

# Hanford Elementary School District

## REGULAR BOARD MEETING AGENDA

*Wednesday, February 22, 2012*

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

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

#### Administrative Panel Readmissions and Recommendations

Case# 12-25 – King	Case# 12-31 - Wilson
Case# 12-26 – Wilson	Case# 12-32 - Wilson
Case# 12-27 – Wilson	Case# 12-33 - Kennedy
Case# 12-28 – Wilson	Case# 12-34 - Kennedy
Case# 12-29 – Wilson	Case# 12-35 - Kennedy
Case# 12-30 – Wilson	Case# 66-11 - Kennedy
	Case# 65-11 - Lincoln

### OPEN SESSION

#### 6:00 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 February 3, 2012; and February 10, 2012.
- b) Approve minutes of Regular Board Meeting February 8, 2012.
- c) Approve donation of \$8,000.00 from HESD Educational Foundation.

#### 3. INFORMATION ITEMS

- a) Presentation of the 2011-2012 Grant Awards from the HESD Educational Foundation. (Terry)

- *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.*

- b) Receive for information quarterly report on Williams Uniform Complaints. (Terry)
- c) Receive the following revised Board Policy for information: (Terry)
  - BP 2121 – Superintendent’s Contract
- d) Receive the following revised Board Bylaw for information: (Terry)
  - BB 9223 – Filling Vacancies
- e) Receive the following revised Board Bylaw for information: (Terry)
  - BB 9320 – Meetings and Notices
- f) Receive information regarding pending Developer Fee increase. (White)

#### 4. PERSONNEL

##### a) Employment

###### Classified

- Harmini Rabon, READY Program Tutor - 4.5 hrs., King, effective 2/8/12

###### Temporary Employees/Substitutes/Yard Supervisors

- Araceli Mandujano, Short-term Yard Supervisor – 1.5 hrs. (M,T,Th,F), King, effective 2/1/12 to 3/20/12
- Angela Wells, Substitute READY Program Tutor, effective 2/7/12

##### b) Resignations

- Kali Gonsalves, Teacher on LOA, effective 2/13/12
- Deborah Hallock, Substitute Food Service Worker II and Yard Supervisor, effective 8/26/11

##### c) Leave of Absence

- Lucia Arteaga, Yard Supervisor – 1.5 hrs., Roosevelt, effective 1/26/12 to 2/3/12, medical
- Patricia Edmond, Yard Supervisor – 1.5 hrs., Lincoln, effective 1/26/12 to 2/6/12, medical
- Kari Medeiros, Teacher, effective 2012-2013 school year, child rearing
- Kimberly Salter, Learning Director, Kennedy, effective 2012-2013, travel
- Valerie Velazquez, Yard Supervisor – 2.25 hrs., Monroe, effective 2/14/12 to 3/20/12, maternity

##### d) Volunteers

<u>Name</u>	<u>School</u>
Graciela Davis	Lincoln
Nicole Pimentel	Monroe
Candy Ochoa	Richmond
Elizabeth Barneke	Simas
Mario Villa Honorato	Simas
Christina Ayala	Simas
Margarita Rios	Simas

#### 5. FINANCIAL

- a) Consider approval of Resolution #16-12: Resolution for the Governing Board Authorizing the Borrowing of Funds for Fiscal Year 2012/13 and the Issuance and Sale of one or more series of 2012/13 Tax and Revenue Anticipation Notes Therefore and Participation in the California School Cash Reserve Program and Requesting the Board of Supervisors of the County to Issue and Sell Said Series of Notes.
- b) Consider approval of Resolution #17-12: Revision of the 2011-12 Budget.
- c) Consider approval of Resolution #18-12: Withdrawal from Special Reserve Fund – Bus Purchase/Replacement.
- d) Consider approval of Resolution #19-12: Withdrawal from Special Reserve Fund – Instructional Furniture, Equipment, Materials and Supplies.

**ADJOURN MEETING**

HANFORD ELEMENTARY SCHOOL DISTRICT  
AGENDA REQUEST FORM

TO: Dr. Paul Terry  
FROM: Liz Simas  
DATE: February 9, 2012

For:  Board Meeting  
 Superintendent's Cabinet  
 Information  
 Action

Date you wish to have your item considered: February 22, 2012

ITEM: Student Discipline

PURPOSE: Administrative Panel Recommendations and Readmissions

Case# 12-25 – King  
Case# 12-26 – Wilson  
Case# 12-27 – Wilson  
Case# 12-28 – Wilson  
Case# 12-29 – Wilson  
Case# 12-30 – Wilson

Case# 12-31 - Wilson  
Case# 12-32 - Wilson  
Case# 12-33 - Kennedy  
Case# 12-34 - Kennedy  
Case# 12-35 - Kennedy  
Case# 66-11 - Kennedy  
Case# 65-11 - Lincoln

**Hanford Elementary School District**  
***Minutes of the Regular Board Meeting***  
***February 8, 2012***

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on February 8, 2012, at the District Office Board Room, 714 N. White Street, Hanford, CA.

**Call to Order** President Hill called the meeting to order at 5:30 p.m. Trustees Garner and Revious were present. Trustees Hernandez and Jay were absent for reasons deemed acceptable by the Board.

**Closed Session** Trustees immediately adjourned to closed session for:

- Student Discipline pursuant to Education Code section 48918
- Public Employee Discipline/Dismissal/Release (GC 54957)

Trustees returned to open session at 6:10 p.m.

**HESD Managers Present** Dr. Paul J. Terry, Superintendent, and the following administrators were present: Don Arakelian, Anthony Carrillo, Doug Carlton, Debra Colvard, Silvia Duvall, Kenny Eggert, Javier Espindola, Joy Gabler, Jaime Martinez, Karen McConnell, Gerry Mulligan, Jennifer Pitkin, Jeanne Rios, Jill Rubalcava, Liz Simas, Jason Strickland, Nancy White, and Diane Williams.

**Expulsion #12-24** Trustee Revious made a motion to accept the Findings of Facts and expel Case #12-24 for the remainder of the 2011-12 school year and the first semester of the 2012-13 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at Hearings held on February 6, 2012. Parents may apply for readmission on or after Jan 18, 2013. Trustee Garner seconded; motion carried 3-0.

**Readmissions #12-11, 23-11** Trustee Revious made a motion to approve readmission for Cases #12-11 and 23-11 based upon each student's compliance with the Plan of Rehabilitation. Trustee Garner seconded; motion carried 3-0.

**Readmission denied #85-10** Trustee Revious made a motion to deny readmission for Case #85-10 based upon the finding that the student did not comply with the Plan of Rehabilitation. Parents may apply for readmission on or after June 8, 2012. Trustee Garner seconded; motion carried 3-0.

**PRESENTATIONS, REPORTS AND COMMUNICATIONS**

**Public Comments** None.

**Board and Staff Comments** Board member Tim Revious thanked Don Arakelian and staff for the good basketball tournament held the first weekend of February. Mr. Arakelian thanked all those who helped and attended the tournament and noted the MLK Lady Crusaders and the Monroe Mustang Boys were the champions at this year's competition.

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

**Dates to Remember** President Hill reviewed Dates to Remember: February 20 President's Day holiday; February 22 regular board meeting; February 23 School Board Appreciation Dinner at Visalia Marriott; February 24 is the Grade 4-6 All Star Hoop Games at Woodrow Wilson gym; February 29 Band Pre-Festival Concert at Hanford High Performance Center

### CONSENT ITEMS

Trustee Garner made a motion to approve consent items "a" through "g". Trustee Revious seconded, motion carried 3-0. The items approved are:

- a) Warrant listings dated January 20 and January 27, 2012.
- b) Minutes of January 25, 2012 Regular Board Meeting.
- c) Interdistrict transfers as recommended.
- d) Donation of \$486.32 from Box Tops for Education to Roosevelt School.
- e) Donation of \$500.00 from POM Wonderful to Simas School.
- f) Donation of \$100.00 from Walmart to READY.
- g) Donation of \$2,000.00 from Washington PTC to Washington School.

President Hill thanked and acknowledged donors for their generous support of our schools.

### BOARD POLICIES AND ADMINISTRATION

**Consultant contract approved - PIQE** Trustee Revious made a motion to approve consultant contract with Parent Institute for Quality Education to provide training to parents of migrant students. Trustee Garner seconded; motion carried 3-0.

**Consultant contract Kids Invent!** Trustee Revious made a motion to approve contract with Lyles Center for Innovation & Entrepreneurship at California State University, Fresno to provide Kids Invent! Program to migrant students. Trustee Garner seconded; motion carried 3-0.

### PERSONNEL

Trustee Revious made a motion to take Personnel items "a" through "f" collectively. Trustee Garner seconded; motion carried 3-0. Then Trustee Revious made a motion to approve Personnel items "a" through "f". Trustee Garner seconded; the motion carried 3-0. Trustee Revious noted the long-term service of retirees in listed in section "c" and he thanked them for their service to the district and the children of Hanford Elementary School District. The following items were approved:

**Item "a" –  
Employment**

Classified

- Michal "Mac" McWay, READY Program Tutor – 4.5 hrs., Washington, effective 1/27/12
- Taylor Serna, READY Program Tutor – 4.5 hrs., Hamilton, effective 1/30/12

Temporary Employees/Substitutes/Yard Supervisors:

- Riley Davis, Short-term READY Program – 4.5 hrs., (T,Th), Lincoln, effective 1/24/12 to 6/7/12
- Paul Huerta, Substitute READY Program Tutor, effective 2/14/12
- Kathleen Jones, Substitute Health Care Assistant, effective 1/24/12
- Tammy Morrison, Substitute Yard Supervisor, effective 1/30/12

**Item "a" –  
Employment  
(continued)**

Temporary Employees/Substitutes/Yard Supervisors (continued):

- Amber Purdy, Substitute Alternative Education Aide; Clerk Typist I; Educational Tutor K-6, READY Program Tutor, Special Circumstance Aide and Special Education Aide, effective 1/27/12
- Carolyn Roe, Short-term Yard Supervisor – 1.0 hr. (M,T,Th,F), Washington, effective 1/26/12 to 6/8/12
- Shirley Smart, Short-term Yard Supervisor – 3.0 hrs., Simas, effective 1/23/12 to 3/20/12
- Cory Stewart, Substitute Educational Tutor K-6, effective 1/24/12; Short-term Educational Tutor K-6 – 3.5 hrs., and Short-term Yard Supervisor - .75 hrs., (4.25 hrs.), Roosevelt, effective 1/30/12 to 5/10/12

**Item "b" –  
Resignations**

- Tish Bechtel-Nunes, Substitute READY Program Tutor and Yard Supervisor, effective 3/7/11
- Malinda Benson, Teacher, Kennedy, effective 6/8/12
- Jeannine Burris, Teacher, Washington, effective 6/8/12
- Judith Corrales, Teacher, Washington, effective 6/8/12
- Amy Carpenter, Substitute Bus Driver, effective 1/10/12
- Paul Huerta, READY Program Tutor – 4.5 hrs., Monroe, effective 2/10/12

**Item "c" –  
Retirements**

- Jana Dudley, Teacher, Kennedy, effective 6/8/12
- Elva Garcia, Teacher, Simas, effective 6/8/12
- Vicki Ornellas, Teacher, Monroe, effective 6/8/12
- Lydia T. Mercado, Teacher, Monroe, effective 6/8/12
- Felisita Garza Rendon, Teacher, Monroe, effective 6/8/12

**Item "d" –  
Administrative Transfer**

- Melanie Peichoto, READY Program Tutor -4.5 hrs., from King to Monroe, effective 2/14/12

**Items "e" –  
of Absence**

- *Leave* Catherine Godfrey, Teacher, Hamilton, effective 2012-2013 school year, child-rearing
- Danette Parra, Teacher, King, effective 2012-2013 school year, child-rearing
- Barbara Silva, Yard Supervisor – 2.5 hrs., Lincoln, effective 1/19/12 to 1/20/12
- Kimberly Washburn, Teacher, Washington, effective 2012-2013 school year, study
- Seeka Yank, Teacher, King, effective 2012-2013 school year, restoration of health

**Item "f" –  
Volunteers**

<u>Name</u>	<u>School</u>
Julia Gonzales	Lincoln
Jaqueline Huerta	Lincoln
Angela Juarez	Simas
Derrick Juarez	Simas
Danyelee Keeney	Simas
Catherine Wedderburn	Simas
Victoria Weeks	Simas
Amber Purdy	Kennedy

There being no further business, President Hill adjourned the meeting at 6:25 p.m.

Respectfully submitted,

Paul J. Terry,  
Secretary to the Board of Trustees

Approved:

\_\_\_\_\_  
Dennis Hill, President

\_\_\_\_\_  
James L. Jay III, Clerk

## HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees  
FROM: Paul J. Terry, Ed.D.  
DATE: February 15, 2012  
FOR:  Board Meeting  
 Superintendent's Cabinet  
FOR:  Information  
 Action

Date you wish to have your item considered: February 22, 2012

ITEM: Consider request to accept donation of \$8,000.00 from the HESD Educational Foundation.

PURPOSE: To support educational programs and learning opportunities through the 2011-12 teacher grant program

FISCAL IMPACT: \$8,000.00

RECOMMENDATION: Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: February 15, 2012

FOR: (X) Board Meeting  
( ) Superintendent's Cabinet

FOR: (X) Information  
( ) Action

Date you wish to have your item considered: February 22, 2012

**ITEM:** Quarterly report (9/1/11 – 12/31/11) 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 second 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 School District

Person completing this form: Paul J. Terry, Ed.D. 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: February 22, 2012

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	0	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
CAHSEE Intensive Instruction and Services	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

Paul J. Terry, Ed.D.  
Superintendent

\_\_\_\_\_  
Signature

February 15, 2012  
Date

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: February 15, 2012

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: February 22, 2012.

**ITEM:** Receive the following revised Board Policy for information:  
• BP 2121 – Superintendent's Contract (revised)

**PURPOSE:** These revisions reflect changes that are necessary to align with current legal requirements.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Approve

# Hanford ESD

## Board Policy

### Superintendent's Contract

BP 2121

#### Administration

In approving employment contracts with the Superintendent, the The Governing Board of Trustees wishes to encourage believes that the Superintendent's long term commitment to the employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district and community while carefully considering goals and objectives. When approving the Superintendent's employment contract, the financial and legal implications of Board shall consider the contract need for stability in order to protect the district from any potentially adverse obligations administration and shall ensure the best use of district resources.

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

The Board contract shall designate a representative to negotiate with be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent on its behalf and shall consult legal counsel to draft the contract document. Responsibilities and Duties)

2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. The salary, benefits, and other compensation for the position

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. The criteria, process, and procedure for evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

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

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)  
(cf. 3580 - District Records)

~~The contract shall include, but not be limited to, provisions for salary and benefits, annual evaluations, term of the contract, and conditions for termination of the contract. The contract should also include general responsibilities and duties of the Superintendent.~~

~~(cf. 2110 - Superintendent Responsibilities and Duties)~~

~~The term of the contract shall be for no more than four years. (Education Code 35031)~~

~~During the term of the existing contract, the Board may reemploy the Superintendent on these terms and conditions mutually agreed upon by the Board and Superintendent. (Education Code 35031)~~

~~The terms and conditions. However, the Superintendent's contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.~~

~~(cf. 2140 - Evaluation of the Superintendent)~~

~~In the event that Decision not to Reemploy~~

~~If the Board determines not to reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to the Superintendent him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)~~

Termination of Contract

~~The Board may terminate the Superintendent's contract shall include a provision specifying the maximum cash settlement that the Superintendent may receive upon termination of the of employment in accordance with law and applicable contract. However, if provisions. If the unexpired term of the contract is greater more than 18 months, the maximum cash settlement~~

shall be no more ~~greater~~ than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

~~If~~ However, when the Board terminates termination of the Superintendent's contract is based upon its the Board's belief and subsequent confirmation pursuant to through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be within the limits prescribed by law, as determined by an administrative law judge, but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position.  
(Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35031 Term of employment

41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

53243-53243.4 Abuse of office

53260-53264 Employment contracts

54954 Time and place of regular meetings

54957 Closed session personnel matters

54957.1 Closed session, public report of action taken

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, ~~Single District~~ Governance Consulting Services: <http://www.csba.org/sds>

Association of California School Administrators: <http://www.acsa.org>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: September 19, 2001 Hanford, California

| revised: ~~February 9, 2005~~ (7/01 11/04) 11/11

## HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees  
FROM: Paul J. Terry, Ed. D.  
DATE: February 15, 2012  
FOR:  Board Meeting  
 Superintendent's Cabinet  
FOR:  Information  
 Action

Date you wish to have your item considered: February 22, 2012.

**ITEM:** Receive the following revised Board Bylaw for information:  
• 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 Governing 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. ~~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. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall. ~~(Elections Code 11384; Government Code 1770; Elections Code 11384)~~
5. A Board member's ceasing to be an inhabitant of the state ~~or a~~ 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 for more than 60 days, except in the period allowed by law without the permission required by law following situations:~~



(Government Code 1064, 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 district ~~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

\_\_\_\_\_ 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.

- c. For federal military deployment, not to exceed an absence of a total of 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. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

~~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~~illness 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, 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~~Board member 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; by a court of competent jurisdiction, in this event, which case the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)

13. A "failure to elect" in which 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~~within four months ~~before~~of the end of a Board member's term, the Board shall take no action. (Education Code 5093)

2. When a vacancy occurs longer than ~~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 in item #3 below. (Education Code 5091, 5093)

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)

#### Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

#### 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~~ \*\*\*Note: The Board is authorized to make a provisional appointment to fill a vacancy pursuant to item #2 in the section above entitled "Timelines for Filling a Vacancy." The law does not specify procedures for making provisional appointments for vacancies caused by reasons other than a failure to elect; however, such procedures must comply with the requirements of the Brown Act (Government Code 54950-54963). Secret ballots are prohibited by Government Code 54953. \*\*\*

When authorized by law to make a provisional appointment to fill a vacancy on the Board, 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. ~~9220-9323.2~~ - Actions by the 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 candidate 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)

(cf. 9100 - Organization)

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

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE88 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. December 2010

WEB SITES

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

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

[http://eaag.stateag.ca.usgov/opinions/quo-htm\\_warranto.php](http://eaag.stateag.ca.usgov/opinions/quo-htm_warranto.php)

~~Bylaw HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~adopted: September 19, 2001 Hanford, California~~

~~revised: February 9, 2005(11/04 11/08) 11/11~~

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees  
FROM: Paul J. Terry, Ed. D.  
DATE: February 15, 2012  
FOR:  Board Meeting  
 Superintendent's Cabinet  
FOR:  Information  
 Action

Date you wish to have your item considered: February 22, 2012.

**ITEM:** Receive the following revised Board Bylaw for information:  
• BB 9320 Meetings and Notices (revised)

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

**FISCAL IMPACT:** None

**RECOMMENDATION:** Approve

# Hanford ESD

## Board Bylaw

### Meetings And Notices

BB 9320

#### Board Bylaws

Meetings of the Governing Board of Trustees are conducted for the purpose of accomplishing district business.

~~A Board meeting exists whenever a majority of its members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)~~

In accordance with state open meeting laws, (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during these such meetings only -as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public and. All meetings shall be conducted in accordance with law and Board adopted the Board's bylaws-, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)-  
 (cf. 9321.1 - Closed Session Actions and Reports)-  
 (cf. 9322 - Agenda/Meeting Materials)-  
 (cf. 9323 - Meeting Conduct)-

~~Direct communication, personal intermediaries, and technological devices shall not be used by A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)~~

~~Meetings shall be held within district boundaries, except when otherwise allowed by law. (Government Code 54954)~~

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

(cf. 9012 - Board Member Electronic Communications)

In order to help ensure the participation in the meeting by disabled of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

~~Meeting notices and agendas shall specify that an 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 or designee in writing.~~

#### Regular Meetings-

~~The Board shall normally hold two~~\*\*\*Note: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and place for its regular meetings by rule and regulation.

The Board shall hold \_\_\_\_\_ regular meeting(s) each month during the school year. In the event that school district business requiring more immediate consideration arises during the period between regular meetings, the Superintendent and presiding officer may schedule a special meeting as set forth below. Meetings during the summer months will be scheduled as necessary. Regular meetings shall normally be held at 5:30 p.m. on the second and fourth Wednesdays of the month at the District Office.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)-

~~If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings may temporarily be held at a place designated by the president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)~~  
(cf. 1113 - District and School Web Sites)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

(cf. 1340 - Access to District Records)

#### Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956). ~~In addition, when necessary to insure timely action by the Board, However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent and presiding officer may jointly call for~~



~~a special meeting~~, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; ~~no~~. No other business shall be considered at these meetings. ~~this meeting.~~ (Education Code 35144; Government Code 54956)-

Any Board member may waive a failure to receive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting; at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or after ~~during~~ the item's consideration. (Government Code 54954.3)-

#### Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or ~~the~~ 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. ~~-(Government Code 54956.5)-~~

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity ~~which~~ that severely impairs public health and/or ~~safety~~ as safety as determined by a majority of the members of the Board-

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)-

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting ~~under this section~~ may endanger the public health and/or safety as determined by a majority of the members of the Board.-

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the

emergency meeting by telephone at least one hour before the meeting to the local media ~~which~~ that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. (Government Code 54956.5)-

In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)-

#### Adjourned/Continued Meetings-

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment.- Less than a quorum of the Board may adjourn such a meeting.- If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)-

~~A~~ Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held ~~within 24 hours after the time of adjournment.~~ (Government Code 54955)

#### Teleconferencing-

~~A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both. (Government Code 54953)~~

~~The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)~~

~~During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)~~

~~Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)~~

~~All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of~~

~~the public to address the Board directly at each teleconference location. (Government Code 54953)~~

~~All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.~~

#### Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. ~~No action~~Action items shall not be included on the agenda for these meetings.

#### Other Gatherings-

Attendance by a majority of ~~the~~ Board members at any of the following events is not subject to ~~state open meeting laws~~the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school ~~boards~~board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern-
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency-
5. A purely social or ceremonial occasion-
6. An open and noticed meeting of a standing committee of the Board, provided that the

Board members who are not members of the standing committee attend only as observers-

(cf. 9130 - Board Committees)-

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)-

#### Location of Meetings

Meetings shall not be held in a facility that is accessible to all persons prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including disabled persons, without charge, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)-

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

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)-

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party-
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property-
3. Participate in meetings or discussions of ~~multi-agency~~ multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law-
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district-
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction-
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility-
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs-
8. Attend conferences on nonadversarial collective bargaining techniques-

9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district-

10. Interview a potential employee from another district-

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.-

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform, ~~by the most rapid available means of communication,~~ all news media who have requested notice of special meetings: by the most rapid available means of communication. (Government Code 54954)

#### Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

#### Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35143 Annual organizational meeting, date, and notice

- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

3511.1 Local agency executives

11135 State programs and activities, discrimination

54950-54963 The Ralph M. Brown Act, especially:

54953 Meetings to be open and public; attendance

~~54953.2 Compliance with Americans with Disabilities Act~~

54954 Time and place of regular meetings

~~54954.1 Mailed notices~~

54954.2 Agenda posting requirements, board actions

54956 Special meetings; call; notice

54956.5 Emergency meetings-

~~54957.5 Agenda distribution~~

~~54961 Prohibition on use of certain facilities~~

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

~~216 Sutter Bay Associates~~ Wolfe v. County City of Sutter (1997) 58 Fremont, (2006) 144 Cal.App. 4th 860544

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)

84 Ops.Cal.Atty.Gen. 181 (2001)

84 Ops.Cal.Atty.Gen. 30 (2001)

79 Ops.Cal.Atty.Gen. 69 (1996)

78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. ~~2005~~2009

~~ATTORNEY GENERAL~~ INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act: Open Meetings for Legislative Bodies, 2003, 2nd Ed., 2010

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.eaag.stateag.ca.usgov>

~~Bylaw HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~adopted: October 21, 1998 Hanford, Institute for Local Government: <http://www.ca-ilg.org>~~

~~League of California Cities: <http://www.cacities.org>~~

~~revised: August 20, 2003~~

~~revised: May 19, 2004~~

~~revised: October 4, 2006~~

~~(3/08 11/08) 11/11~~

## HANFORD ELEMENTARY SCHOOL DISTRICT

## AGENDA REQUEST FORM

**TO:** Dr. Paul J. Terry

**FROM:** Nancy White

**DATE:** February 13, 2012

**For:**  Board Meeting  
 Superintendent's Cabinet

**For:**  Information  
 Action

Date you wish to have your item considered: February 22, 2012

**ITEM:**

Receive information regarding pending Developer Fees increase.

**PURPOSE:**

The District levys Developer Fees on new residential and commercial/industrial development at the rates set by the State Allocation Board (SAB). The Government Code allows for an inflationary increase to these rates every other year. The SAB acted in January to approve an inflationary increase for the developer fee rates. A Resolution to adopt the increased rates will be presented to you at the March 14, 2012 Board Meeting.

**FISCAL IMPACT:**

The total fees per square foot for residential will increase from \$2.97 to \$3.20. Fees for commercial/industrial will increase from \$.47 to \$.51 per square foot. Hanford Elementary shares this fee with Hanford High. Hanford Elementary receives 60% of the fee and Hanford High receives 40%. Therefore, HESD's portion would be \$1.92 per square foot for residential and \$.31 per square foot for commercial (with the exception of rental self-storage, for which the fee will be \$.08 per square foot for HESD). This increase will generate an estimated \$5,000 in additional revenues to the District from developer fees.

**RECOMMENDATION:**

None. Information only.



HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department

**AGENDA REQUEST FORM**

**TO:** Dr. Paul Terry  
**FROM:** Diane Williams  
**DATE:** February 13, 2012  
**RE:** (X) Board Meeting  
 ( ) Superintendent's Cabinet  
 ( ) Information  
 (X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 22, 2012**

**ITEM:** Consider approval of personnel transactions and related matters.

**PURPOSE:**

**a. Employment**

Classified

- Harmini Rabon, READY Program Tutor – 4.5 hrs., King, effective 2/8/12

Temporary Employees/Substitutes/Yard Supervisors

- Araceli Mandujano, Short-term Yard Supervisor – 1.5 hrs. (M,T,Th,F), King, effective 2/1/12 to 3/30/12
- Angela Wells, Substitute READY Program Tutor, effective 2/7/12

**b. Resignations**

- Kali Gonsalves, Teacher on LOA, effective 2/13/12
- Deborah Hallock, Substitute Food Service Worker II and Yard Supervisor, effective 8/26/11

**c. Leave of Absence**

- Lucia Arteaga, Yard Supervisor – 1.5 hrs., Roosevelt, effective 1/26/12 to 2/3/12, medical
- Patricia Edmond, Yard Supervisor – 1.5 hrs., Lincoln, effective 1/26/12 to 2/6/12, medical
- Kari Medeiros, Teacher, effective 2012-2013 school year, child rearing
- Kimberly Salter, Learning Director, Kennedy, effective 2012-2013, travel
- Valerie Velazquez, Yard Supervisor – 2.25 hrs., Monroe, effective 2/14/12 to 3/30/12, maternity

d. **Volunteers**

<u>Name</u>	<u>School</u>
Graciela Davis	Lincoln
Nicole Pimentel	Monroe
Candy Ochoa	Richmond
Elizabeth Barneke	Simas
Mario Villa Honorato	Simas
Christina Ayala	Simas
Margarita Rios	Simas

**RECOMMENDATION:** Approve.

## HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

**TO:** Dr. Paul J. Terry

**FROM:** Nancy White

**DATE:** February 13, 2012

**FOR:**  Board Meeting  
 Superintendent's Cabinet

**FOR:**  Information  
 Action

Date you wish to have your item considered: February 22, 2012

**ITEM:**

Consider approval of Resolution #16-12: Resolution of the Governing Board Authorizing the Borrowing of Funds for Fiscal Year 2012-13 and the Issuance and Sale of one or more series of 2012-13 Tax and Revenue Anticipation Notes Therefor and Participation in the California School Cash Reserve Program and Requesting the Board of Supervisors of the County to Issue and Sell Said Series of Notes.

**PURPOSE:**

School districts are authorized by the Government Code to borrow money through the issuance of temporary notes (TRANS) when the district reasonably expects a cash flow problem. The TRANS offered by Piper Jaffray, which is sponsored by the California Schools Boards Association (CSBA), is the program we are recommending again this year.

Piper Jaffray has estimated that Hanford Elementary might be eligible to borrow up to \$10,000,000. The exact figure will be computed in another month or so. This Resolution does not lock the District into participating in this program. It delegates the right to the Superintendent to make a decision once the rates have been bid.

There are changes to some of the legal documents for this year's Program. Additional flexibility was built into the documents to help navigate the turmoil in the financial markets and the State budget crisis. Changes include authorizing the District to issue multiple series of TRANS, up to the resolution limit, under one resolution should the District's cash flow situation change after the initial TRAN issuance, and authorizing two different legal structures for TRANS issuance. The actual structure will be determined closer to the time of the sale of the TRANS in order to maximize market acceptance and minimize borrowing costs.

**FISCAL IMPACT:**

The cash flow loan would be available to the District throughout 2012-13 for use if necessary. The District would earn interest on that part of the loan that is not used.

**RECOMMENDATION:**

Approve Resolution #16-12: Resolution of the Governing Board Authorizing the Borrowing of Funds for Fiscal Year 2012-13 and the Issuance and Sale of one or more series of 2012-13 Tax and Revenue Anticipation Notes Therefor and Participation in the California School Cash Reserve Program and Requesting the Board of Supervisors of the County to Issue and Sell Said Series of Notes.

## HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: February 13, 2012

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: February 22, 2012

**ITEM:**

Consider approval of Resolution #17-12: Revision of the 2011-12 Budget.

**PURPOSE:**

Miscellaneous budget changes are listed on the attached resolution.

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

Approve Resolution #17-12: Revision of the 2011-12 Budget.

**Resolution #17-12**

**HANFORD ELEMENTARY SCHOOL DISTRICT  
RESOLUTION FOR BUDGET CHANGES**

WHEREAS, certain budget items appear to be overdrawn; and

WHEREAS, an excess remains in certain other budget items;

THEREFORE, BE IT RESOLVED that the various funds of the District be adjusted and in accordance with Education Code Sections 20952 and 20601(c), that the following budget changes be made:

FROM:                    (See Attached)

TO:                        (See Attached)

Board of Trustees

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Dated: February 22, 2012

**Budget Changes  
2011-12 Budget  
February 22, 2012**

	Amount Changed	Reason for Change
<b>FUND 0100 - GENERAL FUND</b>		
<b>Revenue</b>		
979100 Beginning Balance	-\$1	SBCP
829000 Title I	-\$114,791	Adjust to actual
829000 Title II, A	-\$66,867	Adjust to actual
829000 Title III	\$9,500	Adjust to actual
801100 Revenue Limit	-\$197,493	Adjust for additional reduction due to reversal
831100 Transportation	\$101,024	of Transportation funding reduction
831100 EIA	\$65,127	Adjust to actual
859000 School & Library Improvement Grant	-\$120	Adjust to actual
859000 QEIA	\$798	Adjust to actual
869900 Other Local	\$5,700	Donations
<b>TOTAL REVENUE CHANGES - GENERAL FUND</b>	<b>-\$197,123</b>	

**Expenditures**

LOCATION 000 - UNDESIGNATED/GENERAL - BALANCE SHEET ACCOUNTS

979000 Undesignated Reserve	-\$79,889	Balance is now \$632,272
	-\$79,889	

LOCATION 001 - GENERAL ADMINISTRATION

731010 Indirect Costs	-\$9,744	Adjust to balance with Restricted Programs
	-\$9,744	

LOCATIONS 020 - 031 - GENERAL SCHOOLS

100000 Certificated Salaries	\$300	Donations and attendance incentives
200000 Classified Salaries	\$10,027	
300000 Employee Benefits	\$3,283	
400000 Books & Supplies	\$6,390	
500000 Other Services	\$2,500	
	\$22,500	

LOCATION 039 - SPECIAL EDUCATION

714300 Other Outgo	-\$23,636	Adjust due to change in Transportation funding
	-\$23,636	

SCHOOL-WIDE PROGRAM (SWP) TITLES I, II, III

100000 Certificated Salaries	\$8,562	Adjust to actuals
200000 Classified Salaries	-\$16,946	
300000 Employee Benefits	\$12,740	
400000 Books & Supplies	\$23,861	
500000 Other Services	-\$28,616	
700000 Other Outgo	-\$2,418	
979000 Undesignated Reserve	-\$169,341	
	-\$172,158	

**Budget Changes  
2011-12 Budget  
February 22, 2012**

	<b>Amount Changed</b>	<b>Reason for Change</b>
<b><u>SCHOOL-BASED COORDINATED PROGRAM (SBCP)</u></b>		
100000 Certificated Salaries	\$17,661	Adjust to actuals
200000 Classified Salaries	-\$850	
300000 Employee Benefits	\$17,200	
400000 Books & Supplies	\$314,740	
500000 Other Services	\$4,197	
700000 Other Outgo	\$12,162	
979000 Undesignated Reserve	-\$300,104	
	<u>\$65,006</u>	
 <b><u>QEIA</u></b>		
100000 Certificated Salaries	\$7,200	Adjust to actual
200000 Classified Salaries	\$1,591	
300000 Employee Benefits	\$9,550	
400000 Books & Supplies	-\$11,695	
500000 Other Services	-\$33,240	
979000 Undesignated Reserve	\$27,392	
	<u>\$798</u>	
 <b>TOTAL EXPENDITURE CHANGES - GENERAL FUND</b>	 <b><u>-\$197,123</u></b>	
 <b><u>FUND 1300 - CAFETERIA FUND</u></b>		
<b>Expenditures</b>		
440000 Equipment	\$4,824	Computer server; ice machine
650000 Equipment Replacement	\$10,125	Dishwasher
979000 Undesignated Reserve	-\$14,949	
	<u>\$0</u>	
 <b>TOTAL EXPENDITURE CHANGES</b>	 <b>\$0</b>	



## HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

**TO:** Dr. Paul J. Terry  
**FROM:** Nancy White  
**DATE:** February 13, 2012  
**FOR:**  Board Meeting  
 Superintendent's Cabinet  
**FOR:**  Information  
 Action

Date you wish to have your item considered: February 22, 2012

**ITEM:**

Consider approval of Resolution #18-12: Withdrawal from Special Reserve Fund – Bus Purchase/Replacement.

**PURPOSE:**

The District received a grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) for the replacement of an older high emission school bus. The total cost of the new bus is \$155,931.16. The SJVAPCD grant is for \$145,931.16. The remaining \$10,000 is a required District match. The District's Fund 1500 – Special Reserve – Bus Purchase/Replacement has funds set aside for the purpose of bus purchase/replacement.

**FISCAL IMPACT:**

\$10,000 will be transferred from the Special Reserve Fund – Bus Purchase/Replacement to the General Fund.

**RECOMMENDATION:**

Approve Resolution #18-12: Withdrawal from Special Reserve Fund – Bus Purchase/Replacement.

**RESOLUTION #18-12**

**HANFORD ELEMENTARY SCHOOL DISTRICT  
SPECIAL RESERVE FUND – BUS PURCHASE/REPLACEMENT  
FUND 1500**

WHEREAS, Education Code Sections 42840 – 42843 provide authority for the governing board of the Hanford Elementary School District to establish a special reserve fund; and

WHEREAS, the governing board of the Hanford Elementary School District has determined the need to set the funds aside for bus purchase/replacement;

WHEREAS, funds are now needed for the replacement of one bus:

THEREFORE, BE IT RESOLVED that the following transfer of funds is made.

FROM:	1500 0000 0 0000 9300 761900 000 0000	\$10,000.00
TO:	0100 7230 0 0000 0000 891900 000 0000	\$10,000.00

BOARD OF TRUSTEES

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Adopted: February 22, 2012

## HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

**TO:** Dr. Paul J. Terry

**FROM:** Nancy White

**DATE:** February 13, 2012

**FOR:**  Board Meeting  
 Superintendent's Cabinet

**FOR:**  Information  
 Action

Date you wish to have your item considered: February 22, 2012

**ITEM:**

Consider approval of Resolution #19-12: Withdrawal from Special Reserve Fund – Instructional Furniture, Equipment, Materials and Supplies.

**PURPOSE:**

In 2004-05, the Board established this Special Reserve Fund due to enrollment growth for the purchase of necessary instructional furniture, equipment, materials and supplies. The 2011-12 Adopted Budget included the transfer of some of the funds from the Special Reserve to cover the cost of library and staff lounge furniture and equipment for Jefferson School.

**FISCAL IMPACT:**

\$10,000 will be transferred from the Special Reserve Fund – Instructional Furniture, Equipment, Materials and Supplies to the General Fund.

**RECOMMENDATION:**

Approve Resolution #19-12: Withdrawal from Special Reserve Fund – Instructional Furniture, Equipment, Materials and Supplies.

**RESOLUTION #19-12**

**HANFORD ELEMENTARY SCHOOL DISTRICT**  
**SPECIAL RESERVE FUND – #1700**  
**Instructional Furniture, Equipment, Materials and Supplies**

WHEREAS, Education Code Sections 42840 – 42843 provided authority for the governing board of the Hanford Elementary School District to establish a special reserve fund; and

WHEREAS, the governing board of the Hanford Elementary School District determined the need to set the funds aside for instructional furniture, equipment, materials and supplies;

WHEREAS, some of the remaining funds are needed for the purchase of library and staff lounge furniture and equipment;

THEREFORE, BE IT RESOLVED that the following transfer of funds is made.

FROM:	1700 0000 0 0000 9300 761900 000 0000	\$10,000
TO:	0000 0000 0 0000 0000 891900 000 0000	\$10,000

BOARD OF TRUSTEES

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Adopted: February 22, 2012