revised Board Policy and Administrative Regulation:

- BP/AR 1325 – Advertising and Promotion (revised)

**PURPOSE:** These revisions reflect changes that are necessary to align with current practices and procedures.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Approve

# Hanford ESD

## Board Policy

### Advertising And Promotion

BP 1325

#### Community Relations

##### Distribution of Noncommercial Materials

The Board of Trustees desires to promote positive relationships between the schools and community organizations. Just as community organizations can build support for the schools, the schools can cooperate with these groups under certain circumstances by publicizing services, special events and public meetings of interest to students and parents/guardians.

The Superintendent or designee may approve the distribution to students of materials prepared by organizations which are school sponsored or school related. Materials approved for distribution shall further the district's intended purpose, directly benefit the students, support the basic educational mission of the district or be of intrinsic value to the students. Materials shall not promote any particular religious or political interest except as specified below.

The Superintendent or designee may selectively approve or disapprove distribution of materials or publishing of copy based on developed criteria, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.

The use of promotional materials or advertisements does not imply district endorsement of any identified products or services. Schools are encouraged to include a disclaimer in school publications and yearbooks stating that the school does not endorse any advertised products or services.

##### Distribution of Political Materials

The schools shall not distribute campaign materials pertaining to a candidate, party, or ballot measure. Campaign materials shall not be distributed on district property at any time other than at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours, or during events scheduled pursuant to the Civic Center Act.

(cf. 1160 - Political Processes)

(cf. 1330 - Use of School Facilities)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

### Distribution of Commercial Materials/Advertising

School-sponsored publications, announcements and other school communications may accept paid advertising except for that prohibited by law and administrative regulation. The Superintendent or designee may prohibit advertisements which are inconsistent with school objectives and do not reasonably relate to the educational purpose of school-sponsored publications. In addition, the Superintendent or designee may allow the distribution of promotional material of a commercial nature within the parameters of law and administrative regulation but also may prohibit the distribution of materials which lack educational value or are not related directly to the school program.

Advertising copy may be solicited and prepared only to the extent that this process furthers the educational well-being of the students involved. Excessive solicitation of the same sources shall be avoided.

Distribution of advertisements for products to be sold to staff members/students/parents/guardians for personal monetary gain either by an agent or a commercial company is prohibited.

Students shall not be exploited to raise money, and time spent securing ads shall not infringe upon the school program.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)  
(cf. 6145.3 - Publications)

Students shall not be required to view commercials during instructional time. Advertisements may be studied, however, as part of the consumer education curriculum.

Products and materials donated by commercial enterprises may be used in the classroom as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name or logo of the donor. The use of such materials does not imply district endorsement of any identified commercial products or services.

(cf. 1700 - Relations between Private Industry and the Schools)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 6161.11 - Supplementary Instructional Materials)

#### Legal Reference:

#### EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of Board of Trustees

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act



48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

U.S. CONSTITUTION

Amendment 1, Freedom of Speech and Expression

COURT DECISIONS

Diloreto v. Downey Unified School District, (1999) 196 F.3d. 958

Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623

Bright v. Los Angeles Unified School District (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 450

Lehman v. Shaker Heights (1974) 418 U.S. 298

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: February 3, 1999 Hanford, California

revised: May 16, 2001

revised:

# Hanford ESD

## Administrative Regulation

### Advertising And Promotion

AR 1325  
Community Relations

#### Distribution of Materials

Materials generated by nonstudents may be distributed or posted in district schools only when prior approval has been granted by the Superintendent or designee. Prior to distribution or publication, the Superintendent or designee shall review and approve all advertising copy and promotional materials to ensure compliance with Board Policy.

Unless generated by the school, surveys or questionnaires requiring student or parent/guardian response also must be first approved by the Superintendent or designee. All materials to be distributed shall bear the name and contact location of the sponsoring group.

(cf. 6162.8 - Research)

Organizations within the community that provide opportunities for personal growth for the children in the community may distribute fliers or post information, without prior approval of the Superintendent or designee:

- YMCA
- Girl Scouts/Boy Scouts
- City of Hanford Recreation Department
- Hanford Police Department
- Little League
- Hanford Youth Softball
- Babe Ruth Baseball
- Youth Soccer
- Pop Warner Football
- National Junior Basketball

## Prohibitions

Materials shall not be distributed to students or advertised in school-sponsored publications if they:

1. Are obscene, libelous, or slanderous. (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules, or disrupt the school's orderly operation. (Education Code 48907)
3. Discriminate against, attack or denigrate any group on account of ~~gender, race, color, religion, ancestry, national origin, disability, or other unlawful consideration; or promote one group over another~~ any unlawful consideration.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

4. Solicit funds or services for an organization, with the exception of solicitations authorized in Board of Trustees policy.

(cf. 1321 - Solicitation of Funds from and by Students)

5. Promote the use or sale of materials or services which are illegal or inconsistent with school objectives: including, but not limited to advertisements Ads for tobacco, intoxicants, and ~~r-rated and x-rated~~ movies or products unsuitable for children shall not be used.

6. Announce the meetings of noncurricular student-initiated groups.

(cf. 6000 - Concepts and Roles)

(cf. 6145.5 - Student Organizations and Equal Access)

~~Before publication, the Superintendent or designee shall review all advertising copy to assure that it complies with the provisions of Board policy and administrative regulations.~~

At their discretion, teachers may use commercial-free instructional television programs and other instructional materials that do not require advertising to be viewed.

(cf. 6161.11 - Supplementary Instructional Materials)

District schools shall not distribute unsolicited merchandise for which an ensuing payment is requested. The Superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of students in the intended audience, and whether the materials or advertisements support the basic educational mission of the district, directly benefit the students or are of intrinsic value to the students or their parents/guardians.

Regulation approved: HANFORD ELEMENTARY SCHOOL DISTRICT  
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011.

ITEM: Consider approval of the following revised Board Policy:

- BP 3312 - Contracts (revised)

PURPOSE: These revisions reflect changes that are necessary to align with current practices and procedures.

FISCAL IMPACT: None

RECOMMENDATION: Approve

# Hanford ESD

## Board Policy

### Contracts

BP 3312

#### Business and Noninstructional Operations

As specified in law, the power to contract is invested in the Board of Trustees. However, the Board may, by a majority vote, delegate the power to enter into contracts on behalf of the district to the Superintendent or designee.

To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3314 - Payment for Goods and Services)

(cf. 3400 - Management of District Assets/Accounts)

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

(cf. 2121- Superintendent's Contract)

(cf. 4312.1 - Contracts)

(cf. 9124 - Attorney)

~~The district upholds state nondiscrimination laws. All contracts made by the district shall contain a nondiscrimination clause in accordance with law.~~

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

#### Contracts for Non-Nutritious Foods or Beverages

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the

end of the school day and/or off school premises. (Education Code 49431, 49431.2)

(cf. 3554 - Other Food Sales)

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include but not be limited to the following:

1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

(cf. 3100 - Budget)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3460 - Financial Reports and Accountability)

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

(cf. 3290 - Gifts, Grants and Bequest)

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may involve parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

(cf. 1220 - Citizen Advisory Committees)

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

(cf. 1230 - School-Connected Organizations)

(cf. 1321 - Solicitation of Funds from and by Students)

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

(cf. 3311 - Bids)

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled board meeting or as otherwise authorized by Education Code 35182.5. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

(cf. 9322 - Agendas/Meeting Materials)

(cf. 9323 - Meeting Conduct)

The public hearing shall include but not be limited to a discussion of the nutritional value of food and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

(cf. 5030 - Student Wellness)

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public.

(Education Code 35182.5)

(cf. 1340 - Access to District Records)

Contracts for Electronic Products or Services

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.

(cf. 9320 - Meetings and Notices)

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

(cf. 0440 - District Technology Plan)

3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.

(cf. 1325 - Advertising and Promotion)

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.

5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

49431-49431.5 Nutritional standards

CODE OF CIVIL PROCEDURE

685.010 Rate of interest



## GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

## LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

## PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20104.50 Construction Progress Payments

22300 Performance retentions

## UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

## Management Resources:

## CSBA PUBLICATIONS

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005*

## WEB SITES

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

## Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: May 16, 2001      Hanford, California

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011.

**ITEM:** Consider approval of the following revised Board Policy and Administrative Regulation:

- BP/AR 3514 – Environmental Safety (revised)

**PURPOSE:** These revisions reflect changes that are necessary to align with current practices and procedures.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Approve

# Hanford ESD

## Board Policy

### Environmental Safety

BP 3514

#### Business and Noninstructional Operations

The Governing Board recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff, and community members. The Superintendent or designee shall regularly assess school facilities to identify environmental health risks. He/she shall establish a comprehensive plan to prevent and/or mitigate environmental hazards based on a consideration of the proven effectiveness of various options, anticipated short-term and long-term costs and/or savings to the district, and the potential impact on staff attendance, student attendance, and student achievement.

The Governing Board believes that students and employees have the right to learn and work in a safe, clean, and healthy environment. The district has an obligation to locate and reduce or eliminate potential risks to health and the environment, to use environmental resources in a responsible way, and to educate students and staff about environmental issues.

The Superintendent or designee shall establish regulations to guard against environment hazards. Students and staff are encouraged to report any unsafe conditions they may observe.

Strategies addressed in the district's plan shall include, but not necessarily be limited to, the following:

1. Ensuring good indoor air quality by maintaining adequate ventilation; using effective maintenance operations to reduce dust, mold, mildew, and other indoor air contaminants; and considering air quality in the site selection, design, and furnishing of new or remodeled facilities
2. Limiting outdoor activities when necessary due to poor outdoor air quality, including excessive smog, smoke, or ozone, or when ultraviolet radiation levels indicate a high risk of harm
3. Reducing exposure to diesel exhaust and other air contaminants by limiting unnecessary idling of school buses and other commercial motor vehicles
4. Minimizing exposure to lead in paint, soil, and drinking water
5. Inspecting facilities for naturally occurring asbestos and asbestos-containing building materials that pose a health hazard due to damage or deterioration and safely removing, encapsulating, enclosing, or repairing such materials
6. Ensuring the proper storage, use, and disposal of potentially hazardous substances

7. Ensuring the use of effective least toxic pest management practices

8. Instituting a food safety program for the storage, preparation, delivery, and service of school meals in order to reduce the risk of foodborne illnesses

In developing strategies to promote healthy school environments, the Superintendent or designee may consult and collaborate with local environmental protection agencies, health agencies, and other community organizations.

The Superintendent or designee shall provide the district's maintenance and facilities staff, bus drivers, food services staff, teachers, and other staff as appropriate with professional development regarding their responsibilities in implementing strategies to improve and maintain environmental safety at the schools.

The Superintendent or designee shall notify the Board, staff, parents/guardians, students, and/or governmental agencies, as appropriate, if an environmental hazard is discovered at a school site. The notification shall provide information about the district's actions to remedy the hazard and may recommend health screening of staff and students.

#### Air Quality

The Board recognizes that clean air contributes to a favorable learning environment for students, productivity for staff, and the health of all school occupants. Adequate ventilation, appropriate housekeeping and maintenance procedures, and the removal of pollution sources are all necessary to achieve good indoor air quality. The Superintendent or designee shall ensure that staff implement measures that will maintain good air quality in classrooms and offices.

#### Pest Management

Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations. The Superintendent or designee shall ensure the use of effective least toxic pest management practices at all district schools.

#### Lead Exposure Reduction

The Board recognizes that exposure to lead is especially damaging to young children and that hazardous levels of lead may sometimes be present in paint, soil, or drinking water. In order to minimize any harmful exposure, the district may follow guidelines recommended by the Department of Health Services and specified in administrative regulations.

In accordance with law, the Superintendent or designee shall inform school staff and parents/guardians of the results of any lead survey conducted by the Department of Health Services.

## Legal Reference:

## EDUCATION CODE

17002 Definition of "good repair"17070.75 Facilities inspection17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

## FOOD AND AGRICULTURAL CODE

11401-12408 Pest Control Operations and Agricultural Chemicals

13180-13188 Healthy Schools Act of 2000

## GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

HEALTH AND SAFETY CODE105400-105430 Indoor environmental quality113700-114437 California Retail Food Code, sanitation and safety requirementsCODE OF REGULATIONS, TITLE 514010 Standards for school site selectionCODE OF REGULATIONS, TITLE 8337-339 Hazardous substances list

340-340.2 Employer's obligation to provide safety information

1528-1533 Construction safety orders; exposure to hazards5139-5223 Control of hazardous substances1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

CODE OF REGULATIONS, TITLE 132480 Vehicle idling

## CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

35001-36100 Lead abatement servicesCODE OF REGULATIONS, TITLE 2264670-64679 Lead and copper in drinking water

## UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

## UNITED STATES CODE, TITLE 15

~~2641-2656 Asbestos Hazard Emergency Response Act~~2601-2629 Control of toxic substances2641-2656 Asbestos Hazard Emergency Response ActUNITED STATES CODE, TITLE 421758 Food safety and inspections

## CODE OF FEDERAL REGULATIONS, TITLE 40

141.1-141.723 Drinking water standards  
745.61-745.339 Lead-based paint standards  
763.80-763.99 Asbestos-containing materials in schools  
763.120-763.123 Asbestos worker protections  
763.93 Management Plans  
763.94 Record keeping

Management Resources:

CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

Food Safety Requirements, Fact Sheet, October 2007

Sun Safety in Schools, Policy Brief, July 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Site Selection and Approval Guide, 2000

Indoor Air Quality, A Guide for Educators, 1995

DEPARTMENT OF HEALTH SERVICES ADVISORIES

Lead Hazards in California's Public Elementary Schools and Child Care Facilities: Report to the California State Legislature, April 1998

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

Report to the Legislature: Lead Hazards in California's Public Elementary Schools and Child Care Facilities, April 1998

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Adopting Integrated Pest Management, 1993

U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS

Indoor Air Quality Tools for Schools, rev. 2007

Healthy School Environments Assessment Tool, 2007

The ABCs of Asbestos in Schools, rev. August 2003

Mold Remediation in Schools and Commercial Buildings, March 2001

How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services, Lead Poisoning Prevention Branch:—

<http://www.dhs.ca.gov/childlead>

U.S. EPA: <http://www.epa.gov>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

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

AirNow: <http://www.airnow.gov>

American Association of School Administrators: <http://www.aasa.org>

California Air Resources Board: <http://www.arb.ca.gov>

California Department of Education, Health and Safety: <http://www.cde.ca.gov/ls/fa/hs>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

California Department of Public Health: <http://www.cdph.ca.gov>

California Indoor Air Quality Program: <http://www.cal-iaq.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Consumer Product Safety Commission: <http://www.cpsc.gov>

National Center for Environmental Health: <http://www.cdc.gov/nceh>

Occupational Safety and Health Administration: <http://www.osha.gov>

U.S. Environmental Protection Agency: <http://www.epa.gov>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: July 23, 1997 Hanford, California

reviewed: September 5, 2001

reviewed:

# Hanford ESD

## Administrative Regulation

### Environmental Safety

AR 3514

#### Business and Noninstructional Operations

The Superintendent may designate one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but not be limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

#### Indoor Air Quality

The Superintendent or designee shall ensure that the following strategies are implemented in order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

Staff shall not obstruct airflow by covering or blocking ventilators with posters, furniture, books, or other obstacles.

2. School buildings shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.

4. Least toxic pest management practices shall be used to control and manage pests at school sites.

5. Routine housekeeping and maintenance schedules and practices shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other



products containing ozone, shall be avoided to the extent possible.

6. Painting of school facilities and maintenance or repair duties that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.

7. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

8. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in a well-ventilated area with minimal exposure of students and staff.

9. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

10. Staff shall refrain from bringing common irritants into the classroom, including, but not limited to, furred or feathered animals, stuffed toys that may collect dust mites, or perfumes or lotions, when students in the class are known to have allergies, asthma, or other sensitivities to odors.

#### Outdoor Air Quality

The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, and/or ultraviolet radiation levels.

Whenever these measures indicate a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly sensitive.

#### Vehicle Idling

Except under the conditions specified in 13 CCR 2480 for which vehicle idling may be necessary, the driver of a school bus, student activity bus, or commercial motor vehicle shall: (13 CCR 2480)

1. Turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart

2. Not cause or allow the bus or vehicle to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

The Superintendent or designee shall ensure that all bus drivers, upon employment and at least

once per year thereafter, are informed of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall maintain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

#### Air Quality

The Superintendent or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

1. Heating, ventilating, and air conditioning systems shall be operated, inspected, and maintained in accordance with law. School buildings shall be inspected annually to ensure they have adequate ventilation systems properly maintained so as to preclude the buildup of mold, mildew, and air contaminants. Filters shall be changed regularly.
2. Indoor painting of school buildings shall be limited to those weeks when school is not in session or after classes are dismissed for the day or weekend.
3. Low emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed.
4. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas.

#### Integrated Pest Management

The Superintendent or designee shall develop and implement an integrated pest management program that incorporates effective least toxic pest management practices. In determining when to control pests and whether to use mechanical, physical, chemical, cultural, or biological means, the district shall follow the principles of integrated pest management. Procedures shall include the following:

1. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.
2. The pest and the site of infestation shall be clearly identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property, or the environment.
3. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
4. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label.

directions and state regulations.

5. ~~Persons applying pesticides shall follow label precautions and shall be trained.~~

#### Notification

~~The Superintendent 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 Superintendent 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 Superintendent or designee.~~

~~(cf. 4112.9/4312.9/4312.9—Employee Notifications)  
(cf. 5145.6—Parental Notifications)~~

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

#### Posting of Warning Signs

~~The Superintendent 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 Superintendent or designee deems that the immediate use of 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)~~

~~(cf. 3514—Environmental Safety)~~

### Records

~~The District shall maintain records of all pesticide use at the schools 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)~~

~~(cf. 3580—District Records)~~

### Lead Exposure Reduction

~~Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.~~

~~The district may provide parents/guardians and students with information about the prevention of lead poisoning and may refer parents/guardians and their children's health care providers or local health department for blood testing of children six months through six years of age.~~

~~Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law.~~

*In addition to keeping school facilities as dust-free and clean as possible, the following steps shall be taken to minimize potential exposure to lead in school facilities:*

*1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)*

*2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.*

3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.

4. Soil with high lead content may be covered with grass, other plantings, concrete, or asphalt.

5. Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards in 40 CFR 141.80 and 22 CCR 64678, water outlets shall be flushed thoroughly each day before use or made inoperable until a plan for remediation can be implemented. The Superintendent or designee may supply alternative sources of drinking water as appropriate.

Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

#### Asbestos Testing and Abatement

~~Maintenance staff shall be trained in the location, identification, proper cleaning, and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Any more extensive abatement work shall be done by state-certified asbestos contractors in compliance with state and federal standards.~~

~~The district's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in district and school offices during normal business hours. Parent, teacher, and employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)~~

#### Asbestos Management

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, basic knowledge of the health effects of asbestos; detection, identification, and assessment of asbestos-containing materials; options for controlling asbestos-containing building materials; and relevant federal and state regulations. (40 CFR 763.84)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:

a. Any school building that is leased or acquired by the district shall be inspected for

asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)

b. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)

c. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)

2. Based on the results of the inspection, an appropriate response, which is sufficient to protect human health and the environment, shall be determined from among the options specified in 40 CFR 763.90. (40 CFR 763.90)

The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)

3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours and parent/guardian, teacher, and employee organizations are annually informed of the availability of these plans. (40 CFR 763.84)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)

5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (40 CFR 763.84; Education Code 49410.5)

Asbestos inspection and abatement work and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing building materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New

maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)

8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

#### Other Environmental Safety Precautions

Principals or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious, or otherwise dangerous materials unless adequate safeguards are provided.
2. Keep all school facilities free of debris.
3. Keep all walkways at all times open to pedestrian traffic and clear of obstructions.

Regulation	HANFORD ELEMENTARY SCHOOL DISTRICT
approved:	July 23, 1997 Hanford, California
reviewed:	September 5, 2001
revised:	

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011.

ITEM: Consider adoption of the following new Board Policy:  
• BP 3515 Campus Security (New)

PURPOSE: This new policy is necessary to align with current legal requirements.

FISCAL IMPACT: None

RECOMMENDATION: Adopt



# Hanford ESD

## Board Policy

### Campus Security

BP 3515

#### Business and Noninstructional Operations

The Governing Board is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

(cf. 0450 - Comprehensive Safety Plan)

#### Surveillance Systems

The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security. In consultation with the safety planning committee and relevant staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy.

(cf. 5131.1 - Bus Conduct)

(cf. 5145.12 - Search and Seizure)

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement, as appropriate.

(cf. 5144 - Discipline)

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

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable

collective bargaining agreements.

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security patrols

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

New Jersey v. T.L.O. (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

Policy: HANFORD ELEMENTARY SCHOOL DISTRICT

Adopted:

## HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011.

ITEM: Consider approve of the following revised Board Bylaw:  
• BB 9223 Filling Vacancies (revised)

PURPOSE: These revisions are necessary to align with current legal requirements.

FISCAL IMPACT: None

RECOMMENDATION: Approve

# Hanford ESD

## Board Bylaw

### Filling Vacancies

BB 9223

#### Board Bylaws

#### Events Causing a Vacancy

A vacancy on the Board of Trustees may occur by a failure to elect or for any of the following events:

1. The death of an incumbent. (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term. (Government Code 1770)
3. A Board member's resignation. (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5091, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent.

4. A Board member's removal from office, including recall. (Government Code 1770; Elections Code 11384)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district. (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state beyond the period allowed by law without the

permission required by law. (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law. (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office. (Government Code 1770 and 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed. (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment. (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond. (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)

13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

#### Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below. (Education Code 5091)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

#### Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)  
 (cf. 9220 - Board of Trustees Elections)  
 (cf. 9323.2 - Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Board of Trustees Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments", as specified above.

Legal Reference:  
EDUCATION CODE

5000-5033 Elections  
5090-5095 Vacancies  
5200-5208 Districts governed by boards of education  
5300-5304 Elections  
5320-5329 Order and call of election  
5340-5345 Consolidation of elections  
5360-5363 Election notice  
5420-5426 Cost of elections  
5440-5442 Miscellaneous provisions, elections  
35107 Eligibility of board members  
35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections  
11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state  
1770 Vacancies: definition  
3000-3002 Forfeiture of Office  
3060-3075 Removal other than by impeachment  
6061 One time  
54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. January 2008

WEB SITES

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

California State Attorney General's Office, Quo Warranto Applications:

<http://caag.state.ca.us/opinions/quo.htm>

Bylaw HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: September 19, 2001 Hanford, California

revised: February 9, 2005

revised:



HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry  
FROM: Diane Williams <sup>ow</sup>  
DATE: October 10, 2011  
FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet  
  
☐ Information  
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 19, 2011**

**ITEM:** Consider adoption of the following revised Board Policy.

**PURPOSE:** The following Board Policy reflects changes (see underlined and strikeouts) that are necessary to align with current practices and procedures.

- BP 4221.1 Wages for Temporary and Substitute Work (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Adopt.

**WAGES FOR TEMPORARY AND SUBSTITUTE ~~WAGES~~ WORK**

- A. All temporary and substitute employees serving in classified or temporary positions shall be paid the hourly rate approved by the Board of Trustees for the duties they perform.
- B. The Superintendent or designee shall conduct periodic wage studies to ensure that substitute and temporary employee wages are competitive with the wages paid by other employers with similar work in the Hanford area.
- C. In June of each year, the Superintendent or designee shall present to the Board recommended wage schedules for temporary and substitute employees to be effective at the beginning of the ensuing fiscal year. If a market study is underway at the time, the Superintendent or designee shall present "interim" wage schedules for adoption by the Board.
  - 1. The recommended rates for temporary and substitute work in positions in the classified service shall be not less than 90% and not more than 95% of the beginning rates (Step 1) paid to regular classified employees for the same type of work.
  - 2. The recommended rates for yard supervisors and other occasional employees serving in positions which are not part of the classified service shall be not less than the average rate paid for similar work by other employers in the Hanford area.
  - 3. Rates for temporary and substitute work in positions for which there is a shortage of qualified candidates shall follow the current classified salary schedule based upon the individual's work experience and qualifications. These positions will be reviewed each year.
- D. Any increase in wages recommended by the Superintendent or designee and approved by the Board shall be contingent on the actual receipt by the district of anticipated revenues from the sources from which the wages are to be paid. Should actual revenues be less than anticipated, the Board reserves the right to reduce wages to not less than the wages paid prior to the conditional increase.

*Legal Reference:*EDUCATION CODE45160 *Power of the governing board to fix compensation*45162 *Salaries of employees not requiring certification qualifications; conditional increase*

## Policy

adopted: April 21, 1993

revised: November 7, 2001

revised: \_\_\_\_\_, 2011

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

## HANFORD ELEMENTARY SCHOOL DISTRICT

**2011-2012 CLASSIFIED, SUBSTITUTE/TEMPORARY WAGE SCHEDULE\***

Effective July 1, 2011

Range	Position	Hourly Rate*
1S		\$9.67
2S		10.15
3S	Clerk Trainee	10.66
4S		11.19
5S	Clerk Typist I Food Service Worker I Instructional Aide	11.75
6S	Bilingual Aide I Bilingual Clerk Typist I Food Service Worker II Alternative Education Program Aide READY Program Tutor	12.33
7S	Account Clerk I Custodian I Educational Tutor Groundskeeper I Signing Aide Special Circumstances Aide Special Education Aide Substitute Telephone Clerk Lead READY Program Tutor	12.95
8S	Account Clerk II Clerk-Typist II Cook/Baker Family Resource Center Receptionist Food Service Utility Worker Media Services Aide	13.60
9S	Bilingual Clerk-Typist II Custodian II Delivery Worker Groundskeeper II Maintenance Worker I	14.28
10S	Bus Driver Health Care Assistant Help Desk Technician Secretary	15.00

Range	Position	Hourly Rate*
11S	Bilingual Health Care Assistant Irrigation Specialist Lead Custodian	15.75
12S	Account Technician I Warehouse/Reprographics and Mail Technician	16.53
13S	Head Custodian Maintenance Worker II Mechanic I Migrant Services Specialist Painter/Maintenance Worker II Teacher Resource Center Specialist	17.36
14S	Administrative Secretary I	18.22
15S	Account Technician II Administrative Secretary II Child Welfare and Attendance Specialist Computer Maintenance Technician-I Database Specialist I	19.14
16S	Account Technician III Educational Interpreter Student Specialist	20.09
17S	Bilingual Student Specialist Heating, Ventilation & Air Conditioning Specialist Locksmith	21.10
18S	Account Technician IV Computer Maintenance Technician II Database Specialist II Lead Mechanic (Automotive) Network Engineer Student Advocate, Junior High Student Advocate, K-6 Systems Engineer	22.16
19S		23.26
20S		24.42

\*Substitutes and temporary employees hired into the following positions will be paid from the current Classified Salary Schedule if they hold the required certifications and have appropriate experience for each pay step: Bus Driver, Health Care Assistant, Bilingual Health Care Assistant, Educational Interpreter, Database Specialist I/II, Network Engineer, Systems Engineer, Student Specialist and Bilingual Student Specialist.

\*\*93.5% of CSEA Schedule, Step 1

Adopted: 08/17/11

Revised: / /11

Hanford Elementary School District  
**HUMAN RESOURCES DEPARTMENT**

**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet  
  
☐ Information  
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 19, 2011**

**ITEM:** Hear Public input on California School Employees Association's (CSEA) initial proposal for 2011-2012 amendments to the 2011-2014 Collective Bargaining Agreement between Hanford Elementary School District (HESD) and CSEA (reopened articles). The current 3-year agreement allows for re-negotiating Article 22 Health and Welfare Benefits, Article 23 Pay and Allowances and two additional articles each.

**PURPOSE:** CSEA's initial proposal for 2011-2012 amendments to the Collective Bargaining Agreement with HESD were presented at the October 5, 2011 Board meeting. Comments from the public regarding the proposal are to be heard prior to Board action to adopt the proposal [ Gov. Code 3547 (b) and (c) ].

**FISCAL IMPACT:** Unknown at this time.

**RECOMMENDATION:** Hear comments from the public and accept CSEA's initial proposal for contract negotiations with HESD.

California School Employees Association, Chapter #344  
2011-2012 Initial Contract Proposal  
To  
Hanford Elementary School District  
September 15, 2011

**ARTICLE 15—VACATION**

CSEA has an interest in negotiating language to improve and modify vacation.

**ARTICLE 18—CLASSIFICATION, RECLASSIFICATION AND ABOLITION OF POSITIONS**

CSEA has an interest in negotiating language to establish a reclassification process.

**ARTICLE 22—HEALTH AND WELFARE BENEFITS**

CSEA has an interest in negotiating language for the District to provide an increase to the premium for health and welfare benefits for all eligible unit members based on the district's ability to pay.

**ARTICLE 23—PAY AND ALLOWANCES**

CSEA has an interest in negotiating a salary increase based on the district's ability to pay. CSEA has an interest in negotiating language to modify longevity.

Hanford Elementary School District  
HUMAN RESOURCES DEPARTMENT

**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams <sup>OW</sup>

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet  
  
☐ Information  
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 19, 2011**

**ITEM:** Hear Public input on Hanford Elementary School District's (HESD's) initial proposal for 2011-2012 amendments to the 2011-2014 Collective Bargaining Agreement between HESD and California School Employees Association (CSEA) (reopened articles). The current 3-year agreement allows for re-negotiating Article 22 Health and Welfare Benefits, Article 23 Pay and Allowances and two additional articles each.

**PURPOSE:** The District's initial proposal for amendments to the 2011-2014 Collective Bargaining Agreement with CSEA were presented at the October 5, 2011 Board meeting. Comments from the public regarding the proposal are to be heard prior to Board action to adopt the proposal [ Gov. Code 3547 (b) and (c) ].

**FISCAL IMPACT:** Unknown at this time.

**RECOMMENDATION:** Hear comments from the public and accept District's initial proposal for contract negotiations with CSEA.

Hanford Elementary School District  
CSEA Negotiations 2011-2012

**DISTRICT PROPOSAL**

Article 15 – Vacation

5. Accumulation of earned vacation

- Decrease number of vacation days that can be carried over to a new year.
- Remove language in 5.a. because it is in conflict with current practice.

Article 16 – Leaves

- B.3. Unpaid Family Care Leave – (rewrite language to reflect current practice)
- F. Remove Personal Business Leave language
- N. Request for Unpaid Leaves (Rewrite language as follows): "The employee shall exhaust accrued vacation and compensatory time off before using unpaid leave for any reason except pregnancy disability leave."

Article 22 – Benefits

- No increase in cap
- 2a. Medical insurance – Remove August 20<sup>th</sup> from contract and add, "by the deadline date provided in accordance with the medical Plan Administrator guidelines.
- Add "benefit changes will become effective the first day of any month following the applicable waiting period, as specified in the Plan Administrator guidelines."

Article 23 – Pay and Allowances

- No increase to Classified Salary Schedule



HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department

**AGENDA REQUEST FORM**

TO: Dr. Paul Terry  
FROM: Diane Williams <sup>DW</sup>  
DATE: October 12, 2011  
RE: (X) Board Meeting  
( ) Superintendent's Cabinet  
( ) Information  
(X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 21, 2011**

ITEM: Consider approval of personnel transactions and related matters.

**PURPOSE:**

**a. Employment**

Certificated

- Rick Calvillo, Teacher, Temporary, effective 10/3/11

Certificated Short-term

- Irene Mendes, Short-term School Nurse – 4.0 hrs., Special Services, effective 10/3/11 to 10/24/11 (6 days only)
- Jeanne Russ, Short-term School Nurse – 4.0 hrs., Special Services, effective 10/3/11 to 10/26/11 (6 days only)

Temporary Employees/Substitutes/Yard Supervisors

- Sandra Acevedo, Substitute Translator: Oral Interpreter and Written Translator, effective 9/27/11
- Bryant Barger, Substitute READY Program Tutor, effective 10/3/11
- Javantae Farmah, Short-term Yard Supervisor – 1.0 hr., (M,T,Th,F), Washington, effective 10/3/11 to 11/18/11
- Evette Gonzalez, Short-term Yard Supervisor – 1.75 hrs., King, effective 10/3/11 to 11/18/11
- Amber Lepper, Substitute Yard Supervisor, effective 9/28/11
- Martha Martinez, Substitute Alternative Education Aide, Bilingual Aide I, Educational Tutor K-6, Instructional Aide, READY Program Tutor, and Special Education Aide, effective 10/10/11
- Martin Southall, Substitute Yard Supervisor, effective 10/6/11
- Tamara Taylor, Substitute Babysitter and Yard Supervisor, effective 10/4/11
- Mercedes Yang, Substitute Yard Supervisor, effective 9/27/11

**b. Resignations**

- Tanya M. Jimenez, Yard Supervisor – 2.5 hrs., King, effective 9/30/11
- Martha Martinez, READY Program Tutor – 4.5 hrs., Roosevelt, effective 10/7/11

**c. Retirement**

- Geri Rocha, Food Service Worker I – 2.25 hrs., Simas, effective 9/29/11

**d. Voluntary Transfer**

- Naomi Gaffney, Food Service Worker I – 2.25 hrs., from Washington to Simas, effective 10/3/11

**e. Leave of Absence**

- Zujey Garcia Zavala, Yard Supervisor – 1.75 hrs., King, effective 8/18/11 to 9/27/11, child rearing

**f. Volunteers**

<u>Name</u>	<u>School</u>
Paula Alapisco	Hamilton
Toby Cano	Hamilton
Teresa Dominguez	Hamilton
Melissa Chavez	Jefferson
Megan Allen	Monroe
Maria Correia	Monroe
Sonia Correia	Monroe
Crystal Zeno Jaworski	Monroe
Jessie Lane	Monroe
Irene Mackey	Monroe
Yvonne Ramirez	Monroe
Adrian Young	Richmond
Tracy Siegart	Roosevelt
Sandra Neighbors	Simas
Erin Aguilar	Washington

**RECOMMENDATION:** Approve.

## HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011

**ITEM:**

Consider approval of Resolution #8-12: Final revision of the 2010-11 Budget.

**PURPOSE:**

The attachment to the Resolution lists the amounts of and reasons for the budget revisions.

**FISCAL IMPACT:****RECOMMENDATION:**

Approve Resolution #8-12: Final revision of the 2010-11 Budget.

BEFORE THE GOVERNING BOARD OF THE  
HANFORD ELEMENTARY SCHOOL DISTRICT  
COUNTY OF KINGS, STATE OF CALIFORNIA

The Matter of  
Adopting Budget  
Revisions

**RESOLUTION #: 8-12**

**NOW, THEREFORE**, the Board of Trustees of the District resolves that the transfers for the attached budget revision be made as indicated.

The Board of Trustees adopted this resolution on October 19, 2011 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Clerk of the Governing Board  
Hanford Elementary School District

**Budget Changes  
2010-11 Budget  
October 19, 2011**

	<b>Amount Changed</b>	<b>Reason for Change</b>
<b>FUND 0100 - GENERAL FUND</b>		
<b>Revenue</b>		
829000 Title II, Part D	\$70,400	New grant
869900 Other Local Income	\$34,490	Donations and local grants
<b>TOTAL REVENUE CHANGES - GENERAL FUND</b>	<b>\$104,890</b>	
<b>Expenditures</b>		
<u><b>LOCATION 000 - GENERAL - BALANCE SHEET ACCOUNTS</b></u>		
979000 Undesignated Reserve	-\$34,954	Balance is now \$1,187,063
	-\$34,954	
<u><b>LOCATION 001 - GENERAL ADMINISTRATION</b></u>		
730000 Indirect Costs	\$32,563	Year-end adjustments
	\$32,563	
<u><b>LOCATION 016 - CUSTODIAL</b></u>		
440000 Equipment	\$2,391	Carpet extractor
	\$2,391	
<u><b>LOCATIONS 020 - 031 - GENERAL SCHOOLS</b></u>		
400000 Books & Supplies	\$27,653	Donations and local grants
500000 Contracts & Services	\$6,837	
	\$34,490	
<u><b>LOCATION 056 - TEACHER RESOURCE CENTER</b></u>		
400000 Books & Supplies	-\$1,024	Destiny renewal - Jefferson
500000 Contracts & Services	\$1,024	
	\$0	
<u><b>TITLE I</b></u>		
400000 Books & Supplies	\$753	Move additional funding to SWP
500000 Contracts & Services	-\$124,913	
	-\$124,160	
<u><b>SWP (SCHOOL-WIDE PROGRAM)</b></u>		
100000 Certificated Salaries	\$78,950	Adjustments at year-end
200000 Classified Salaries	-\$10,313	
300000 Employee Benefits	\$11,811	
400000 Books & Supplies	\$60,501	
500000 Contracts & Services	-\$16,789	
	\$124,160	
<u><b>ARRA - TITLE 1</b></u>		
400000 Books & Supplies	-\$45,987	Move balance of funding to school sites
500000 Contracts & Services	\$45,987	
	\$0	

**Budget Changes  
2010-11 Budget  
October 19, 2011**

	<b>Amount Changed</b>	<b>Reason for Change</b>
<u>ARRA - SPECIAL ED</u>		
400000 Books & Supplies	-\$9,404	Adjustment at year-end
640000 New Equipment	\$7,040	
714200 Excess Costs	\$2,364	
	<u>\$0</u>	
<u>TITLE II, PART D - EDUCATION TECHNOLOGY</u>		
400000 Books & Supplies	\$44,773	New grant
500000 Contracts & Services	\$22,251	
731010 Indirect Costs	\$3,376	
	<u>\$70,400</u>	
<u>SPECIAL EDUCATION</u>		
500000 Contracts & Services	-\$18,596	Adjust budget for expenditure reclassification
714200 County Office Services	\$18,596	
	<u>\$0</u>	
<b>TOTAL EXPENDITURE CHANGES - GENERAL FUND</b>	<b><u>\$104,890</u></b>	

FUND 1300 - CAFETERIA FUND**Revenue**

822000 Federal Meal Reimbursement	\$38,475	Summer Meal Program
	<u>\$38,475</u>	

**Expenditures**

200000 Classified Salaries	\$8,759	Summer Meal Program
300000 Employee Benefits	\$1,546	
400000 Supplies	\$28,170	
735000 Indirect Costs	-\$19,903	
979000 Undesignated Reserve	\$19,903	
	<u>\$38,475</u>	

FUND 1400 - DEFERRED MAINTENANCE PROGRAM**Expenditures**

500000 Contracts & Services	\$31,996	Year-end adjustments
600000 Building Improvements	\$63,053	
979000 Undesignated Reserve	-\$95,049	
	<u>\$0</u>	

## HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: October 10, 2011

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: October 19, 2011

**ITEM:**

Consider approval of Resolution #9-12: Revision of the 2011-12 Budget.

**PURPOSE:**

The attachment to the Resolution lists the amounts of and reasons for the budget revisions.

**FISCAL IMPACT:****RECOMMENDATION:**

Approve Resolution #9-12: Revision of the 2011-12 Budget.

BEFORE THE GOVERNING BOARD OF THE  
HANFORD ELEMENTARY SCHOOL DISTRICT  
COUNTY OF KINGS, STATE OF CALIFORNIA

The Matter of  
Adopting Budget  
Revisions

**RESOLUTION #: 9-12**

**NOW, THEREFORE**, the Board of Trustees of the District resolves that the transfers for the attached budget revision be made as indicated.

The Board of Trustees adopted this resolution on October 19, 2001 by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

---

Clerk of the Governing Board  
Hanford Elementary School District



**Budget Changes  
2011-12 Budget  
October 19, 2011**

	Amount Changed	Reason for Change
<b>FUND 0100 - GENERAL FUND</b>		
<b>Revenue</b>		
855000 Mandated Costs	\$122,901	Prior year receipts
869900 Other Local Income	\$1,901	Donations
<b>TOTAL REVENUE CHANGES - GENERAL FUND</b>	<b>\$124,802</b>	
<b>Expenditures</b>		
<u>LOCATION 000 - GENERAL - BALANCE SHEET ACCOUNTS</u>		
979000 Undesignated Reserve	\$96,102	Balance is now \$267,761
	\$96,102	
<u>LOCATION 010 - FACILITIES</u>		
617000 Improvement of Sites	\$5,500	Fencing
979000 Undesignated Reserve	-\$5,500	
	\$0	
<u>LOCATIONS 020 - 031 - GENERAL SCHOOLS</u>		
100000 Certificated Salaries	-\$500	Donations; attendance incentives 10/11 months #8, 9, 10 and 11/12 month #1
200000 Classified Salaries	\$1,300	
300000 Employee Benefits	\$64	
400000 Books & Supplies	\$26,736	
500000 Contracts & Services	-\$320	
	\$27,280	
<u>LOCATION 038 - COMMUNITY DAY SCHOOL</u>		
400000 Books & Supplies	-\$1,500	Change per manager request
500000 Contracts & Services	\$1,500	
	\$0	
<u>LOCATION 039 - SPECIAL ED</u>		
400000 Books & Supplies	-\$450	Change per manager request
520000 Conference	\$1,420	Autism certifications
	\$970	
<u>LOCATION 062 - HEALTH &amp; GUIDANCE</u>		
520000 Conference	\$450	Change per manager request
	\$450	
<u>TITLE I</u>		
400000 Books & Supplies	-\$2,800	Change per manager request
520000 Conference	\$2,800	
	\$0	

**Budget Changes  
2011-12 Budget  
October 19, 2011**

	<b>Amount Changed</b>	<b>Reason for Change</b>
<u>SCHOOL BASED COORDINATED PROGRAM (SBCP)</u>		
100000 Certificated Salaries	-\$15,000	Changes per school site managers requests
400000 Books & Supplies	\$13,425	
500000 Contracts & Services	\$1,575	
	<u>\$0</u>	

**TOTAL EXPENDITURE CHANGES - GENERAL FUND** **\$124,802**

FUND 1300 - CAFETERIA FUND

**Expenditures**

400000 Supplies	\$400	Adjust interfund charges
500000 Contracts & Services	-\$400	
	<u>\$0</u>	

FUND 1400 - DEFERRED MAINTENANCE FUND

**Expenditures**

560000 Repairs	\$3,500	Change per manager request
620000 Improvement of Buildings	-\$3,500	
	<u>\$0</u>	