

Hanford Elementary School District

REGULAR BOARD MEETING AGENDA

Wednesday, August 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

- **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.)*

Conference with Labor Negotiator (GC 54957.6) – CSEA, District Negotiators:
Paul Terry/Diane Williams

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 August 3, 2012; and August 10, 2012.
- b) Approve minutes of Regular Board Meeting August 8, 2012.
- c) Approve donation of \$2,000.00 from Target to MLK's Visual and Performing Arts Program. (Colvard)
- d) Approve donation of \$500 from Roll Giving and Paramount Community Giving to Washington School. (Rubalcava)

3. INFORMATION ITEMS

- a) Receive the following revised Board Policy and Administrative Regulation for information: (White)

- BP/AR 3554 – Other Food Sales

- 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.

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider approval of revised 2012-2013 HESD Management Organization Chart. (Terry)
- b) Consider approval of Memorandum of Understanding ("MOU") between the County of Kings Behavioral Health and the Hanford Elementary School District. (McConnell)
- c) Consider approval of Kings County Consortium Plan for Servicing Expelled Students. (McConnell)
- d) Consider approval of application to California Department of Education for waiver to provide SES tutoring to eligible students that are in Year 1 Program Improvement schools. (Carlton)
- e) Consider approval of second amendment to ground lease for telecommunications towers. (Goldsmith)
- f) Consider adoption of the following revised Board Policy: (Simas)
 - BP 1250 - Visitors
- g) Consider adoption of the following revised Administrative Regulation: (Simas)
 - AR 3515.2 - Disruptions
- h) Consider adoption of the following revised Board Policy: (Simas)
 - BP 5131 - Conduct
- i) Consider adoption of the following revised Board Policy: (Simas)
 - BP 5131.2 - Bullying
- j) Consider adoption of the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 5144.1 – Suspension and Expulsion/Due Process
- k) Consider adoption of the following revised Board Policy: (Simas)
 - BP 5145.3 – Nondiscrimination/Harassment
- l) Consider adoption of the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 5145.7 – Sexual Harassment
- m) Consider adoption of the following revised Board Policy: (Williams)
 - BP 4030 – Nondiscrimination in Employment (revised)

5. PERSONNEL (Williams)

a) Employment

Classified

- Jennifer Ejchorszt, READY Program Tutor – 4.5 hrs., Hamilton, effective 8/10/12
- Carolyn Harmon, READY Program Tutor – 4.5 hrs., Simas, effective 8/13/12

Temporary Employees/Substitutes/Yard Supervisors

- Naomi Andrews, Substitute Yard Supervisor, effective 8/16/12
- Joshua Camp, Substitute Alternative Education Program Aide, Educational Tutor K-6, Special Circumstance Aide, Special Education Aide, effective 8/16/12
- Maricia Cuevas, Short-term Yard Supervisor – 1.75 hrs., Hamilton, effective 8/16/12 to 10/31/12
- Amanda Eckmann, Substitute READY Program Tutor, effective 8/10/12
- Angelica Gonzales, Substitute Bilingual Clerk Typist I and Yard Supervisor, effective 8/6/12
- Celeste Gregory, Substitute READY Program Tutor, effective 8/10/12
- Cedric Harbor, Short-term Yard Supervisor – 2.0 hrs., Richmond, effective 8/16/12 to 10/31/12

- Olga Hernandez, Short-term Yard Supervisor – 2.25 hrs., Wilson, effective 8/16/12 to 10/31/12
- Maria Jones, Substitute Bus Driver, effective 8/14/12
- Samantha Koutny, Substitute Media Services Aide, effective 8/16/12
- Ana Lizarraga, Substitute Bilingual Clerk Typist I, effective 8/2/12
- Margie Mendiola, Substitute Yard Supervisor, effective 8/16/12
- Betty Pressley, Short-term Food Service Worker I – 3.25 hrs., Hamilton, effective 8/16/12 to 10/19/12
- Kimberly Alvarez Rodriguez, Substitute Bilingual Clerk Typist I and READY Program Tutor, effective 8/2/12
- Melissa Schlemann, Substitute Clerk Typist I and READY Program Tutor, effective 8/2/12
- Celina Valero, Substitute Yard Supervisor, effective 8/16/12

b) Resignations

- Amy Farris, Personnel Assistant – 6.0 hrs., Human Resources, effective 9/4/12
- Cerissa Freitas, Special Education Aide – 5.0 hrs., Richmond, effective 6/8/12
- Celeste Gregory, READY Program Tutor – 4.5 hrs., Washington, effective 6/8/12
- Rosemarie Rodriguez, Yard Supervisor – 3.0 hrs., Richmond, effective 6/8/12
- Nora Sandoval Hernandez, Food Service Worker I – 2.25 hrs., Washington, effective 6/8/12
- Kelly Ventuleth, Yard Supervisor – 1.5 hrs., Hamilton, effective 6/8/12
- Robert Wells, Custodian II – 8.0 hrs., King, effective 7/31/12

c) Increase in Days

- Norma Vera, Migrant Services Specialist – 8.0 hrs., from 192 days/10-month employee to 197 days/11-month employee, Jefferson, effective 8/2/12

d) Voluntary Reduction of Hours

- Daisy Maya Gaona, Food Service Worker I, from 3.25 hrs. to 2.5 hrs., Washington, effective 8/15/12

e) Certificated Transfers/Reassignments/Reinstatements, effective 8/14/12

Involuntary Transfers

- Jocelyn Goldring, from King 2nd Grade to King 3rd Grade
- Marci Mendoza, from Roosevelt 3rd Grade to Roosevelt 2nd Grade
- David Molina, from Monroe 3rd Grade to Monroe 2nd Grade
- Anne Ramos, from Roosevelt Kindergarten to Richmond Kindergarten
- Robin Schneider, from Washington 3rd Grade to Washington 5th Grade
- Nicole Witte, from Washington 6th Grade to Washington Kindergarten
- Katherine Young, from King 4th Grade to King 6th Grade

Voluntary Transfers

- Kristi Bachman, from Roosevelt 5th Grade to Kennedy 8th Grade Language Arts/Social Studies
- Gabriel DeLeon, from Richmond 2nd Grade to Hamilton 2nd Grade
- Julian Gonzalez, from Simas 3rd Grade FLI to Simas 3rd Grade
- Cynthia Lara, from Hamilton 5th Grade to Hamilton 3rd Grade
- Miranda Mendoza-Robinson, from Hamilton 6th Grade to Hamilton 2nd Grade
- Cathy Morrisseau, from Simas 1st Grade to Simas 4th Grade
- Julie Mueller, from Hamilton 2nd Grade to Hamilton 1st Grade
- Kellie Noji, from Monroe 5th Grade to Monroe 2nd Grade
- Veronica Pelayo-Morales, Simas 5th Grade FLI to Simas 3rd/4th Grade FLI
- Christopher Piche, from Lincoln 5th Grade to Lincoln 6th Grade
- Angela Protzman, from Lincoln 6th Grade to Lincoln 5th Grade
- Michael Rogers, from Washington 5th Grade to Monroe 2nd Grade
- Melissa Simas-Garcia, from Richmond 3rd Grade to Kennedy 7th Grade Language Arts/Social Studies
- Audrey Stills, from Hamilton 2nd Grade to Hamilton 5th Grade
- Jamie Stout, from Simas 4th Grade to Simas 3rd Grade
- Stephanie Tatro-Parks, from Lincoln 5th Grade to Lincoln 3rd Grade

- Raul Trejo, from Hamilton 3rd Grade to King 5th Grade

Reassignments

- Amy Fochetti, from Lincoln K-3 SDC to Richmond RSP
- Cheryl Guilbeau, from Monroe 2nd Grade to District Office Literacy Coach
- Frances Mwangi, from Simas 4-6 SDC to Kennedy 7-8 SDC

Reinstatements

- Angel Bravo, from Simas 5th/6th Grade FLI to Simas 6th Grade FLI
- Monica Chavez, from Richmond Kindergarten to King 1st Grade
- Claudia Davis, from Simas 4th/5th Grade to Simas 5th Grade
- Kay Garrison, from Monroe 4th/5th Grade to Monroe 4th Grade
- Bethany Kuenning, from Washington 1st Grade to Washington 2nd Grade
- Gina Lewis, from King 1st/2nd Grade to King 2nd Grade
- Diego Moreno, from Richmond 5th/6th Grade to Richmond 6th Grade
- Maria Nunez, from Simas 4th/5th Grade FLI to Simas 5th Grade FLI
- Isaias Serrato, from Richmond 4th/5th Grade to Richmond 5th Grade

Change in Work Site

- Lucy Alvarado, from Simas 3rd Grade FLI to Simas 2nd Grade FLI at Jefferson Site
- Eva Gonzalez, from Simas 2nd Grade FLI to Simas 2nd Grade FLI at Jefferson Site
- Chad Nielsen, from Wilson 7th/8th Grade Art to Kennedy 7th/8th Grade Art

Combination Classes

- LaNita Ayach, Roosevelt Kindergarten/Transitional Kindergarten Combination
- Christina Gonzalez, Monroe Kindergarten/Transitional Kindergarten Combination
- Leslie Griffith, Monroe 6th Grade to Monroe 5th/6th Combination
- Lisa Hinojos, Lincoln Kindergarten/Transitional Kindergarten Combination
- Susan Huerta, Simas Kindergarten/Transitional Kindergarten Combination
- Andrew Martinez, Hamilton Kindergarten/Transitional Kindergarten Combination
- Allison Minick, Washington Kindergarten/Transitional Kindergarten Combination
- Anne Ramos, Richmond Kindergarten/Transitional Kindergarten Combination
- Tracy Ryan, Hamilton Kindergarten/Transitional Kindergarten Combination

f) Certify Employment Status of Non-Permanent Certificated Staff for 2012-13 School Year (EC 44916)

g) Volunteers

<u>Name</u>	<u>School</u>
Megan Warchol	Simas
Chelsea Pittman	Monroe

ADJOURN MEETING

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Debra Colvard

DATE: 8/3/12

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

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

ITEM: \$2000.00 donation from Target

PURPOSE: To support and enhance MLK's Visual and Performing Arts Program

FISCAL IMPACT: \$1000.00 increase to MLK account number 0100-0000-0-1110-1000-110040-020-0022 and \$1000.00 increase to MLK account number 0100-0000-0-1110-1000-430001-022-0000

RECOMMENDATIONS: Accept donation.

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

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on August 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, Hernandez, Revious, and Jay were present.

Closed Session Trustees immediately adjourned to closed session for:

- Conference with Labor Negotiator (GC 54957.6) – CSEA, District Negotiators: Paul Terry/Diane Williams
- Public Employee Discipline/Dismissal/Release (GC 54957) - Classified

Trustees returned to open session at 6:11 p.m.

HESD Managers Present Dr. Paul J. Terry, Superintendent, and the following administrators were present: Don Arakelian, Doug Carlton, Anthony Carrillo, Debra Colvard, Kenneth Eggert, Joy Gabler, David Goldsmith, Lucy Gomez, Jaime Martinez, Karen McConnell, Gerry Mulligan, Jennifer Pitkin, Jill Rubalcava, Liz Simas, Jason Strickland, Nancy White, and Diane Williams.

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 Hill reviewed Dates to Remember: August 16, 2012 first day of school and READY Program begins; next regular Board meeting August 22, 2012 at 5:30 p.m. ; JFK Back to School Night August 23, 6:00 p.m.; Washington Back to School Night August 28, 6:00 p.m.; Lincoln Back to School Night August 29, 6:00 p.m.; Hamilton Back to School Night August 30, 6:00 p.m.; Labor Day Holiday September 3; Woodrow Wilson Back to School Night September 4, 6:00 p.m.; Roosevelt Back to School Night September 5, 6:00 p.m.; Monroe Back to School Night September 6, 6:00 p.m.

CONSENT ITEMS

Trustee Garner made a motion to take consent items "a" and "b" together. Trustee Hernandez seconded, motion carried 5-0. Then Trustee Garner made a motion to approve consent items "a" and "b" and Trustee Hernandez seconded; motion carried 5-0. The items approved are:

- a) Warrant listings dated June 22, 2012; June 27, 2012; June 29, 2012; July 6, 2012; July 13, 2013; July 20, 2012; and July 27, 2012.
- b) Minutes of the Regular Board Meeting June 27, 2012.

INFORMATION ITEMS

- Quarterly Williams Report** Superintendent Dr. Terry reported that for the fourth quarter of 2011-12 (4/1/12 – 6/30/12) the District received no Williams Uniform Complaints.
- BP 1250** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Board Policy:
- BP 1250 - Visitors
- AR 3515.2** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Administrative Regulation:
- AR 3515.2 - Disruptions
- BP 5131** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Board Policy:
- BP 5131 - Conduct
- BP 5131.2** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Board Policy:
- BP 5131.2 - Bullying
- BP/AR 5144.1** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Board Policy and Administrative Regulation:
- BP/AR 5144.1 – Suspension and Expulsion/Due Process
- BP 5145.3** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Board Policy:
- BP 5145.3 – Nondiscrimination/Harassment
- BP/AR 5145.7** Liz Simas, Child Welfare and Attendance Coordinator, presented for information the following revised Board Policy:
- BP/AR 5146.7 – Sexual Harassment
- BP 4030** Superintendent Dr. Terry on behalf of Diane Williams, Assistant Superintendent Human Resources, presented for information the following revised Board Policy:
- BP 4030 – Nondiscrimination in Employment (revised)

BOARD POLICIES AND ADMINISTRATION

- MOU with Kings Behavioral Health** Trustee Jay made a motion to approve Memorandum of Understanding ("MOU") between the county of Kings Behavioral Health and the Hanford Elementary School District. Trustee Hernandez seconded; motion carried 5-0.
- Consultant contract approved** Trustee Garner made a motion to approve a contract with School City to provide data management software and services for state tests and the district's benchmark tests. Trustee Revious seconded; motion carried 5-0.

PERSONNEL

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

Item "a" – Employment

Professional Specialists, effective 8/8/12

- Stephanie Umscheid, School Psychologist – 8.0 hrs., Special Services

Classified Management

- Karnell Price, School Operations Officer – 8.0 hrs., Hamilton, effective 8/7/12

Certificated, effective 8/14/12

- Lena Fischer, Teacher, Probationary I
- Desiree Gilbreth, Teacher, Probationary I
- Rachelle Hurtado, Teacher, Probationary I (Rescind)
- Caitlin Pegnim, Teacher, Probationary I
- Thomas Robb, Special Education Teacher, intern
- Gaosang Xiong, Teacher, Probationary I

Classified

- Bailey Draxler, Special Circumstance Aide – 5.75 hrs., Simas, effective 8/16/12
- Paul Huerta, READY Program Tutor – 4.5 hrs., Monroe, effective 8/10/12
- Kathleen "Katie" Luis, READY Program Tutor – 4.5 hrs., Richmond, effective 8/10/12
- Lauree Mallard, READY Program Tutor – 4.5 hrs., Washington, effective 8/10/12
- Rachel Ramirez, Food Service Worker I – 2.5 hrs., Richmond, effective 8/15/12
- Michelle Rodriguez, READY Program Tutor – 4.5 hrs., Monroe, effective 8/10/12
- Brenda Solorio, READY Program Tutor – 4.5 hrs., Washington, effective 8/10/12
- Maxine Tatro-Parks, READY Program Tutor – 4.5 hrs., Hamilton, effective 8/10/12
- Ashley Urbano, READY Program Tutor – 4.5 hrs., Lincoln, effective 8/10/12

Temporary Employees/Substitutes/Yard Supervisors

- Tyson Azevedo, Short-term Custodian II – 8.0 hrs., Kennedy and King, effective 7/02/12 to 8/24/12
- Catherine Castaneda, Substitute Alternative Education Program Aide, Media Services Aide, Special Circumstances Aide and Special Education Aide, effective 8/16/12
- Maricia Cuevas, Substitute Yard Supervisor, effective 8/16/12
- Donna Duran, Substitute Yard Supervisor, effective 8/16/12
- Brandy Ellis, Substitute Yard Supervisor, effective 8/16/12
- Guadalupe Gonzales, Jr., Substitute READY Program Tutor, effective 8/10/12
- Liz Ibarra, Substitute Bilingual Clerk Typist II, Clerk Typist II, Translator: Oral Interpreter and Written Translator, effective 3/16/12
- Cindy Mishou, Substitute Clerk Typist I and Media Service Aide, effective 8/2/12
- Betty Pressley, Substitute Food Service Worker I and Yard Supervisor, effective 8/16/12
- Menchu Rosaroso, Substitute Alternative Education Program Aide, Educational Tutor K-6, READY Program Tutor, Special Circumstance Aide, Special Education Aide and Yard Supervisor, effective 8/16/12
- Cristina Santos, Substitute Alternative Education Program Aide, Special Circumstance Aide, and Special Education Aide, effective 8/16/12
- Crystal Zeno-Jaworski, Substitute Yard Supervisor, effective 8/16/12

Item "b" – Resignations

- Rani Barbeiro-Thornsbury, School Operations Officer – 8.0 hrs., Hamilton, effective 6/15/12
- Marlo DeSantos, Personnel Specialist, Benefits – 8.0 hrs., Human Resources, effective 7/31/12
- Kristina Dominguez, Food Service Worker II – 2.0 hrs., Wilson, effective 6/8/12

**Item "c" –
Request to be
Removed from
Classified Substitute
List/Failure to
Respond**

- Amanda Garver, Teacher on Leave of Absence, effective 6/30/12
- Clara "Maxine" Brown, Substitute Alternative Education Program Aide and Clerk Typist II, effective 5/18/12
- Mary Dial, Substitute Babysitter and Yard Supervisor, effective 5/10/12
- Traci Diggs, Substitute Yard Supervisor, effective 5/18/12
- Brad Howard, Substitute Custodian II, effective 4/27/12
- Brandon Hudgins, Substitute Yard Supervisor, effective 5/25/12
- Anita Lupercio, Substitute Educational Tutor K-6, Special Circumstance Aide and Yard Supervisor, effective 5/15/12
- Jenny Palmer, Substitute Alternative Education Program Aide, Bilingual Clerk Typist II, Clerk Typist II, Educational Tutor K-6, Signing Aide, Special Circumstance Aide, Special Education Aide, Translator: Oral Interpreter and Written Translator, effective 5/30/12
- Julio Rodriguez-Pantoja, Substitute READY Program Tutor and Yard Supervisor, effective 6/7/12
- Tamara Taylor, Substitute Babysitter and Yard Supervisor, effective 5/11/12

**Item "d" –
Leave of Absence**

- Stephanie Dwiggins, Teacher, Richmond, effective 8/14/12 to 11/2/12, baby bonding

**Item "e" –
Volunteers**

<u>Name</u>	<u>School</u>
Lisa Montoya	Roosevelt
Sophia Aguilar	Special Services

**Item "f" –
Approve Variable Term
Waiver Request
EC 44253.3**

- BCLAD for Christina Perez, 5/6 Grade FLI Teacher, Simas School for 2012-2013

FINANCIAL

Resolution #1-13

Trustee Revious made a motion to approve Resolution #1-13: Revision of the 2012-13 Budget. Trustee Hernandez seconded; motion carried 5-0.

**Contract for
Administration of
403(b) and 457 plans**

Trustee Jay made a motion to approve renewal contract with Central Valley Support Services JPA for third party administration of 403(b) and 457 plans. Trustee Revious seconded; motion carried 5-0.

Adjournment

There being no further business, President Hill adjourned the meeting at 6:40 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: Dr. Paul J. Terry

FROM: Jill Rubalcava

DATE: August 13, 2012

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

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

ITEM: Donation of \$500.00 from Roll Giving and Paramount Community Giving to Washington School.

PURPOSE:

FISCAL IMPACT: Increase of \$500.00 to Washington School 2012-13 General Fund Budget 0100-0000-0-1110-1000-430001-028-0000.

RECOMMENDATION: Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: August 13, 2012

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

FOR: (X) Information
() Action

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

ITEM:

Receive for information the following revised Board Policy and Administrative Regulation – BP/AR 3554 – Other Food Sales.

PURPOSE:

This 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.

FISCAL IMPACT:

None

RECOMMENDATION:

Consider for adoption at the next regular board meeting.

Business and Noninstructional Operations

BP 3554

OTHER FOOD SALES

With the approval of the Superintendent or designee, food sales may be held by school-related groups, including booster groups, provided that these sales are in compliance with state and federal regulations. Such food sales shall not impair student participation in the district's food service program.

(cf. 1230 - School-Connected Organizations)

(cf. 3550 - Food Service/Child Nutrition Program)

Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

No foods of minimal nutritional value shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

All foods offered for sale at any school on any school day by any student or adult entity or organization must be approved by the Board of Trustees, and at least 50 percent of these foods shall be selected from the nutritious foods listed in Education Code 38085. (Education Code 38085; 5 CCR 15500-15501)

Fund-Raisers

When desiring to raise money for district schools or student groups by selling food items, organizations are encouraged to select items of good nutritional quality. All profits from such fund-raisers shall benefit the school or student groups sponsoring the sale.

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

Legal Reference:**EDUCATION CODE**

38085 Sale of specified food items

48931 Authorization and sale of food

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, especially:

113785 Food facility

113825 Occasional event

UNITED STATES CODE, TITLE 42

1751 et seq. National School Lunch Act

1771 et seq. National School Breakfast Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210-220 National School Lunch Program and School Breakfast Program

Business and Noninstructional Operations

AR 3554

OTHER FOOD SALES

Student organizations may sell nutritious food items approved by the Board only if such sales are conducted in compliance with 5 CCR 15500-15501. Items sold during the regular school day must not be food items prepared on school premises or sold in the food service program at school during that day. (5 CCR 15500-15501)

In schools with any of grades K through 8, a student organization may sell not more than one food item per sale. The food item sold shall be a dessert-type food such as pastry, ice cream or fruit, and there shall no more than four such sales per year per school. In addition, these sales shall not begin until after the close of the regularly scheduled midday food service period. (5 CCR 15500)

In the junior high schools, only one organization each school day may sell no more than three types of food or beverage items at any time during the school day. In addition, up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items. (5 CCR 15501)

Home-baked goods may be sold by an organization on no more than three occasions during any 90-day period. Any such sale must be conducted on school property. (Health and Safety Code 113785, 113825)

Business and Noninstructional Operations

BP 3554(a)

Other Food Sales

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

(cf. 3312 - Contracts)

Legal Reference:**EDUCATION CODE**

35182.5 Contracts, non-nutritious beverages

48931 Authorization and sale of food

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

15575-15578 Requirements for foods and beverages outside the federal meals program

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including:

1751 Note Local wellness policy

1771-1791 Child nutrition, School Breakfast Program

OTHER FOOD SALES (continued)CODE OF FEDERAL REGULATIONS, TITLE 7210.1-210.31 National School Lunch Program220.1-220.21 National School Breakfast ProgramManagement Resources:CSBA PUBLICATIONSNutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONSAssociated Student Body Accounting Manual and Desk Reference, 2002NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONSFit, Healthy and Ready to Learn, 2000WEB SITESCSBA: <http://www.csba.org>California Department of Education, Nutrition Services Division:<http://www.cde.ca.gov/ls/nu>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>California Project LEAN (Leaders Encouraging Activity and Nutrition):<http://www.californiaprojectlean.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>National Association of State Boards of Education (NASBE): <http://www.nasbe.org>U.S. Dept. of Agriculture, Food and Nutrition Information Center:<http://www.nal.usda.gov/fnic>

Policy

Adopted: May 16, 2001

Revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

Business and Noninstructional Operations

AR 3554(a)

OTHER FOOD SALES**Nutritional Standards for Foods and Beverages**

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7 and 5 CCR 15575-15578.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

At an elementary school, the sale of foods or beverages that do not comply with the standards in Education Code 49431 and 49431.5 may be permitted, as part of a fundraising event, only when the items are sold by students of the school and the sale meets either of the following conditions: (Education Code 49431, 49431.5)

1. It takes place off and away from school premises.
2. It takes place at least one-half hour after the end of the school day.

(cf. 1230 - School-Connected Organizations)

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

At a middle, junior high, or high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)

1. The sale takes place off and away from school premises.
2. The sale takes place on school premises at least one-half hour after the end of the school day.
3. The sale occurs during a school-sponsored student activity after the end of the school day.

(cf. 6145 - Extracurricular and Co-curricular Activities)

Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.

AR 3554(b)

OTHER FOOD SALES (continued)

2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program

The sale of foods outside of the district's food service program during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization shall sell only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit.
7. The food sold is not one sold in the district's food service program at that school during that school day.

In junior high and high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four

OTHER FOOD SALES (continued)

days during the school year may be designated on which any number of organizations may conduct the sale of any food items.

2. The specific nutritious food items are approved by the Superintendent or designee.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

Regulation
Adopted: May 16, 2001
Revised:

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry

DATE: August 14, 2012

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

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

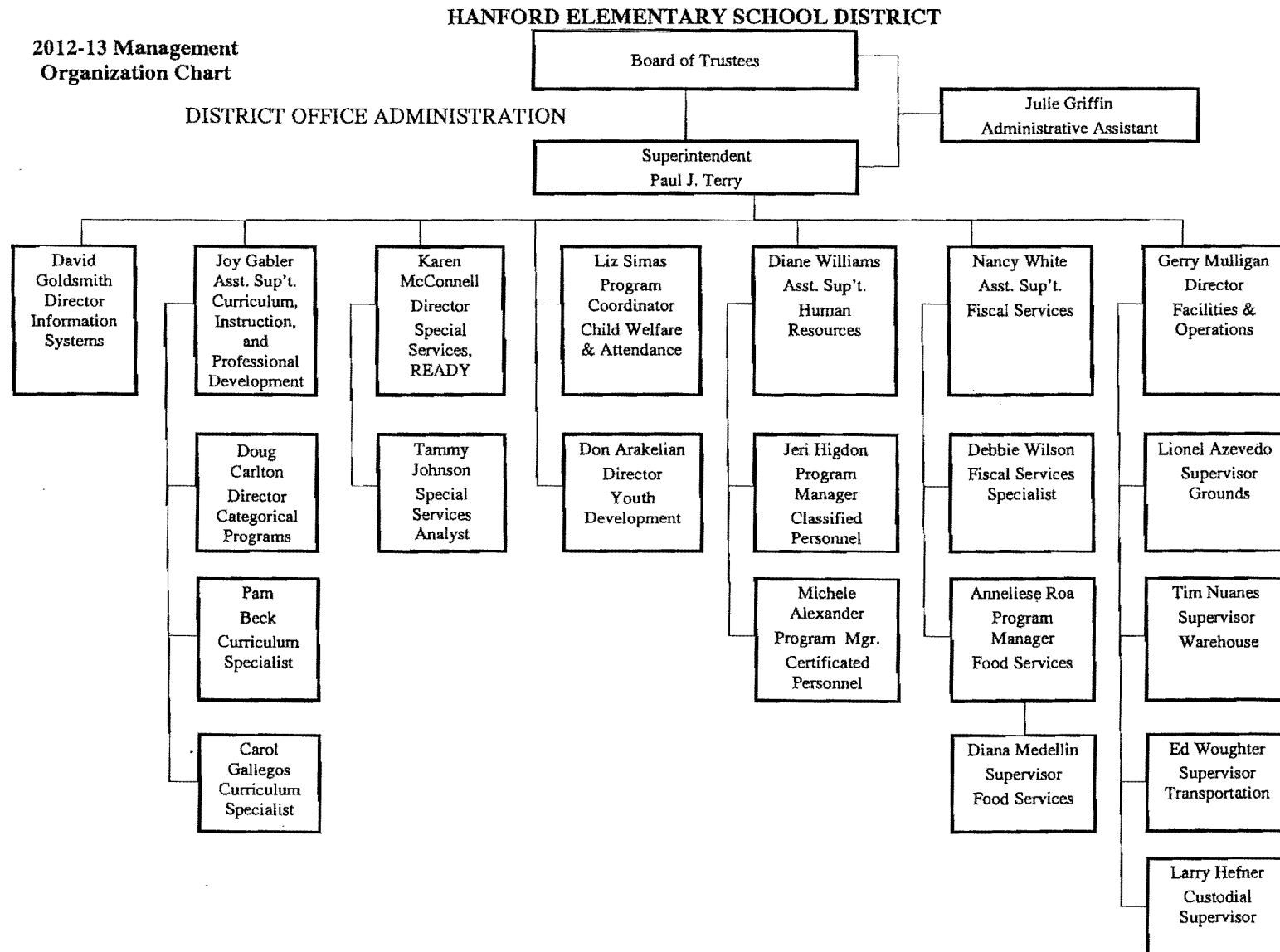
ITEM: Approve the revised 2012-13 HESD Management Organization Chart.

PURPOSE: Board Policy 2110 requires the Superintendent to maintain a current district organization chart designating lines of primary responsibility and the relationships between positions.

FISCAL IMPACT: None.

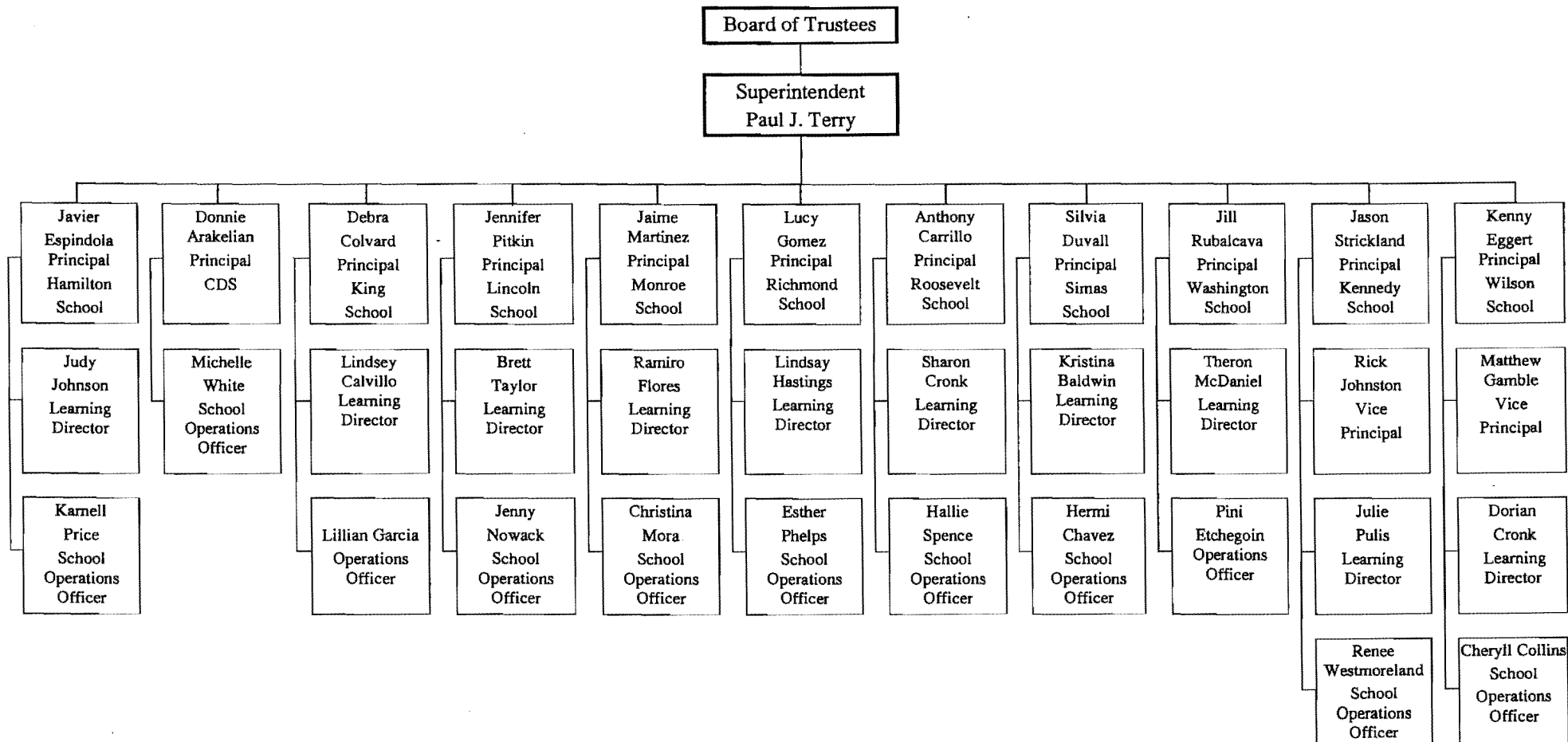
RECOMMENDATION: Approve.

**2012-13 Management
Organization Chart**



Board approved:

HANFORD ELEMENTARY SCHOOL DISTRICT
2012-13 Management Organization Chart
 School Administration



Board approved:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Karen McConnell 

DATE: July 30, 2012

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

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

ITEM: Memorandum of Understanding ("MOU") between the County of Kings Behavioral Health and Hanford Elementary School District.

PURPOSE: Memorandum of Understanding ("MOU") between the County of Kings Behavioral Health and the Hanford Elementary School District for Kings View to provide support services for mental health assessments and/or screening and /or individual and/or group therapy and/or rehabilitative and/or case management services of students referred by school counselors, administration, teachers and other school staff members.

FISCAL IMPACT: None

RECOMMENDATIONS: Approve



**AGREEMENT BETWEEN
KINGS VIEW COUNSELING SERVICES FOR KINGS COUNTY
And
HANFORD ELEMENTARY SCHOOL DISTRICT**

THIS AGREEMENT made and entered into as of July 1, 2012, by and between Kings View Counseling Services for Kings County, hereinafter referred to as "KINGS VIEW", and "HANFORD ELEMENTARY SCHOOL DISTRICT", mutually agree to enter into the following:

That for, and in consideration of, the agreements hereinafter contained, the above parties mutually agree to the following stipulations:

1. Students must meet the Department of Mental Health guidelines for medical necessity in order to receive services. See attachment A.
2. Services shall be defined as the mental health assessment, and/or screening and/or, individual and/or group therapy and/or rehabilitative and/or case management of students referred by school counselors, administration, teachers, and other school staff members. The exact nature of the service will be based on assessed clinical need and a determination by KINGS VIEW of the most cost effective means of providing that service.
3. Individual students requiring specialized clinical services which cannot be provided at the school site shall be referred to outside appropriate resources including, but not limited to, KINGS VIEW. The interchange of information, and consultation with members of the school staff, teachers, and administration will occur with the written authorization from the parent, legal guardian, or the consumer where it is determined that a consumer may consent for their own treatment.
4. The cost of counseling services provided at the school site will be covered by Medi-Cal where appropriate and by the consumer's parents or responsible party following all KINGS VIEW fee policies. (Fees are computed based upon the Uniform Method of Determining Ability to Pay (UMDAP) that takes into account the parents or responsible party income and operates on a sliding scale.)
5. Once a child is identified as potentially able to benefit from mental health services the child's family will be directed to Kings View's Hanford clinic in order to facilitate opening of the case. In addition to the initial mental health assessment, this process will include completing the financial review, collection of demographic data, signature of the following documents: consent for the treatment of a minor, receipt for notice of privacy practices, Plan of Care, and other relevant documents.
6. The District shall provide an appropriate confidential space at each identified school site, i.e., an empty classroom, to ensure confidentiality, desk, and access to a phone. A confidential space is defined as a secure area in which treatment staff and consumer can meet with the reasonable expectation that they will not be interrupted.

The size of the space must minimally accommodate six individuals. This will allow for both individual and group services to be offered by the KINGS VIEW clinical staff member.

7. HANFORD ELEMENTARY SCHOOL DISTRICT shall also provide an active internet connection.
8. KINGS VIEW reserves the right to identify the school site where services may be provided. KINGS VIEW reserves the right to set a minimum of five (5) open cases at the identified school site in order to provide school based services. If less than five (5) children are receiving school based services at an identified site, KINGS VIEW may suspend school based services at that site until the referral base increases. If school based services are suspended KINGS VIEW will continue services, or offer to continue services at our nearest clinic.
9. It shall be understood that discussions between students and the representatives of KINGS VIEW will be held in confidence in accordance with State and Federal legislation. Feedback on referrals shall be provided (to those referral sources) that students have or have not been seen, have been referred to outside resources, or no longer need to be seen as long as a release has been signed.
10. HANFORD ELEMENTARY SCHOOL DISTRICT will need to prioritize the referrals.
11. HANFORD ELEMENTARY SCHOOL DISTRICT shall provide direct access for KINGS VIEW to academic and discipline files, including the Cumulative File. The exchange of information between representatives of HANFORD ELEMENTARY SCHOOL DISTRICT and KINGS VIEW shall be carried out in a manner congruent with ethical and legal guidelines.
12. Professional liability insurance for the representatives of KINGS VIEW shall be provided by KINGS VIEW.
13. If HANFORD ELEMENTARY SCHOOL DISTRICT requires the KINGS VIEW employee follow the California Education Code Sections 33 192 and 45125.1 requirements, HANFORD ELEMENTARY SCHOOL DISTRICT will provide the appropriate forms.
14. If either party can no longer meet its agreed upon stipulations, as stated in the MOU, HANFORD ELEMENTARY SCHOOL DISTRICT and KINGS VIEW will discuss, review, and if possible, adjust the MOU.
15. Independent Contractor Status: KINGS VIEW and any and all agents, officers, and employees of KINGS VIEW shall perform the services required hereunder as independent contractors, and not as officers, agents, or employees of HANFORD ELEMENTARY SCHOOL DISTRICT. In the performance of such services, KINGS VIEW agrees to exercise discretion and independent judgment to the best of its ability. Payments to KINGS VIEW under this Agreement shall be reported to State and Federal tax authorities. HANFORD ELEMENTARY SCHOOL DISTRICT shall not

withhold any sums payable to KINGS VIEW on account of tax liability, and KINGS VIEW is independently responsible for payment of all applicable employment related taxes.

16. That the terms of this Agreement shall continue up to August 31, 2013. However, either party may terminate this Agreement by giving the other party at least thirty (30) days written notice.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date above written.

By: Brenda Johnson-Hill, LMFT
Brenda Johnson-Hill, LMFT, Executive Director
Kings View Counseling Services for Kings County

Date: 7/12/12

By: _____
Dr. Paul Terry, Superintendent
Hanford Elementary School District

Date: _____

Medical Necessity for Specialty Mental Health Services that are the Responsibility of Mental Health Plans

Must have *all*, A, B *and* C:

A. Diagnoses

Must have one of the following DSM IV diagnoses, which will be the focus of the intervention being provided:

Included Diagnosis:

- Pervasive Development Disorders, except Autistic Disorder which is excluded.
- Attention Deficit and Disruptive Behavior Disorders
- Feeding & Eating Disorders of Infancy or Early Childhood
- Elimination Disorders
- Other Disorders of Infancy, Childhood or Adolescence
- Schizophrenia & Other Psychotic Disorder
- Mood Disorders
- Anxiety Disorders
- Somatoform Disorders
- Factitious Disorders
- Dissociative Disorders
- Paraphilias
- Gender Identify Disorders
- Eating Disorders
- Impulse-Control Disorders Not Elsewhere Classified
- Adjustment Disorders
- Personality Disorders, excluding Antisocial Personality Disorder
- Medication-Induced Movement Disorders (related to other Included diagnoses).

B. Impairment Criteria

Must have *one* of the following as a result of the mental disorder(s) identified in the diagnostic ("A") criteria; Must have *one*, 1, 2 *or* 3:

- 1 A significant impairment in an important area of life functioning, *or*
- 2 A probability of significant deterioration in an important area of life functioning, *or*
- 3 Children also qualify if there is a probability the child will not progress developmentally as individually appropriate.

Children covered under EPSDT qualify if they have a mental disorder which can be corrected or ameliorated (current DHS EPSDT regulations also apply).

C. Intervention Related Criteria

Must have *all*, 1, 2 *and* 3 below:

- 1 The focus of proposed intervention is to address the condition identified in impairment criteria "B" above *and*
- 2 It is expected the beneficiary will benefit from the proposed intervention by significantly diminishing the impairment, or preventing significant deterioration in an important area of life functioning, and/or for children it is probable the child will progress developmentally as individually appropriate (or if covered by EPSDT can be corrected or ameliorated), *and*
- 3 The condition would not be responsive to physical health care based treatment.

Excluded Diagnosis:

- Mental Retardation
- Learning Disorder
- Motor Skills Disorder
- Communications Disorders
- Autistic Disorder, Other Pervasive Developmental Disorders are included.
- Tic Disorders
- Delirium, Dementia, and Amnesic and Other Cognitive Disorders
- Mental Disorders Due to a General Medical Condition
- Substance-Related Disorders
- Sexual Dysfunctions
- Sleep Disorders
- Antisocial Personality Disorder
- Other Conditions that may be a focus of clinical attention, except Medication induced Movement Disorders which are included.

A beneficiary may receive services for an included diagnosis when an excluded diagnosis is also present.

EPSDT beneficiaries with an included diagnosis and a substance related disorder may receive specialty mental health services directed at the substance use component. The intervention must be consistent with, and necessary to the attainment of, the specialty MH treatment goals.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Karen McConnell *Km*

DATE: July 30, 2012

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

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

ITEM: Kings County Consortium Plan for Servicing Expelled Students

PURPOSE: The Kings County Board of Education and Governing Boards of each school district within Kings County are required to update the Kings County Plan for Servicing Expelled Students on a regular basis. The purpose of the plan is to identify areas of success, as well as identify areas that pose obstacles and determine a plan for bridging the gap for providing an educational opportunity for students within Kings County who have been expelled.

FISCAL IMPACT: None**RECOMMENDATIONS:** Approve

Kings County School Districts Consortium Plan for Serving Expelled Students

The Kings County Board of Education and Governing Boards of each school district within Kings County believe that all students are entitled to a public education. Access to educational services will assist students in achieving their educational, life, and career goals, and maximize the opportunity for a higher quality of life.

Educational Options:

The school districts in Kings County acknowledge that not all students can succeed on a comprehensive school campus. Students who are expelled from school for the reasons cited in the Education Code may be permitted school placement in another district, placed on a suspended expulsion and allowed to remain in their school of attendance, referred to Kings County Community School or placed in another alternative school. The Kings County Board of Education, Kings County Superintendent of Schools, and the governing board for each school district shall make every effort to keep all students in a school where an appropriate education can be provided, including those students who are expelled.

2009 Plan Progress Report:

Since the 2009 Plan, Kings County has been experiencing a decline in student enrollment. As a consequence, in addition to the accompanying negative fiscal impact, one small school district (SSD), Delta View Joint Union Elementary, has lapsed entirely, and another SSD, Lakeside Union Elementary, closed its Community Day School (CDS) and merged its K-3 site, Gardenside Elementary, into Lakeside Elementary, rendering it a single-school (K-8) district. Lemoore High School also closed its CDS. Shrinking budgets, new legislation, and growing demands for services in meeting student needs has been an enormous challenge for local districts in our already challenged rural and impoverished community. As per the requirements set forth for the 2012 Triennial Update to the 2009 Countywide Plan (originally passed in 2006), the following serves as an update on the prior plan provisions. While previously identified gaps and strategies to mitigate them still exist, county superintendents continue to work together and with the County Office of Education to provide appropriate educational services to all Kings County youth.

- **Successful Strategies Implemented**

K-6 interdistrict agreements to serve expelled youth; Community Day Schools; Charter Schools; 7-12 County Community School; individual educational arrangements as determined between district and parent/guardian; local SELPA-District coordination of Special Education services; transportation stops w/in district of residence boundaries; counseling; mentoring; drug/alcohol treatment; individualized/modified educational program (including Independent Study); Impartial Review Panel interagency referrals.

- **Obstacles**

Reductions in funding and programs, including ADA, Mental Health services & dollars; increasing demands on already limited resources & staffing; staffing reductions; increasingly complex and diverse/severe needs of students; increasing costs associated with meeting each individual's diverse/severe needs; unfunded mandates and/or deferrals; lack of parental interest, support, involvement, responsibility and/or accountability; transiency of population served; rural community/distance between referring sites/programs to those providing service or proposed placement; referral-placement/registration lag; diversity in referral, placement, & rehabilitation plan procedures across districts;

students who pose a continuing danger across alternative placements.

- **Additional Successful Strategies**

Different strategies are successful for different students, although no one in and of itself is unilaterally a remedy for all. The most successful are incorporated within the rehabilitation plan and services actually realized (vs simply referred) in a comprehensive approach and include the aforementioned successful strategies in addition to: continuation school; vocational/career technical training; credit recovery programs; parent education programs; positive (targeted) student-adult relationships at the school site; character development and incentive programs; transitional (sustainable) support; agreements w/probation department & local law enforcement agencies to provide staff support; interagency partnerships for both crisis and ongoing support; refinement of Impartial Review Board/SARB review panels/processes.

2012 Triennial Update-- Kings County Plan to Serve Expelled Youth

Articulation & Collaborative Process:

Superintendents from each district within Kings County meet monthly with the County Superintendent of Schools to discuss program offerings to local students, including Alternative Education/Placements services. Local district superintendents meet/communicate as needed on a case-by-case basis to discuss placement of individual students as part of the Consortium process. Additionally, Superintendents/designees from respective districts met severally as a committee on the Countywide Plan to Serve Expelled Youth to collaborate on the plan renewal during the 2011-12 school year. In addition to the monthly Superintendents meetings described initially, it is planned that this committee shall continue meeting at least three times annually to discuss ongoing needs of Educational Options/Alternative Ed programs and to negotiate agreements to mitigate service gaps and budget deficits and/or reductions.

As per the 2009 Kings Countywide Plan to Serve Expelled Youth, the Kings County Board of Education and Governing Board of each school district shall continue to meet the educational needs of at-risk and expelled students by providing alternative educational services as described below. These services shall be provided to the extent funding is available.

Current Alternatives:

1. Plan for providing alternatives to students prior to expulsion

Students may be offered counseling, transfer to another school or program within the district, if available, or placed in another school district with the mutual consent of both districts and approval of the parent. At the high school level, students may be placed at the continuation school or CDS.

2. Plan for providing alternatives to students after expulsion

The following services shall be available to students following an expulsion. The determination of which service(s) to offer shall be based on the individual needs of the student as well as availability and appropriateness of resources:

A. *Suspension of the expulsion* and allowed to remain in the comprehensive school on a behavior contract. While on a suspended expulsion, the district may recommend that students participate in services—may include but not be limited to the following:

1. Counseling
 2. Drug Rehabilitation
 3. Tutoring
 4. Guided home or independent study program
 5. Participation in state prison programs that are district approved for at risk youth
 6. Opportunity Class
 7. Modified instructional program/day
- B. Upon contractual consent of both districts and approval of parent/guardian, attend another district under a mandatory behavior contract, as determined by receiving district.
- C. Placement in Community Day School or Continuation (High) School operated by the local school district (if available).
- D. Placement in a Community Day School or Continuation (High) School operated by another district (if available).
- E. Placement in a local Charter School (as agreed to by parent).
- F. Placement in Kings County Community School. Kings County Community will accept referrals of expelled students by all districts that do not operate a community day school for those students in grades 7-12. Schools that do operate Community Day School may refer students in grades 7-12 to the Kings County Community School after they have determined they cannot meet the students' needs.

3. Identifying gaps in educational services available to expelled students:

- A. Students in grades kindergarten through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students.

Strategies for addressing this gap:

1. K- 6 students requiring alternative settings have few alternatives; however, districts are utilizing opportunity classroom placements, interdistrict referrals/placements, charter schools and Independent Studies as options for K-6 students. Several local, small school districts are looking at options of starting an Alternative Education K-6 charter or CDS as an elementary Consortium.
2. Some school districts have opened community day schools for elementary students. Students from neighboring school districts may be referred to these classes with the approval of the receiving district.
3. Some local districts have started Charter Schools as an alternative to the regular program. Elementary students may be referred to said Charter Schools.
4. Districts may develop individual educational arrangements in cooperation with parents/legal guardians.
5. The SELPA Director will work with the District Administrators to resolve issues that arise from students receiving special education services living in a district and being served in another district.

- B. Kings County encompasses 1,291 square miles and is considered a rural community. Much of this land is agriculture and sparsely populated. As a result, not all residents of Kings County have access to public transportation in close proximity to their homes. Additionally, public transportation in Kings County presents some scheduling and routing issues where there is accessibility to transportation. There are significant geographical distances between local school districts, thus district or county operated classroom sites/programs for small school districts could require extensive busing, which is not financially feasible for the county.

Strategies for addressing this gap:

1. District operated Community Day or Continuation (High) Schools have been opened in Corcoran Unified School District, Hanford Elementary School District, Hanford Joint Union High School District, Lemoore Union High School District, and Reef-Sunset Unified School District, reducing the geographic distance issues for many students. Lakeside Elementary Union School District recently closed its CDS, so they will join with other local school districts in partnership to serve their expelled students.
2. Since Kings County Community School is located in South Hanford, it is not feasible for many of the students attending to walk or use bicycles. In order to provide identified students access to the Kings County Office of Education Community School program, transportation will be provided through the use of public, local school districts and Kings County Office of Education transportation resources. All of the school districts within Kings County will have, at a minimum, one bus stop within the school district boundaries with service provided by Kings County Office of Education when alternative use of public transportation is unavailable. Individual school districts will be responsible for connecting to the Kings County Office of Education bus stop or public transportation in compliance with their district transportation board policy. Local public transportation (e.g., KART; Amtrak) vouchers/credits will be considered/issued, to the extent applicable, appropriate & feasible, to the most remote districts served (e.g., Avenal, Corcoran).
3. Transportation costs will be discussed and considered upon negotiation of any future agreements entered as part of operating a County Community School.

- C. There is often a lengthy period of time between a student's suspension pending expulsion and placement in a Community Day School or the Kings County Community School program. Students are not receiving education services during this time period.

Strategies for addressing this gap:

1. Districts should review their policies and criteria for extending suspension.
2. Explore possible alternatives such as independent study or involuntary transfer to another campus prior to the expulsion hearing and/or governing board action.
3. Review and shorten, if practical, the timelines between suspension and the expulsion hearing and/or the hearing and governing board action.
4. Consider implementing stipulated expulsion procedures.
5. The Committee will work to develop more effective referral-placement processes as part of its regular meetings and work in the coming year(s).

- D. Students who have failed their placement in alternative district programs may be referred to other districts or to a County operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

Strategies for addressing this gap:

1. Staff at the Kings County Community School will maintain on-going communication with the district of residence to assure all resources are utilized to the fullest extent and to keep the district aware of the student's progress.
2. Staff at the Kings County Community School will review attendance policies to ensure that interventions are utilized for those students who do not enroll or who do not attend on a regular basis.
3. An impartial review panel composed of County SARB Committee members may, upon referral, evaluate the student's needs to determine if all available options in the county have been exhausted.
4. The review panel will review all attempts to serve the student and utilize referral sources such as probation, mental health, and services provided by neighboring districts/charter schools, which may include independent study or night continuation programs.

Although not currently an Educational Services gap, the County operated Community School has been identified as at-risk of closure due to the program's fiscal deficit, especially under the current overarching fiscal climate. As such, local superintendents and the county superintendent, as well as the Plan Committee, will be developing agreements for continuation of the county operated community school at their regular meetings of the course of the 2012-13 school year.

4. Alternatives to Community School for students who fail or pose a danger:

The schools in Kings County realize some students will fail to succeed in school, even in the most structured community school environment. When expelled students fail in Kings Community School program, the following alternatives will be considered:

- A. Referral to the Kings County Probation Department
- B. Referral to the Kings County School Attendance Review Board
- C. Referral to the District Attorney's Office
- D. Removal from all school programs when all reasonable efforts have been exhausted, as confirmed by an impartial review board.
 1. The review panel shall utilize criteria developed during the 2002-2003 school year.
 2. The review panel shall certify all available options in the county have been exhausted.

Individuals who have been incarcerated in the boot camp or juvenile hall following a placement shall be eligible to return to his/her last school placement unless the district of residence agrees to placement in the comprehensive school program.

Best Practices for Behavior Intervention Strategies

The following list identifies best practices local districts & sites have chosen to utilize to help reduce the number of suspensions leading to expulsion, expulsions themselves, and to provide support to students returning from expulsions. *The practices were chosen based on their proven effectiveness in research to address the needs of at-risk students, mitigate disproportionate numbers of minority students in suspensions and expulsions. (It should be noted that while the numbers of Hispanic students expelled appear higher than other demographic subgroups, the numbers generally reflect the overall demographic makeup of the greater population within the county.):

***Positive Behavior Intervention & Support (PBIS)**

***RTI**

Saturday School

Counseling

Mentoring

Case Advisors

Peer Support Networks (e.g., Link Crew)

After School Programs (ASES, 21st CLCC)

GREAT

Partnerships (Behavioral Health; Service-based)

Social Skills Classes

Equine Therapy

Why Try?

Kagan

Rachel's Challenge

Opportunity Classes

Character Counts!

Prevention & Early Intervention (PEI) Programs/Resources (including Child Find)

SARB

****Interventions chosen/proven to mitigate disproportionality***

☐ ***High-quality, scientifically based classroom instruction.*** ALL students received high-quality, research-based instruction in the general education classroom.

☐ ***Ongoing student assessment.*** Universal screening and progress monitoring provide information about a student's learning rate and level of achievement, both individually and in comparison with the peer group. These data are then used when determining which students need closer monitoring or intervention.

☐ ***Tiered instruction.*** A multi-tiered approach is used to efficiently differentiate instruction for all students. The model incorporates increasing intensities of instruction offering specific, research based interventions matched to student needs.

☐ ***Educational decisions made.*** After monitoring student progress, responsiveness to the interventions is measured and decisions are made regarding students academic and behavioral needs

**Kings County Plan for Expelled Students
Signature Page**

Steve Bogan, Superintendent
Armona Union School District

Date

Ron Seaver, Superintendent
Central Union Elementary School District

Date

Rich Merlo, Superintendent
Corcoran Unified School District

Date

William Fishbough, Superintendent
Hanford Joint Union High School District

Date

Paul Terry, Superintendent
Hanford Elementary School District

Date

Diane Cox, Superintendent
Pioneer Union Elementary School District

Date

Cathlene Anderson, Superintendent
Kings River-Hardwick School District

Date

Todd Barlow, Superintendent
Kit Carson Union School District

Date

Charlotte Hines, Superintendent
Island Elementary School District

Date

Dale Ellis, Superintendent
Lakeside Union Elementary School District

Date

Richard Rayburn, Superintendent
Lemoore Union Elementary School District

Date

Debbie Muro, Superintendent
Lemoore Union High School District

Date

David East, Superintendent
Reef-Sunset Unified School District

Date

Tim Bowers, Superintendent
Kings County Office of Education

Date

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Paul Terry, Ed.D.

FROM: Doug Carlton

DATE: August 1, 2012

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

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

ITEM: Approve application to the CDE for a waiver that will allow HESD the flexibility to offer SES (tutoring) to eligible students in schools that are in Year 1 Program Improvement.

PURPOSE: This waiver will allow the district to provide tutoring services to students in schools that are in Year 1 Program Improvement (a year earlier than the law normally requires).

FISCAL IMPACT: None

RECOMMENDATION: Approve application to the CDE for a waiver allowing SES tutoring for schools in Year 1 Program Improvement.

Local Educational Agency
Title I, Part A
Waiver Application

Submit completed application to:
California Department of Education (CDE) at
TitleIWaivers@cde.ca.gov

Completed Applications (**Word format only**
please, not PDF) are due to the CDE on
August 24, 2012, by 5 p.m. PST

Application instructions: Please select your local educational agency (LEA) name from one of the text boxes below:

- a. For Districts: In the text box labeled "Districts" select your LEA from the pull-down menu. **The list does not include charter schools.** Please verify that your District name **and** 14-digit county-district-school (CDS) code are correct.
- b. For Charters: In the text box labeled "Charters," select your school from the pull-down menu. Please verify that your Charter name **and** 14-digit CDS code are correct.
- c. Manual Entry: If your LEA is not listed in the pull-down menus, enter your LEA name and 14-digit CDS code in the box labeled "Manual Entry." Example of format: School Name -- 01012340123456

Note – All fields for school names will allow up to 100 characters. Once you make a selection in one of the text boxes below, the form will be locked with that entry. If you make an incorrect entry, check the "Enable fields to change data selection" box below the pull-down menus. This will reset the default and allow you to correct the error. **This correction can only be made once.**

If you have problems entering your district or charter name, please call Joshua Strong, Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0492.

For districts only. This pull-down list DOES NOT include charter schools.

Districts:

For charter schools only. This pull-down list contains charter schools ONLY.

Charters:

If your school name is not listed or pull-down menus are not functional, manually enter your district or charter name WITH the 14-digit CDS code in this format;
School Name -- 01012340123456.

Direct questions about this form's functionality to Joshua Strong by email at jstrong@cde.ca.gov.
If you are not sure of your CDS Code, query the [school directory](#).

Manual Entry:

☐ Enable fields to change data selection.

Person Completing This Report: Doug Carlton

Person Completing Position/Title: Director, Categorical Programs

Contact E-mail Address: dcarlton@hesd.k12.ca.us

Contact Phone Number: 559-585-3671

Directions:

- 1) Select the LEA name from the pull-down menu. Refer to the "Directions for enabling macros in a Microsoft Word document" at the following link <http://www.cde.ca.gov/sp/sw/t1/t1paarra.asp> if you experience difficulties with the pull-down menu.
- 2) Enter the contact information of the person completing this report in the space provided.
- 3) Read the Assurance Statement and Signature page and the assurances related to the waiver request.
- 4) Print the application and obtain the signatures of the LEA superintendent and the local governing board president on page four. Retain this copy of the assurances and any supporting documentation for compliance monitoring purposes.
- 5) A copy of the local governing board agenda and board minutes reflecting approval of the Title I, Part A LEA Waiver Application will be maintained and made available for compliance monitoring. **Note: Local board approval is not required prior to submission of the application.**
- 6) Save this application **electronically** and send as an **e-mail attachment (Word format only please, not PDF)** to TitleWaivers@cde.ca.gov. Include your LEA name and (CDS) code.

The LEA requests the following:

Section I. Waiver of Title I, Part A, Statutory and Regulatory Requirements

To allow a local educational agency (LEA) the flexibility to offer supplemental educational services (SES) to eligible students in Title I schools in year one of improvement (a year earlier than the law normally requires) in addition to offering public school choice options to students in those schools and to count the costs of providing SES to those students toward meeting the LEA's 20 percent obligation.

**Title I, Part A – Local Educational Agency (LEA)
Assurance Statement**

The LEA certifies that:

- 1) All applicable state and federal statutory and regulatory requirements will be met by the LEA and information contained in this Title I, Part A LEA Waiver Application is correct and complete.
- 2) Legal assurances for all individual waiver applications are accepted as the basic legal condition for the operation of programs and assurances with original signatures retained by the LEA for compliance monitoring.
- 3) A copy of the local governing board agenda and board minutes reflecting approval of the Title I, Part A LEA Waiver Application will be maintained and made available for compliance monitoring. Original signatures of the LEA superintendent, or designee, and board president for the Title I, Part A LEA Waiver Application are on file.

I hereby certify that all of the applicable state and federal rules and regulations will be observed by this LEA and that, to the best of my knowledge, information contained in this Waiver Application is correct and complete. I certify that we accept all general and program specific assurances for Titles I, II, and/or III as appropriate, except for those for which a waiver has been obtained. A copy of all waivers will remain on file. I certify that actual ink signatures for this LEA Waiver Application are on file. I further certify that, upon approval of any waiver requests by the SBE, necessary revisions of the LEA Plan will be submitted for local board approval.

In addition, the LEA agrees to submit any additional information pertaining to the application as requested to the California Department of Education (CDE). The CDE will provide directions and guidance pertaining to any additional requested information.

Paul J. Terry

Print Name of Superintendent

Superintendent Signature

Date

Dennis Hill

Print Name of Board President

Board President Signature

Date

Waiver of the Title I, Part A Statutory and Regulatory Requirements

Local Educational Agency (LEA) Waiver Application to have the flexibility to offer Supplemental Educational Services (SES) to eligible students in Title I schools in Program Improvement (PI) Year 1 (a year earlier than the law normally requires), in addition to offering Choice options to students in those schools, and to count the costs of providing SES to those students toward meeting the LEA's obligation to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on SES and choice-related transportation (20 percent obligation).

In the absence of such a waiver, an LEA may only count funds spent providing SES to eligible students attending schools in PI Year 2-5, in corrective action, or in restructuring toward its 20 percent obligation (Elementary and Secondary Education Act (ESEA) Section 1116[b][10]; 34 *Code of Federal Regulations* [CRF] § 200.48).


As a condition of approval, the LEA hereby assures that, if it is granted this requested waiver, the LEA will ensure that it will meet all statutory and regulatory requirements related to SES in the 2011-12 school year (other than the particular funding requirement being waived).

CDE Use Only

HANFORD ELEMENTARY SCHOOL DISTRICT

43/129

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: David Goldsmith 
DATE: August 13, 2012

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

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

ITEM: Second Amendment to Ground Lease for Telecommunications Towers

PURPOSE: Kings County Office of Education and Hanford Elementary School District entered into a lease agreement in December 2002 for the installation of the wireless communications towers on HESD grounds. This proposed amendment would make minor modification to two sections within the existing agreement. In all other aspects, the original agreement would remain in full force and effect. The amendment, as well as the original agreement in its entirety, and the site license agreement with Verizon Wireless is attached for review.

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

**SECOND AMENDMENT TO GROUND LEASE FOR INSTALLATION OF
TELECOMMUNICATIONS TOWER AND INDEMNIFICATION AGREEMENT**

This agreement is intended to amend, but only to the extent provided herein below, the "*GROUND LEASE FOR INSTALLATION OF TELECOMMUNICATIONS TOWER AND INDEMNIFICATION AGREEMENT*" (the "Agreement") executed by the **HANFORD ELEMENTARY SCHOOL DISTRICT** (the "Lessor") and the **KINGS COUNTY OFFICE OF EDUCATION** (the "Lessee") on or about **December 21, 2002**.

This Amendment modifies (1) the parties' **December 21, 2002** Lease Agreement and (2) **Sections 2 and 3** of the parties' **June 22, 2010** "*UNIFORM AMENDMENT TO GROUND LEASE FOR INSTALLATION OF TELECOMMUNICATIONS TOWER AND INDEMNIFICATION AGREEMENT*" ("First Amendment") but only to the extent provided herein below. In all other respects, the parties' **2002** Lease Agreement and **First Amendment** shall remain in full force and effect.

Both Lessor and Lessee agree as follows:

Section 2 of the First Amendment is modified to provide as follows:

"Notwithstanding any provision of this Lease Agreement to the contrary, if Lessee conveys, during the term of this Lease Agreement, a site license to one or more telecommunication providers or service firms, the term of this Lease Agreement shall be extended to coincide with the term of the site license agreement(s) conveyed by Lessee."

Section 3 of the First Amendment is modified to increase (for purposes of this Lease Agreement), the size of the leasehold property located at the Lincoln Elementary School, 807 S. Irwin Street, Hanford, California, as follows:

"A 36.00' by 35.00' parcel of land located on the North Half of the Hanford Elementary School District, Lincoln Elementary School, located at 807 S. Irwin Street, City of Hanford, County of Kings, State of California, more particularly described as:

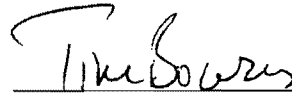
[NOTE: A COPY OF THE MOST RECENT LEGAL DESCRIPTION IS CURRENTLY BEING PREPARED AT THE REQUEST OF LESSEE CONSISTENT WITH THE RELEVANT PROVISIONS OF LESSEE'S AGREEMENT WITH VERIZON WIRELESS AND WILL BE INCLUDED, AS AN EXHIBIT "A" TO THIS AMENDMENT, NOT LATER THAN OCTOBER 1, 2012.]

Executed at Hanford, Kings County, California.

HANFORD ELEMENTARY SCHOOL
DISTRICT ("LESSOR")

KINGS COUNTY OFFICE OF
EDUCATION ("LESSEE")

Board President




Tim Bowers
Kings County Superintendent
Of Schools

Dated: August ____, 2012

Dated: August 2, 2012

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas 
DATE: August 9, 2011

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

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

ITEM: Consider for adoption the following revised Board Policy:

- BP 1250 - Visitors

PURPOSE: The revised Board Policy 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Visitors

BP 1250

Community Relations

The Board of Trustees encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours shall be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

(cf. 3515.2 - Disruptions)

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

(cf. 5144 - Discipline)

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290 including a

parent/guardian of a district student shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of Board of Trustees
- 35292 Visits to schools (board members)
- 51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

- 230.8 Discharge or discrimination for taking time off

PENAL CODE

- 626-626.10 Schools
- 627-627.10 Access to school premises, especially:
 - 627.1 Definitions
 - 627.2 Necessity of registration by outsider
 - 627.7 Misdemeanors; punishment


ATTORNEY GENERAL OPINIONS

- 95 Ops.Cal.Atty.Gen. 509 (1996)

Policy HANFORD ELEMENTRY SCHOOL DISTRICT
 adopted: May 16, 2001 Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

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

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

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

ITEM: Consider for adoption the following revised Administrative Regulation:

- AR 3515.2 - Disruptions

PURPOSE: The revised 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Administrative Regulation

Disruptions

AR 3515.2

Business and Noninstructional Operations

The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds if: (Education Code 44810, 44811; Penal Code 415.5, 626.7, 626.8, 626.81, 626.85)

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property.

(cf. 3515.3 - District Police/Security Department)

2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction.

(cf. 4158/4258/4358 - Employee Security)

3. The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave.
4. The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. (Penal Code 626.81).

~~However, a registered sex offender may be on school grounds if he/she has a lawful purpose and permission from the principal or designee.~~

(cf. 3515.5 - Sex Offender Notification)

5. The person is a specified drug offender as defined in Penal Code 626.85 and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school (Penal Code 626.85).

(cf. 1240 - Volunteer Assistance)

~~However, a specified drug offender may be on school grounds with permission from the principal or designee or, if he/she is a parent/guardian of a child enrolled in that school, to attend a school activity.~~

6. The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any student in grades K-8 while attending, arriving at, or leaving school. (Penal Code 626.8)
7. The person has otherwise established a continued pattern of unauthorized entry on school grounds.

The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she:

1. Fails to leave or remains after being directed to leave (Penal Code 626.7, 626.8, 626.85)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1250 - Visitors/Outsiders)

Appeal Procedure


Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Board of Trustees. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

Regulation : HANFORD ELEMENTARY SCHOOL DISTRICT
approved: June 16, 2010 Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

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

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

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

ITEM: Review for information the following revised Board Policy:

- BP 5131 - Conduct

PURPOSE: The revised Board Policy 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Conduct

BP 5131

Students

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

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

~~(cf. 5131.7 - Weapons and Dangerous Instruments)~~

~~(cf. 5142 - Safety)~~

2. Discrimination, harassment, intimidation, or bullying of students or staff, including, sexual harassment, hate-motivated behavior, cyberbullying, intimidation, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption, in accordance with the section entitled "Bullying/Cyberbullying" below

~~Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.~~

(cf. 5131.2 Bullying)

- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 5131.5 - Vandalism and Graffiti)

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5131.62 - Tobacco)
- (cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, ~~including employment~~ (Penal Code 417.27)

~~Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.~~ for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. ~~Students shall not possess~~ Possession or use on school campus personal mobile communications devices such as iPods, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and

laptop computers. Students bringing any Mobile Communications Devices to school are doing so at their own risk. The District is not responsible for lost or stolen items (including those in lockers).

Possession/Use of Cellular Phones and Other Mobile Communications Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which are limited to health-related purposes. (Education Code 48901.5)

Students are prohibited from the use of cellular phones, or any electronic/mobile signaling devices while on school campus during normal school hours, on a school bus going to and from school, and during the READY afterschool program. Electronic Signaling devices include but are not limited to, pagers, cellular/digital telephones, digital imaging, or text messaging. Students are permitted to possess cellular phones, pagers, or electronic signaling devices on campus provided that any such device shall remain "off" upon entering the campus and stored in a locker, backpack, purse, pocket, or other place where it is not visible and not audible during normal school hours. Students bringing cellular phones or other electronic signaling devices are doing so at their own risk. The District is not responsible for lost or stolen items (including those in lockers).

If a cellular phone or other electronic/mobile signaling devices is seen or heard, school personnel will confiscate the device until it is redeemed by a parent/guardian.

A student who violates this policy may be prohibited from possessing a cell phone or other electronic signaling device and/or mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

Student's Personal Property

Personal items of value (cell phones, iPods, cameras, electronic games, radios, CD players and computers, etc) should not be brought to school since loss, theft, or damage is possible. Also, such items can be distracting to the educational process and may be confiscated by school personnel. The district is not responsible for lost or stolen items (including those in lockers).

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 – Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or co-curricular activities in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Co-curricular Activities)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

~~In accordance with BP/AR 5145.12—Search and Seizure, a school official may search a student's cell phone, electronic signaling and/or mobile communication devices, including but not limited to, reviewing messages or viewing pictures and video.~~

~~(cf. 5145.12—Search and Seizure)~~

Bullying/Cyberbullying

~~The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.~~

~~(cf. 5137—Positive School Climate)~~

~~(cf. 5138—Conflict Resolution/Peer Mediation)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

~~The district may provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying.~~

~~(cf. 1220—Citizen Advisory Committees)~~

~~(cf. 6163.4—Student Use of Technology)~~

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

~~(cf. 5136—Gangs)~~

~~Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7—Sexual Harassment.~~

~~When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.~~

~~Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be~~

investigated.

~~Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT


adopted: June 16, 2010

revised: 08/12

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

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

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

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

ITEM: Review for information the following revised Board Policy:

- BP 5131.2 - Bullying

PURPOSE: The revised Board Policy 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

~~CSBA Sample~~

Hanford Elementary School District

New

Board Policy

Bullying

BP 5131.2

Students

***Note: The following optional policy may be revised to reflect district practice. ***

***Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics; see BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate. In addition, AB 1156 (Ch. 732, Statutes of 2011) amended Education Code 32282 to encourage comprehensive safety plans to include policies and procedures aimed at the prevention of bullying; see BP 0420 - Comprehensive Safety Plan. ***

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

***Note: Pursuant to Education Code 32261 and 48900.2-48900.4, the definition of "bullying" for purposes of establishing grounds for suspension or expulsion includes bullying via an electronic act. AB 746 (Ch. 72, Statutes of 2011) amended Education Code 32261 to expand the definition of bullying committed by means of an electronic act to include posting of messages on social media networks; see AR 5144.1 - Suspension and Expulsion/Due Process. ***

***Note: In addition, Penal Code 653.2 makes it a crime for a person to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). Penal Code 288.2 makes it a crime to send a message to a minor if the message contains matter that is sexual in nature with the intent of

seducing the minor (i.e., sexting). ***

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

***Note: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education. ***

***Note: 47 USC 254 requires districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking web sites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate. ***

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

***Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires the district to adopt a process requiring school personnel who witness acts of discrimination, harassment, intimidation, or bullying to take immediate steps to intervene when safe to do so; also see BP 5145.3 - Nondiscrimination/Harassment. ***

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

***Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires districts to adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying which includes timelines applicable to all district schools, an appeal process, and translation of complaint forms pursuant to Education Code 48985. The following optional paragraph provides that complaints regarding bullying will be investigated using the district's grievance procedure for investigation of sexual harassment pursuant to AR 5145.7 - Sexual Harassment. Districts that wish to use another procedure should modify the following paragraph accordingly. ***

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

***Note: Districts have the authority to monitor students' use of the district's Internet system and to conduct individual searches of students' accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/AR 6163.4 - Student Use of Technology. ***

***Note: As noted in the section "Discipline" below, the courts have generally upheld a district's authority to discipline a student for off-campus conduct when that conduct causes, or is foreseeably likely to cause, a substantial disruption of school activities. Thus, in complaints regarding off-campus conduct, districts should document, with specific examples, how the speech significantly disrupted or was likely to significantly disrupt school activities and the targeted student's educational performance. ***

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

***Note: Pursuant to Education Code 32261 and 48900.2-48900.4, "bullying" is a ground for suspension or expulsion in grades 4-12; see AR 5144.1 - Suspension and Expulsion/Due Process. ***

***Note: As noted in the section "Complaints and Investigation" above, the courts have generally upheld discipline for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities (e.g., *Lavine v. Blaine School District*). In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior. For example, the court in *J.C. v. Beverly Hills Unified School District* found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not

present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students). When the conduct does not rise to the level of "substantial disruption," the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief Cyberbullying: Policy Considerations for Boards. Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression. ***

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

08/12

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas *LS*
DATE: August 9, 2012

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

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

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

- BP/AR 5144.1 - Suspension and Expulsion/Due Process

PURPOSE: The revised 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

~~The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.~~

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5144 - Discipline)

(cf. 5131 - Conduct)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

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

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

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Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

Removal from Class by a Teacher and Parental Attendance

~~The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.~~

~~Whenever a student is suspended~~ When suspending a student from class by a teacher because he/she committed for committing an obscene act, engaged engaging in habitual profanity or vulgarity, disrupted disrupting school activities, or otherwise willfully defied defying valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to

improve classroom behavior.

The teacher requiring parental attendance pursuant to this policy shall apply ~~this the~~ policy uniformly to all students within the classroom. ~~This policy shall apply only to a parent/guardian who lives with the student.~~—(Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

~~The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.~~

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>California Attorney General's Office: <http://www.caag.state.ca.us>California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: June 16, 2010

revised: 08/12 Hanford, California

Hanford ESD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1
Students

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

A Any student, including a student with disabilities may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed, ~~or unlawfully~~ offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm. (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4 through 8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means that conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the 'victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person a victim, interfering with the exercise of a 'person's victim's civil rights, or damaging a 'person's victim's property because of the 'person's victim's race, ethnicity, color, religion, ancestry, national origin, nationality, disability, gender, gender identity, gender expression or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitute sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, ~~or~~ image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school ~~under the jurisdiction of the Superintendent or principal~~ or within any other school district, at any time, including, but not limited to, the following ~~circumstances~~: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

(cf. 5131.1 - Bus Conduct)

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(v))

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

~~Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.~~

~~(cf. 5113 - Absences and Excuses)~~

~~(cf. 5113.1 - Truancy)~~

Removal from Class by a Teacher/Parental Attendance

A teacher may ~~suspend~~ remove any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above.
(Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Principal's Designee

~~The Superintendent, principal, or designee may impose a suspension upon a first offense if determines that the student violated items #1-5 suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)~~

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

In addition, the Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

The Superintendent or principal may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or principal's designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists. ~~An emergency situation involves~~ involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person.

Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

Supervised Suspension Classroom

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

The Board also may order a student expelled for any of the acts listed above under "Grounds for

Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer, or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy

of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be ~~pe this closed session, the parent/guardian, the student, and the counsel of the student~~ also shall be allowed to attend the closed session. public unless another student's privacy rights would be violated. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described

in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
- (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
- (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
- (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
- 6. ~~Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))~~
- 7. ~~Decision Within 40 School Days:~~ If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately

reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a

- school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
 3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
 4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
 5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
 6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915. (Education Code 48918(j))
 7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students or nonstudents regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #19-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

(cf. 5125 - Student Records)

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation HANFORD ELEMENTARY SCHOOL DISTRICT

approved: June 16, 2010

revised: 08/12 Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas *LS*
DATE: August 9, 2012

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

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

ITEM: Review for information the following revised Board Policy:

- BP 5145.3 - Nondiscrimination/Harassment

PURPOSE: The revised Board Policy 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

~~The Board of Trustees desires to ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.~~

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, intimidation, or harassment, and bullying of any student by any employee, student, or other person in the district. Based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

~~School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.~~

(cf. 5145.2 - Freedom of Speech/Expression)
 (cf. 6145 - Extracurricular and Co curricular Activities)
 (cf. 6145.2 - Athletic Competition)
 (cf. 6164.2 - Guidance/Counseling Services)

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, intimidation, ~~or~~ harassment, bullying or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in harassment or prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
 (cf. 4119.21/4219.21/4319.21- Professional Standards)
 (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
 (cf. 5131 - Conduct)
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Grievance Procedures

The Board hereby designates the following positions as Coordinators for Nondiscrimination to handle complaints regarding discrimination and harassment and inquiries regarding the district's nondiscrimination policies:

Director of Special Services and/or Coordinator
 Child Welfare and Attendance Office
 714 N. White Street
 Hanford, CA 93232
 (559) 585-3617, (559) 585-3642

(cf. 1312.1 - Complaints Concerning District Employees)
 (cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, ~~or~~ harassment, intimidation, or bullying should immediately contact the Director, Coordinator, the principal, or any other staff member. In addition, any student ~~or school employee~~ who observes any such incident ~~of discrimination or harassment~~ should report the incident to the Director, Coordinator

or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, ~~or~~ harassment, intimidation, or bullying, the Director or Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination ~~or~~ harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of ~~discrimination or harassment~~. any such behavior. The district's policy may also be posted on the district website or any other location that is easily accessible to students.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January 1999

WEB SITES

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

California Safe Schools Coalition: <http://www.casafeschools.org>

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

First Amendment Center: <http://www.firstamendment.org>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: June 16, 2010

revised: August 2012 Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas *LS*
DATE: August 9, 2012

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

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

ITEM: Consider for adoption the following revised Board Policy and Administrative Regulation:

- BP/AR 5145.7 - Sexual Harassment

PURPOSE: The revised 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 changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Sexual Harassment

BP 5145.7

Students

The Board of Trustees is committed to maintaining a school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of ~~any students by another student, an employee or other person,~~ at school or at a school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against any person who files a complaint ~~complains,~~ testifies, assists or otherwise participates in the complaint processes ~~established in accordance with this policy.~~

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

(cf. 5137 - Positive School Climate)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf 4119.11/4219.11/4319.11 – Sexual Harassment)

(cf 5131 – Conduct)

(cf 5131.2 – Bullying)

(cf 5137 – Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment; including the fact that sexual harassment could occur between people of the same ~~gender~~ sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment.
3. ~~Students should be encouraged~~ Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. ~~Information about the person(s) to whom a report of sexual harassment should be made.~~ Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

5. Information about the rights of students and parents/guardians to file a criminal complaint, if applicable

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual sexually harassment harassed on school grounds or at a school-sponsored or school-related activity (e.g. by a visiting athlete or coach) shall immediately contact a school employee, his/her teacher or any other employee. A school employee to whom a complaint is made shall report it to the principal or designee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

~~Any school employee who observes any incident of sexual harassment on any student shall similarly report his/her observation to the principal or designee, whether or not the victim makes a complaint. If the alleged harasser is the principal or designee, the employee may report the complaint or his/her observation of the incident to the Superintendent or designee who shall investigate the complaint.~~

~~(cf. 4119.11/4219.11/4319.11— Sexual Harassment)~~

~~(cf 1312.1 – Complaints concerning District Employees)~~

~~(cf. 5141.4 - Child Abuse Reporting Procedures Prevention and Reporting)~~

~~The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where necessary. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures.~~

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Action

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 8, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account. Such circumstances shall include but are not limited to:

1. Age and maturity of the victim and the perpetrator

2. — Pervasiveness of the alleged harassing conduct (i.e., how many times the act(s) occurred, how many individuals were involved, etc.)

3. — Prior complaints against the perpetrator

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

(cf 5144.2 – suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

All complaints and allegations of Information gathered in the course of investigating a sexual harassment complaint shall be kept confidential to the extent possible. Except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in ~~it's~~ the schools.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, -- U.S.--

Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989

Nabozny v. Podlesny (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
 Oona R.-S. etc. v. Santa Rosa City Schools et al (1995) 890 F.Supp. 1452
 Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143
 Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396
 Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288
 Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028
 Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
 GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS

Sexual Harassment Guidance, 62 FR 49, 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: May 16, 2001

revised: August 2012 Hanford, California

Hanford ESD

Administrative Regulation

Sexual Harassment

AR 5145.7

Students

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, and other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: ~~when:~~ (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's a student's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's student's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the individual student is used as the basis for any decision affecting the individual student regarding benefits and services, honors, programs, or activities available at or through ~~the school~~ any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, ~~leering~~, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures obscene gestures, or computer-generated images of a sexual nature gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
9. ~~Limiting a student's access to educational tools~~
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Notifications

~~A copy of the district's sexual harassment policy and regulation shall:~~

1. ~~Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980)~~
(cf. 5145.6 Parental Notifications)
2. ~~Be displayed in a prominent location (Education Code 231.5)~~
3. ~~Be provided to students at the beginning of each school year or upon enrollment (Education Code 231.5)~~
4. ~~Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)~~
5. ~~Be provided to employees and employee organizations~~

~~Investigation of Complaints at School (Site Level Grievance Procedure)~~

1. ~~The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:~~
 - a. ~~The student who is complaining~~
 - b. ~~The person accused of harassment~~
 - c. ~~Anyone who saw the harassment take place~~

- d. ~~Anyone mentioned as having related information~~
- 2. ~~The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.~~
- 3. ~~The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:~~
 - a. ~~The Superintendent or designee~~
 - b. ~~The parent/guardian of the student who complained~~
 - c. ~~The parent/guardian of the person accused of harassing someone~~
 - d. ~~A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth~~
 - e. ~~Child protective agencies responsible for investigating child abuse reports~~
 - f. ~~Legal counsel for the district~~

(cf. 5141.41—Child Abuse Prevention)

- 4. ~~When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.~~
- 5. ~~The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.~~

(cf. 1312.3—Uniform Complaint Procedures)

- 6. ~~In reaching a decision about the complaint, the principal or designee may take into account:~~
 - a. ~~Statements made by the persons identified above~~
 - b. ~~The details and consistency of each person's account~~
 - c. ~~Evidence of how the complaining student reacted to the incident~~

- d. ~~— Evidence of past instances of harassment by the accused person—~~
- e. ~~— Evidence of past harassment complaints that were found to be untrue~~
- 7. ~~— To judge the severity of the harassment, the principal or designee may take into consideration:~~
 - a. ~~— How the misconduct affected one or more students' education~~
 - b. ~~— The type, frequency and duration of the misconduct~~
 - c. ~~— The number of persons involved~~
 - d. ~~— The age and sex of the person accused of harassment~~
 - e. ~~— The subject(s) of harassment~~
 - f. ~~— The place and situation where the incident occurred~~
 - g. ~~— Other incidents at the school, including incidents of harassment that were not related to sex~~
 - h. ~~— First time incidents which reflect poor taste or judgment on the part of the offending student (e.g., unwelcome leering, sexual jokes, etc.) shall result, upon verification, in the counseling of that student by the teacher, site administrator, or other appropriate certificated person, and the issuance of a Level A citation.~~
 - i. ~~— Repeated offense by a student or first-time incidents of a more serious nature shall immediately be reported by the teacher to the principal.~~
- 8. ~~— The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.~~
- 9. ~~— The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.~~
- 10. ~~— Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.~~

Complaints of sexual harassment, or any behavior prohibited by the district's nondiscrimination/harassment policy – BP 5145.3 shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the District Coordinator/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other

steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

(cf. 5138 - Conflict Resolution)

7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them

d. The number of persons engaged in the harassing conduct and at whom the harassment was directed

e. The size of the school, location of the incidents, and context in which they occurred

f. Other incidents at the school involving different students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written a report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment.

The Coordinator/Principal shall communicate the findings, investigative steps, and consequences with the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff inservice and student instruction or counseling
3. Notifying parents/guardians
4. Notifying child protective services
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Hanford ESD

Administrative Regulation

Sexual Harassment

AR 5145.7

Students

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, and other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: ~~when:~~ (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of ~~an individual's~~ a student's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the ~~individual's~~ student's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the ~~individual~~ student is used as the basis for any decision affecting the ~~individual~~ student regarding benefits and services, honors, programs, or activities available at or through ~~the school~~ any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, ~~leering~~, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures obscene gestures, or computer-generated images of a sexual nature ~~gestures~~
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
9. ~~Limiting a student's access to educational tools~~
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Notifications

~~A copy of the district's sexual harassment policy and regulation shall:~~

1. ~~Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980)~~
~~(cf. 5145.6 Parental Notifications)~~
2. ~~Be displayed in a prominent location (Education Code 231.5)~~
3. ~~Be provided to students at the beginning of each school year or upon enrollment (Education Code 231.5)~~
4. ~~Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)~~
5. ~~Be provided to employees and employee organizations~~

~~Investigation of Complaints at School (Site Level Grievance Procedure)~~

1. ~~The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:~~
 - a. ~~The student who is complaining~~
 - b. ~~The person accused of harassment~~
 - c. ~~Anyone who saw the harassment take place~~

- d. ~~Anyone mentioned as having related information~~
2. ~~The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.~~
3. ~~The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:~~
 - a. ~~The Superintendent or designee~~
 - b. ~~The parent/guardian of the student who complained~~
 - c. ~~The parent/guardian of the person accused of harassing someone~~
 - d. ~~A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth~~
 - e. ~~Child protective agencies responsible for investigating child abuse reports~~
 - f. ~~Legal counsel for the district~~

~~(cf. 5141.41—Child Abuse Prevention)~~
4. ~~When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.~~
5. ~~The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~
6. ~~In reaching a decision about the complaint, the principal or designee may take into account:~~
 - a. ~~Statements made by the persons identified above~~
 - b. ~~The details and consistency of each person's account~~
 - c. ~~Evidence of how the complaining student reacted to the incident~~

- d. — ~~Evidence of past instances of harassment by the accused person~~
- e. — ~~Evidence of past harassment complaints that were found to be untrue~~
- 7. — ~~To judge the severity of the harassment, the principal or designee may take into consideration:~~
 - a. — ~~How the misconduct affected one or more students' education~~
 - b. — ~~The type, frequency and duration of the misconduct~~
 - c. — ~~The number of persons involved~~
 - d. — ~~The age and sex of the person accused of harassment~~
 - e. — ~~The subject(s) of harassment~~
 - f. — ~~The place and situation where the incident occurred~~
 - g. — ~~Other incidents at the school, including incidents of harassment that were not related to sex~~
 - h. — ~~First time incidents which reflect poor taste or judgment on the part of the offending student (e.g., unwelcome leering, sexual jokes, etc.) shall result, upon verification, in the counseling of that student by the teacher, site administrator, or other appropriate certificated person, and the issuance of a Level A citation.~~
 - i. — ~~Repeated offense by a student or first time incidents of a more serious nature shall immediately be reported by the teacher to the principal.~~
- 8. — ~~The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.~~
- 9. — ~~The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.~~
- 10. — ~~Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.~~

Complaints of sexual harassment, or any behavior prohibited by the district's nondiscrimination/harassment policy – BP 5145.3 shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the District Coordinator/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other

steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

(cf. 5138 - Conflict Resolution)

7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them

d. The number of persons engaged in the harassing conduct and at whom the harassment was directed

e. The size of the school, location of the incidents, and context in which they occurred

f. Other incidents at the school involving different students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written a report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment.

The Coordinator/Principal shall communicate the findings, investigative steps, and consequences with the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff in service and student instruction or counseling
3. Notifying parents/guardians
4. Notifying child protective services
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: August 13, 2012

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **June 13, 2012**

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 as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

- BP 4030 – NonDiscrimination in Employment (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel

BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits discrimination against and/or harassment of district employees and job applicants at any district site or activity on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

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

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

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

(cf. 5145.7 - Sexual Harassment)

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that it is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent of Human Resources
Human Resources Department
Hanford Elementary School District
714 N. White Street
Hanford, CA 93232
(559) 585-3609

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy or regulation should immediately contact his/her supervisor, the Coordinator for Nondiscrimination in Employment, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaints.

NONDISCRIMINATION IN EMPLOYMENT (continued)

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to ~~his/her supervisor~~, the Coordinator for Nondiscrimination in Employment, or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131- Staff Development)

(cf. 4231- Staff Development)

(cf. 4331- Staff Development)

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Legal Reference:EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

Legal Reference continued (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)*Legal Reference (continued)**794 Section 504 of the Rehabilitation Act of 1973*UNITED STATES CODE, TITLE 42*2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended**2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended**2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008**2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964**12101-12213 Americans with Disabilities Act*CODE OF FEDERAL REGULATIONS, TITLE 28*35.101-35.190 Americans with Disabilities Act*CODE OF FEDERAL REGULATIONS, TITLE 34*100.6 Compliance information**104.7 Designation of responsible employee for Section 504**104.8 Notice**106.8 Designation of responsible employee and adoption of grievance procedures**106.9 Dissemination of policy*COURT DECISIONS*Shephard v. Loyola Marymount*, (2002) 102 CalApp.4th 837*Management Resources:*EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS*Questions and Answers: Religious Discrimination in the Workplace*, 2008*Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act*, October 2002*Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*, June 1999U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS*Notice of Non-Discrimination*, January 1999WEB SITES*California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>**U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>**U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>***Policy**

adopted: December 16, 1992

Revised: November 7, 2001

Revised: February 9, 2005

Revised: September 6, 2006

Revised: January 5, 2011

Revised: _____, 2012

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Diane Williams *DW*
DATE: August 13, 2012
RE: ☒ Board Meeting
☐ Superintendent's Cabinet
☐ Information
☒ Action

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

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Classified

- Jennifer Ejchorszt, READY Program Tutor – 4.5 hrs., Hamilton, effective 8/10/12
- Carolyn Harmon, READY Program Tutor – 4.5 hrs., Simas, effective 8/13/12

Temporary Employees/Substitutes/Yard Supervisors

- Naomi Andrews, Substitute Yard Supervisor, effective 8/16/12
- Joshua Camp, Substitute Alternative Education Program Aide, Educational Tutor K-6, Special Circumstance Aide, Special Education Aide, effective 8/16/12
- Maricia Cuevas, Short-term Yard Supervisor – 1.75 hrs., Hamilton, effective 8/16/12 to 10/31/12
- Amanda Eckmann, Substitute READY Program Tutor, effective 8/10/12
- Angelica Gonzales, Substitute Bilingual Clerk Typist I and Yard Supervisor, effective 8/6/12
- Celeste Gregory, Substitute READY Program Tutor, effective 8/10/12
- Cedric Harbor, Short-term Yard Supervisor – 2.0 hrs., Richmond, effective 8/16/12 to 10/31/12
- Olga Hernandez, Short-term Yard Supervisor – 2.25 hrs., Wilson, effective 8/16/12 to 10/31/12
- Maria Jones, Substitute Bus Driver, effective 8/14/12
- Samantha Koutny, Substitute Media Services Aide, effective 8/16/12
- Ana Lizarraga, Substitute Bilingual Clerk Typist I, effective 8/2/12
- Margie Mendiola, Substitute Yard Supervisor, effective 8/16/12

Temporary Employees/Substitutes/Yard Supervisors (cont.)

- Betty Pressley, Short-term Food Service Worker I – 3.25 hrs., Hamilton, effective 8/16/12 to 10/19/12
- Kimberly Alvarez Rodriguez, Substitute Bilingual Clerk Typist II, effective 8/6/12
- Melissa Schlemann, Substitute Clerk Typist I and READY Program Tutor, effective 8/2/12
- Celina Valero, Substitute Yard Supervisor, effective 8/16/12

b. Resignations

- Amy Farris, Personnel Assistant – 6.0 hrs., Human Resources, effective 9/4/12
- Cerissa Freitas, Special Education Aide – 5.0 hrs., Richmond, effective 6/8/12
- Celeste Gregory, READY Program Tutor – 4.5 hrs., Washington, effective 6/8/12
- Rosemarie Rodriguez, Yard Supervisor – 3.0 hrs., Richmond, effective 6/8/12
- Nora Sandoval Hernandez, Food Service Worker I – 2.25 hrs., Washington, effective 6/8/12
- Kelly Ventuleth, Yard Supervisor – 1.5 hrs., Hamilton, effective 6/8/12
- Robert Wells, Custodian II – 8.0 hrs., King, effective 7/31/12

c. Increase In Days

- Norma Vera, Migrant Services Specialist – 8.0 hrs., from 192 days/10-month employee to 197 days/11-month employee, Jefferson, effective 8/2/12

d. Voluntary Reduction of Hours

- Daisy Maya Gaona, Food Service Worker I, from 3.25 hrs. to 2.5 hrs., Washington, effective 8/15/12

e. Certificated Transfers/Reassignments/Reinstatements, effective 08/14/12Involuntary Transfers

- Jocelyn Goldring, from King 2nd Grade to King 3rd Grade
- Marci Mendoza, from Roosevelt 3rd Grade to Roosevelt 2nd Grade
- David Molina, from Monroe 3rd Grade to Monroe 2nd Grade
- Anne Ramos, from Roosevelt Kindergarten to Richmond Kindergarten
- Robin Schneider, from Washington 3rd Grade to Washington 5th Grade
- Nicole Witte, from Washington 6th Grade to Washington Kindergarten
- Katherine Young, from King 4th Grade to King 6th Grade

Voluntary Transfers

- Kristi Bachman, from Roosevelt 5th Grade to Kennedy 8th Grade Language Arts/Social Studies
- Gabriel DeLeon, from Richmond 2nd Grade to Hamilton 2nd Grade

Voluntary Transfers (cont.)

- Julian Gonzalez, from Simas 3rd Grade FLI to Simas 3rd Grade
- Cynthia Lara, from Hamilton 5th Grade to Hamilton 3rd Grade
- Miranda Mendoza-Robinson, from Hamilton 6th Grade to Hamilton 2nd Grade
- Cathy Morrisseau, from Simas 1st Grade to Simas 4th Grade
- Julie Mueller, from Hamilton 2nd Grade to Hamilton 1st Grade
- Kellie Noji, from Monroe 5th Grade to Monroe 2nd Grade
- Veronica Pelayo-Morales, Simas 5th Grade FLI to Simas 3rd/4th Grade FLI
- Christopher Piche, from Lincoln 5th Grade to Lincoln 6th Grade
- Angela Protzman, from Lincoln 6th Grade to Lincoln 5th Grade
- Michael Rogers, from Washington 5th Grade to Monroe 2nd Grade
- Melissa Simas-Garcia, from Richmond 3rd Grade to Kennedy 7th Grade Language Arts/Social Studies
- Audrey Stills, from Hamilton 2nd Grade to Hamilton 5th Grade
- Jamie Stout, from Simas 4th Grade to Simas 3rd Grade
- Stephanie Tatro-Parks, from Lincoln 5th Grade to Lincoln 3rd Grade
- Raul Trejo, from Hamilton 3rd Grade to King 5th Grade

Reassignments

- Amy Fochetti, from Lincoln K-3 SDC to Richmond RSP
- Cheryl Guilbeau, from Monroe 2nd Grade to District Office Literacy Coach
- Frances Mwangi, from Simas 4-6 SDC to Kennedy 7-8 SDC

Reinstatements

- Angel Bravo, from Simas 5th/6th Grade FLI to Simas 6th Grade FLI
- Monica Chavez, from Richmond Kindergarten to King 1st Grade
- Claudia Davis, from Simas 4th/5th Grade to Simas 5th Grade
- Kaye Garrison, from Monroe 4th/5th Grade to Monroe 4th Grade
- Bethaney Kuenning, from Washington 1st Grade to Washington 2nd Grade
- Gina Lewis, from King 1st/2nd Grade to King 2nd Grade
- Diego Moreno, from Richmond 5th/6th Grade to Richmond 6th Grade
- Maria Nunez, from Simas 4th/5th Grade FLI to Simas 5th Grade FLI
- Isaias Serrato, from Richmond 4th/5th Grade to Richmond 5th Grade

Change In Work Site

- Lucy Alvarado, from Simas 3rd Grade FLI to Simas 2nd Grade FLI at Jefferson Site
- Eva Gonzalez, from Simas 2nd Grade FLI to Simas 2nd Grade FLI at Jefferson Site
- Chad Nielsen, from Wilson 7th/8th Grade Art to Kennedy 7th/8th Grade Art

Combination Classes

- LaNita Ayach, Roosevelt Kindergarten/Transitional Kindergarten Combination
- Christina Gonzales, Monroe Kindergarten/Transitional Kindergarten Combination
- Leslie Griffith, Monroe 6th Grade to Monroe 5th/6th Grade Combination
- Lisa Hinojos, Lincoln Kindergarten/Transitional Kindergarten Combination
- Susan Huerta, Simas Kindergarten/Transitional Kindergarten Combination
- Andrew Martinez, Hamilton Kindergarten/Transitional Kindergarten Combination
- Allison Minick, Washington Kindergarten/Transitional Kindergarten Combination
- Anne Ramos, Richmond Kindergarten/Transitional Kindergarten Combination
- Tracy Ryan, Hamilton Kindergarten/Transitional Kindergarten Combination

f. Certify Employment Status of Non-Permanent Certificated Staff for 2012-13 School Year (EC 44916)

See attached listing

g. Volunteers

<u>Name</u>	<u>School</u>
Megan Warchol	Simas
Chelsea Pittman	Monroe

RECOMMENDATION: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT
HUMAN RESOURCES DEPARTMENT
ANNUAL BOARD CERTIFICATION:
STATUS OF NON-PERMANENT CERTIFICATED EMPLOYEES
2012-13 SCHOOL YEAR
August 22, 2012

Effective with the first paid duty day of their 2012-2013 employment contracts, the following non-permanent certificated employees shall be classified as follows:

A. TENURED

Arevalo, Amy	K-6 Teacher
DeCuir, Sara	K-6 Teacher
Drummond, Melody	K-6 Teacher
Dwiggins, Stephanie	K-6 Teacher
Fuller, Brooke	7-8 Teacher
Gonsalves, Amy	K-6 Teacher
Hernandez, Carol	K-6 Teacher
Hymmer, Kearsten	7-8 Teacher
Marquez, Haley	K-6 Teacher
Martinez, Andrew	K-6 Teacher
Miller, Brooke	K-6 Teacher
Minick, Allison	K-6 Teacher
Moore, Janell	K-6 Teacher
Moreno, Diego	K-6 Teacher
Nuñez, Maria	K-6 Teacher
Polder, Lisa	Special Ed. Teacher
Ramos, Anne	K-6 Teacher
Raymer, Christina	K-6 Teacher
Robinson, Carrie	K-6 Teacher
Ryan, Tracy	K-6 Teacher
Silva, Stacey	K-6 Teacher
Stills, Audrey	K-6 Teacher

B. SECOND-YEAR PROBATIONARY

Chavez, Judy	K-6 Teacher
Cunha, Melissa	K-6 Teacher
Detlefsen, Mary	4-8 Music/Band Teacher
Goldring, Jocelyn	K-6 Teacher
Gonzalez, Christina	K-6 Teacher
Haynes, Susan	K-6 Teacher
Hunt, Kimberly	K-6 Teacher
Landers, Danielle	K-6 Teacher
Levinson, Jennifer	Special Education Teacher
Molina, Jose David	K-6 Teacher

SECOND-YEAR PROBATIONARY (Continued)

Mueller, Steven	K-6 Teacher
Quesada, Sarah	K-6 Teacher
Rosales, Maria	K-6 Teacher
Ross, Kristie	K-6 Teacher
Schneider, Susan	Special Education Teacher
Serrato III, Isaias	K-6 Teacher
Tuon, Lina	K-6 Teacher
Young, Katherine	K-6 Teacher

C. FIRST-YEAR PROBATIONARY

Alvarez, Ivan	School Psychologist
DeOchoa, Leslie	K-6 Teacher
Douty, Timothy	K-6 Teacher
Fischer, Lena	K-6 Teacher
Gallaher, Melanie	School Psychologist
Garcia, Jami	School Psychologist
Garivay, Priscilla	K-6 Teacher
Gilbreth, Desiree	K-6 Teacher
Gomez, Mayra	K-6 Teacher
Hodges, Joshua	K-6 Teacher
Huerta, Jaqueline	K-6 Teacher
Johnson, Stacie	K-6 Teacher
Koss, Michael	K-6 Teacher
McIntosh, Amy	Special Education Teacher
Morton, Karen	K-6 Teacher
Pegnim, Caitlin	K-6 Teacher
Perez, Christina	K-6 Teacher
Robb, Susan	Special Education Teacher
Robb, Thomas	Special Education Teacher
Ruiz, Monica	K-6 Teacher
Umscheid, Stefanie	School Psychologist
Valdez, Ashley	K-6 Teacher
Warner, Katelyn	K-6 Teacher
Xiong, Gaosang	K-6 Teacher

D. TEMPORARY: CATAGORICALLY FUNDED

Nielsen, Chad	5-8 Art Teacher 60%
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