

Hanford Elementary School District

1/82

REGULAR BOARD MEETING AGENDA

Wednesday, January 23, 2013

HESD District Office Board Room

714 N. White Street, Hanford, CA

OPEN SESSION

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

CLOSED SESSION

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

Administrative Panel Recommendations and Readmissions

Case# 13-24 – Kennedy

Case# 13-25 – Wilson

Case# 12-38 – Kennedy

Case# 12-59 – Kennedy

Case# 12-80 - Kennedy

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

Public Employee Discipline/Dismissal/Release (GC 54957) - Certificated

OPEN SESSION

- 6:00 p.m.
- Take action on Student Discipline items

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) Accept warrant listings dated January 4, 2013; and January 11, 2013
- b) Approve minutes of Regular Board Meeting January 9, 2013.
- c) Approve interdistrict transfers as recommended.

- *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.*

- d) Approve donation of \$856.50 from Box Tops for Education to MLK School. (Colvard)
- e) Approve donation of \$85.67 from Target to Lee Richmond School. (Gomez)
- f) Approve donation of \$305.57 from Hamilton PTC to Hamilton School. (Espindola)
- g) Approve donation of \$2,292.46 from Roosevelt PTC to Roosevelt School. (Carrillo)
- h) Approve donation of \$2,500.00 from Roosevelt PTC to Roosevelt School. (Carrillo)
- i) Approve donation of \$300.00 from Paramount Citrus Association and Roll Giving to Roosevelt School. (Carrillo)
- j) Approve donation of \$245.48 from Box Tops for Education to Roosevelt School. (Carrillo)
- k) Approve donation of \$700.00 from Target to Roosevelt School. (Carrillo)
- l) Approve donation of \$3,929.00 from Washington PTC to Washington School. (Rubalcava)
- m) Approve donation of \$372.48 from Washington PTC to Washington School. (Rubalcava)

3. INFORMATION ITEMS

- a) Receive quarterly report on Williams Uniform Complaints. (Terry)
- b) Consider for approval the following revised Board Policy and Administrative Regulation: (Gabler)
 - BP/AR 6142.7 – Physical Education and Activity
- c) Receive for information the following new Board Policy and Exhibit: (Williams)
 - AR 4112.9 – Employee Notifications (delete)
 - BP 4112.9 – Employee Notifications (new)
 - E 4112.9 – Employee Notifications (new)

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider for approval the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 1312.3 – Uniform Complaint Procedures (revised)
- b) Consider for approval the following revised Board Policy and Administrative Regulation: (White)
 - BP/AR 3311 - Bids

5. PERSONNEL (Williams)

a) Employment

Certificated Short-term Employment

- Loriann Riley, Substitute School Psychologist, Special Services, effective 2/19/13 to 4/25/13

Temporary Employees/Substitutes/Yard Supervisors

- Monica Gamez, Substitute Translator: Oral Interpreter and Written Translator and Yard Supervisor, effective 1/7/13
- Jose Picazo, Substitute Custodian I, effective 1/9/13
- Taylor Scaife, Short-term READY Program Tutor – 4.5 hrs., (T,Th) Lincoln, effective 1/22/13 to 6/6/13

- Ashley Urbano, Substitute READY Program Tutor, Translator: Oral Interpreter and Written Translator, effective 1/22/13; Short-term READY Program Tutor – 4.5 hrs., (M,W,F), Lincoln, effective 1/23/13 to 6/7/13

b) Resignations

- Susan Haynes, Teacher, Richmond, effective 6/7/13
- Brandy Torres, Substitute Yard Supervisor, effective 12/14/12
- Ashley Urbano, READY Program Tutor – 4.5 hrs., Lincoln effective 1/18/13
- Maykia Vang, Teacher, King, effective 4/9/13

c) Reclassification

- Sheila Kurtz, from Administrative Secretary I (Range 14) to Administrative Secretary II (Range 15), READY and Office of Special Services, effective 8/1/12 (first day on contract for 2012-13 school year).

d) Volunteers

<u>Name</u>	<u>School</u>
Maria Meza	Jefferson
Monica Gamez	Hamilton
Tabitha Hernandez	Hamilton
Lucia Sanchez	King
Susana Cervantes	Roosevelt
Rosa Loza	Simas
Sylvia Spiller-Martinez	Simas

6. FINANCIAL (White)

- a) Consider acceptance of District Audit for the Fiscal Year ended June 30, 2012.
- b) Consider approval of Resolution #9-13: Approving the Kings County Director of Finance's Statement of Investment Policy and Delegating Investment Authority to the Kings Director of Finance.
- c) Consider approval of Resolution #10-13: Revision of the 2012-13 Budget.

ADJOURN MEETING

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: January 15, 2013

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

Date you wish to have your item considered: January 23, 2013

ITEM: Student Discipline

PURPOSE: Administrative Panel Recommendations and Readmissions

Case# 13-24 – Kennedy

Case# 13-25 – Wilson

Case# 12-38 - Kennedy

Case# 12-59 - Kennedy

Case# 12-80 – Kennedy

Hanford Elementary School District
Minutes of the Regular Board Meeting
January 9, 2013

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on January 9, 2013, at the District Office Board Room, 714 N. White Street, Hanford, CA.

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

Closed Session Trustees immediately adjourned to closed session for:

- Student Discipline pursuant to Education Code Section 48918
- Personnel - Conference with Labor Negotiator (GC 54957.6)

Trustees returned to open session at 5:55 p.m.

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

Expulsion #13-23 Trustee Jay made a motion to accept the Findings of Facts and expel Case #13-23 for the remainder of the second semester of the 2012-13 school year and the first semester of the 2013-14 school year for violation of Education Code 48900 as determined by the Administrative Panel at hearings held on January 8, 2013. Parents may apply for readmission on or after January 10, 2014. Trustee Hill seconded; motion carried 3-0.

Readmission approvals #12-18, 12-24, 12-34, 12-37, 12-58, 12-62, 12-63, 12-64, 12-65, 12-66, 12-67, 12-73, 12-74, 12-77, 13-01 Trustee Jay made a motion to approve readmission for the follow cases based upon student's compliance with the Plan of Rehabilitation: #12-18, 12-24, 12-34, 12-37, 12-58, 12-62, 12-63, 12-64, 12-65, 12-66, 12-17, 12-73, 12-74, 12-77, 13-01. Trustee Revious seconded; motion carried 3-0.

Readmission Denials #12-33, 12-17, and 78-11 Trustee Jay made a motion to deny readmission for Cases #12-33, 12-74, and 78-11 based upon the finding that the student did not comply with the Plan of Rehabilitation or that the student continues to pose a danger to self or others. Trustee Revious seconded; motion carried 3-0.

PRESENTATIONS, REPORTS AND COMMUNICATIONS

Public Comments None.

Board and Staff Comments None.

Requests to Address the Board at Future Meetings None.

Dates to Remember Vice President Jay reviewed Dates to Remember: Friday January 11 Striker Classic; Saturday January 12 Gr. 4-6 Girls' Round Robin Basketball ; Saturday January 19 Gr. 4-6 Boys' Round Robin Basketball; Monday January 21 MLK, Jr. Holiday; Wednesday January 23 next regular Board meeting at 5:30 p.m., Hoop Classic at 6:00 p.m. at Hanford High West gym; Saturday January 26 Wilson Girls' Roundball Invitational at 9:30 a.m.; Mat Classic No. 17 Monday January 28 at 5:00 in Wilson Gym.

CONSENT ITEMS

Trustee Hill made a motion to take consent items "a" through "f" together. Trustee Revious seconded, motion carried 3-0. Then Trustee Hill made a motion to approve consent items "a" through "f" and Trustee Revious seconded; motion carried 3-0. The items approved are:

- a) Warrant listings dated December 7, 2012; December 14, 2012; and December 21, 2012.
- b) Minutes of the Regular Board Meeting December 12, 2012.
- c) Interdistrict transfers as recommended.
- d) Donation of \$785.00 from Washington PTC to Washington School
- e) Donation of \$3,339 from Simas PTC and \$75.00 from Edison International to Simas School.
- f) Donation classroom library books from Jeanine Hill to Hamilton School.

President Revious thanked and acknowledged Washington PTC, Simas PTC, Edison International, and Jeanine Hill for their donations in support of our schools.

INFORMATION ITEMS

- BP/AR 1312.3** Superintendent Dr. Terry presented for information the following revised Board Policy and Administrative Regulation:
- BP/AR 1312.3 – Uniform Complaint Procedures
- BP/AR 3311** Nancy White, Assistant Superintendent Fiscal Services, presented for information the following revised Board Policy and Administrative Regulation:
- BP/AR 3311 – Bids

BOARD POLICIES AND ADMINISTRATION

- Consultant contract** Trustee Revious made a motion to approve contract with Hazard Management Services, Inc. (HMS, Inc.) to perform the Asbestos Hazard Emergency Response Act (AHERA) three year inspection of District facilities. Trustee Hill seconded; motion carried 3-0.
- Title I Evaluation approved** Trustee Revious made a motion to approve the Hanford Elementary School District 2011-2012 Evaluation of Consolidated Programs/Comprehensive Needs Assessment (Title I Evaluation). Trustee Hill seconded; motion carried 3-0.
- LEAP Addendum Update approved** Trustee Revious made a motion to approve the HESD Local Agency Plan (LEAP) Addendum Update. Trustee Hill seconded; motion carried 3-0.

- 2012-13 School Plans approved** Trustee Revious made a motion to approve the 2012-13 School Plans and School Improvement Plans. Trustee Hill seconded; motion carried 3-0.
- Title I Parent Involvement policy** Trustee Revious made a motion to approve District Title I Parent Involvement Policy (BP6020). Trustee Hill seconded; motion carried 3-0.
- E-Rate Form 470 applications for 2013** Trustee Revious made a motion to approve filing E-Rate For 470 applications for Year 2013. Trustee Hill seconded; motion carried 3-0.
- Consultant Contract** Trustee Hill made a motion to approve consultant contract with Crisis Prevention Institute. Trustee Revious seconded; motion carried 3-0.
- Consultant Contract** Trustee Hill made a motion to approve consultant contract with All About Learning to present three 60-minute sessions about renewable energy for Lincoln students. Trustee Revious seconded; motion carried 3-0.

PERSONNEL

Trustee Hill made a motion to take Personnel items "a" through "c" collectively. Trustee Revious seconded; motion carried 3-0. Then Trustee Hill made a motion to approve Personnel items "a" through "c". Trustee Revious seconded; the motion carried 3-0. The following items were approved:

Item "a" – Employment

Confidential

- Veronica Trujillo, Personnel Specialist, Benefits – 8.0 hrs., Human Resources
- Temporary Employees/Substitutes/Yard Supervisors
- Sandra Acevedo, Short-term Educational Tutor K-6 – 1.0 hrs., (M,T,Th,F), Richmond, effective 11/29/12 to 2/1/13
- Rosarita Alvarez, Substitute Alternative Education Program Aide, Special Circumstance Aide, Special Education Aide and Yard Supervisor, effective 12/7/12
- Melissa Braley, Substitute Yard Supervisor, effective 12/12/12
- Yessenia Chacon, Substitute Food Service Worker I/II, Translator: Oral Interpreter, effective 12/12/12
- Cruz Chavez, Short-term Educational Tutor K-6 – 1.0 hr., (M,T,Th,Fr), Richmond, effective 12/10/12 to 2/1/13
- Donna Duran, Short-term Yard Supervisor – 1.75 hrs., Washington, effective 1/7/13 to 3/22/13
- Rosemarie Rodriguez, Yard Supervisor – 2.0 hrs., Washington, effective 1/7/13
- Sherman Royal, Short-term Yard Supervisor – 1.0 hr., Washington, effective 1/7/13 to 3/22/13
- Cristina Santos, Short-term Special Education Aide – 5.0 hrs., (M,T,Th,F) and 4.25 hrs., (W), Monroe, effective 1/7/13 to 2/1/13
- Cory Stewart, Short-term Educational tutor K-6 – 1.0 hrs., (M,T,Th,F), Richmond, effective 12/10/12 to 2/1/13

Item "b" – Resignations

- Joshua Camp, Substitute Alternative Education Program Aide, Educational Tutor K-6, Special Circumstance Aide and Special Education Aide, effective 10/26/12
- Trudy Perez, Substitute READY Program Tutor, effective 11/29/12
- Lisa Valenzuela, Substitute READY Program Tutor, effective 10/4/12

Item "c" – Volunteers

<u>Name</u>	<u>School</u>
Teresita Espinoza	King
Sandra Young	Simas

FINANCIAL

Surplus Property Trustee Revious made a motion to declare surplus property. Trustee Hill seconded; motion carried 3-0.

Adjournment There being no further business, Vice President Jay adjourned the meeting at 6:20 p.m.

Respectfully submitted,
Paul J. Terry
Secretary to the Board of Trustees

Approved:

Tim Revious, President

Lupe Hernandez, Clerk

Inters - OUT

No	A/D	Sch Req'd	Home Sch	Date
I-085	A	Richmond	Kingsburg	1/23/13
I-086	A	Richmond	Kingsburg	1/23/13
I-087	A	Hamilton	Lemoore	1/23/13
I-088	A	Lincoln	Lakeside	1/23/13
I-090	D	Wilson	Pioneer	1/23/2013

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Debra Colvard

DATE: 1/8/13

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Donation of \$856.50 from Box Tops for Education to MLK School.

PURPOSE: For instructional materials and classroom supplies

FISCAL IMPACT: Increase in MLK general budget account #
0100-0000-0-1110-1000-430001-022-0000

RECOMMENDATIONS: Accept donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Lee Richmond Elementary

DATE: 1/7/13

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☐ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Accept donation of \$85.67 from Target**PURPOSE:** To be used at the school site for instructional materials and incentives in the classroom.**FISCAL IMPACT:** Allocate donation to Acct. #0100-0000-0-1110-1000-430001-025-0000**RECOMMENDATIONS:** Accept Donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Paul Terry

FROM: Javier Espindola

DATE: January 9, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Donation of \$305.57- from Alexander Hamilton Hornets Parent Teacher Club for Oriental Trading order to replenish student store.

PURPOSE: Accept donation of \$305.57 from Alexander Hamilton Hornets Parent Teacher Club. Please credit to:
Account #: 0100-0000-0-1110-1000-430001-029-0000

FISCAL IMPACT (if any): \$305.57

RECOMMENDATION (if any): Action.

HANFORD ELEMENTARY SCHOOL DISTRICTAGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Anthony Carrillo

DATE: January 11, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Donation of \$2,292.46

PURPOSE: Accept donation of \$2,292.46 from Roosevelt Parent Teacher Club to be used for educational study trips.

FISCAL IMPACT (if any): \$2,292.46

Please credit to account #: 0100-0000-0-1110-1000-571020-026-0000

RECOMMENDATION (if any): Approve request to accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Anthony Carrillo

DATE: January 11, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Approve donation of \$2500 from Roosevelt Parent Teacher Club to Roosevelt School.

PURPOSE: To purchase End of Year Awards for students at Roosevelt School.

FISCAL IMPACT (if any): \$2500.00
Credit to Account Code: 0100-0000-0-1110-1000-430001-026-0000

RECOMMENDATION (if any): Approve request to accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICTAGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Anthony Carrillo

DATE: January 11, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Donation of proceeds from Paramount Citrus Association and Roll Giving to Roosevelt School.

PURPOSE: Accept donation to be used for educational study trips.

FISCAL IMPACT (if any): \$300.00

Credit to Account Code: 0100-0000-0-1110-1000-571020-026-0000

RECOMMENDATION (if any): Approve request to accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Anthony Carrillo

DATE: January 11, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Donation of proceeds from Box Tops for Education to Roosevelt School.

PURPOSE: To purchase incentives for students at Roosevelt School.

FISCAL IMPACT (if any): \$245.48

Credit to Account Code: 0100-0000-0-1110-1000-430001-026-0000

RECOMMENDATION (if any): Approve request to accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICTAGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Anthony Carrillo

DATE: January 14, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Donation of \$700.00

PURPOSE: Accept donation of \$700 from Scholarship America, Target Field Trip Grants Program, to be used for educational study trips for Kindergarten.

FISCAL IMPACT (if any): \$700.00

Please credit to account #: 0100-0000-0-1110-1000-571020-026-0000

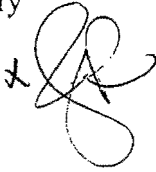
RECOMMENDATION (if any): Approve request to accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Jill Rubalcava



DATE: 12/14/12

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 1/23/13

ITEM: Donation of \$3,929.00 from Washington PTC to Washington School

PURPOSE: Teacher's Washington Jog-a-thon earnings

FISCAL IMPACT: 0100-0000-0-1110-1000-430001--028-0000

RECOMMENDATIONS: Accept Donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Jill Rubalcava 

DATE: 1/11/13

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 1/23/13

ITEM: Donation of \$372.48 from Washington PTC to Washington School**PURPOSE:** Color Laser Printer for office use**FISCAL IMPACT:** 0100-0000-0-0000-2700-430006-028-0000**RECOMMENDATIONS:** Accept Donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: January 14, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Quarterly report (10/1/12 – 12/31/12) regarding Williams Uniform Complaints. The types of complaints covered in the Williams Uniform Complaint Procedures are:

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

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

For the second quarter of the 2012-13 school year there were no Williams Uniform Complaints filed.

FISCAL IMPACT: None.

Valenzuela/CAHSEE Lawsuit Settlement
Quarterly Report on Williams Uniform Complaints
 [Education Code § 35186(d)]

District: HANFORD ELEMENTARY

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

Quarterly Report Submission Month/Quarter:
 (check one)

<input type="checkbox"/>	October	1st Quarter
<input checked="" type="checkbox"/>	January	2 nd Quarter
<input type="checkbox"/>	April	3 rd Quarter
<input type="checkbox"/>	July	4 th Quarter

Quarterly Report Submission Year: 2012-13

Date for information to be reported publicly at governing board meeting: January 23, 2013

Please check the box that applies:

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

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

Paul J. Terry, Ed.D.
 Superintendent

 Signature

January 15, 2013
 Date

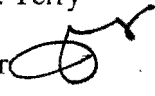
Please submit to:

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

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Joy Gabler 

DATE: January 14, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: January 23, 2013

ITEM: Receive for information the following revised Board Policy and Administrative Regulation:
▪ BP/AR 6142.7 Physical Education and Activity

PURPOSE: The revised Board Policy and Administrative Regulation reflect changes (see underlines and strikeouts) that are necessary to align with current practice and procedure as well as recommendations by CSBA due to state and federal law changes.

FISCAL IMPACT: None

RECOMMENDATIONS: Review for information

Hanford ESD

Board Policy

Physical Education And Activity

BP 6142.7

Instruction

~~The Board of Trustees desires to provide a physical education program which builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self image, physical education activities should teach students how to cooperate in the achievement of common goals.~~

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6145.2 - Athletic Competition)

(cf. 6146.1 - High School Graduation Requirements)

~~The Board shall approve the components of the physical education program.~~

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework. The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

~~Physical education staff shall take special care to ensure that excessive~~ The district's physical exertion is not required of education program shall engage students who have informed staff of a heart or respiratory condition or other in moderate to vigorous physical disability that may restrict such activity. Any dispute concerning such a condition shall be submitted to the , as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent/Principal or designee, who may make appropriate inquiries consistent shall

develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Students with state and federal law. An appropriate alternative activity disabilities shall be provided for these students instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)

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

Physical education staff shall appropriately limit the amount or type of physical exercise required of students during air pollution episodes, extreme weather, or other inclement conditions as explained below: physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

Air Pollution: Follow the chart below

Index Values	Air Quality Description	Health Cautionary Statement
0 – 50	Good	No limitations
51 – 100	Moderate	Extremely sensitive children and adults, especially with respiratory diseases such as asthma, should consider limiting outdoor exertion.
101 – 150	Unhealthy for Sensitive Groups	Sensitive children, adults and especially those with respiratory diseases such as asthma, should limit prolonged outdoor exertion.
151 – 200	Unhealthy	Sensitive children and adults should avoid outdoor exertion and everyone else should limit prolonged outdoor exertion during peak ozone periods.
201 – 300	Very Unhealthy	Sensitive children and adults should avoid outdoor activities and remain indoors. Everyone else should avoid outdoor exertion.
Over 300	Hazardous	Everyone, especially children, should avoid outdoor activities and remain indoors.

* Inclement Conditions: Rain, Lightning, excessive wind or wind chill

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4222 - Teacher Aides/Paraprofessionals)

Physical Fitness Testing

The Superintendent or designee may exemptshall annually administer the physical fitness test designated by the State Board of Education to students in grades 5 and 7. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The Superintendent or designee may grant a temporary exemption from physical education when they are participating in interscholastic athletic programs which entail comparable amounts of timeunder either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
2. The student is enrolled for one-half time or less.

Legal Reference:

EDUCATION CODE

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test

3051.5 Adapted physical education for individuals with exceptional needs

10060 Criteria for high school physical education programprograms

UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 230 (1970)

Management Resources:

CSBA PUBLICATIONS

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Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2003

CDE PROGRAM ADVISORIES

0418.89 Physical Education, rev. April 18, 1989 2006

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Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

CDHS U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Jump Start Teens, 1997

Playing the Policy Game, 1999

School Idea and Resource Mini-Kit, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

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

CDE, Nutrition Services Division/SHAPE-California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/nseta/tg/pf>

CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/she/she.htm>

~~California Project LEAN (Leaders Encouraging Activity and Nutrition):~~

~~<http://www.californiaprojectlean.org>~~

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

~~National School Boards Association:~~ California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.schoolhealth@nsbcaliforniaprojectlean.org>

~~National Association of State Boards of Education (NASBE):~~ <http://www.boards@nasbe.org>

~~Centers for Disease Control and Prevention (CDC):~~ <http://www.cdc.gov>

Educational Data System, California physical fitness:

<http://www.ede.gov/edata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

The California Endowment: <http://www.calendow.org>

U.S. Department of Health and Human Services: <http://www.health.gov>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: May 16, 2001 Hanford, California

revised: November 19, 2003

revised: February 13, 2013

Hanford ESD

Administrative Regulation

Physical Education And Activity

AR 6142.7

Instruction

Definitions

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetimes, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Elementary Districts with any of Grades 1-8

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days. (Education Code 51210, 51223)

Physical Fitness Testing

During each ~~March, April or~~ the annual assessment window between the months of February through May, students in grades 5 and 7 shall ~~undergo~~ be administered the physical performance ~~testing~~ fitness test designated by the State Board of Education. (Education Code 60800; 5 CCR 1041)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Students ~~with~~ shall be provided with their individual results after completing the physical performance testing. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(cf. 5125 - Student Records)

Testing Variations

All students may be administered the state's physical fitness test with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (-Education Code 60800; 5 CCR 1047)

Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT

approved: May 16, 2001 — Hanford, California
Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

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

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner

2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Encouraging teachers to incorporate physical activity into the classroom

2. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)


3. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

(cf. 5148 - Child Care and Development Program)

(cf. 5148.2 - Before/After School Program)

Regulation	HANFORD ELEMENTARY SCHOOL DISTRICT
approved:	May 16, 2001 Hanford, California
revised:	February 13, 2013

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Diane Williams 
DATE: January 14, 2013
FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☒ Information
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **January 23, 2013**

ITEM: Receive the following new Board Policy and Exhibit regarding Employee Notifications for information.

PURPOSE: The current Administrative Regulation titled Employee Notifications is being replaced by a new Board Policy and corresponding Exhibit. This Board Policy and Exhibit are being recommended by CSBA to align our current practices and procedures to State and federal law mandates and Education Code requirements of required notifications to employees.

- AR 4112.9 Employee Notifications (delete)
- BP 4112.9 Employee Notifications (new)
- E 4112.9 Employee Notifications (new)

FISCAL IMPACT: None.

RECOMMENDATION: Consider for adoption at next regular board meeting.

NEW BOARD POLICY

All Personnel

BP 4112.9(a)

4212.9

EMPLOYEE NOTIFICATIONS

4312.9

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications he/she believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board Policy, or Administrative Regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

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

*Legal Reference:**EDUCATION CODE*

231.5 Sexual harassment policy

17612 Notification of pesticide use

22455.5 STRS information to potential members

22461 Postretirement compensation limitation

35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services

35171 Notice of regulations pertaining to certificated employee evaluations

37616 Notice of public hearing on year-round schedule

44031 Personnel file contents, inspection

44663-44664 Evaluation of certificated employees

44842 Reemployment notices, certificated employees

44896 Transfer of administrator or supervisor to teaching position

44916 Written statement of employment status

44929.21 Reelection or nonreelection of probationary employee after second year

44934 Notice of disciplinary action for cause

44938 Notice of unprofessional conduct and opportunity to correct

44940.5-44941 Notification of suspension and intent to dismiss

44948.3-44948.5 Dismissal of probationary employees

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified, administrative or supervisory personnel

44954 Nonreelection of temporary employees

44955 Reduction in number of employees

45113 Notification of charges, classified employees

45117 Notice of layoff, classified employees

45169 Employee salary data, classified employees

45192 Industrial and accident leave

45195 Additional leave

46162 Notice of public hearing on block schedule

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

*Legal Reference: (continued)***GOVERNMENT CODE***1126 Incompatible activities of employees**3100-3109 Oath or affirmation of allegiance**8355 Certification of drug-free workplace, including notification**12950 Sexual harassment**54957 Complaints against employees; right to open session**54963 Unauthorized disclosure of confidential information***HEALTH AND SAFETY CODE***104420 Tobacco-free schools**120875 Information on AIDS, AIDS-related conditions, and hepatitis B**120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B***LABOR CODE***2800.2 Notification of availability of continuation health coverage**3550-3553 Notifications re: workers' compensation benefits**5401 Workers' compensation; claim form and notice of potential eligibility***PENAL CODE***11165.7 Child Abuse and Neglect Reporting Act; notification requirement**11166.5 Employment; statement of knowledge of duty to report child abuse or neglect***UNEMPLOYMENT INSURANCE CODE***2613 Disability insurance; notice of rights and benefits***CODE OF REGULATIONS, TITLE 2***7288.0 Sexual harassment training, provision of district policy***CODE OF REGULATIONS, TITLE 5***4622 Uniform complaint procedures**80303 Reports of change in employment status, alleged misconduct***CODE OF REGULATIONS, TITLE 8***3204 Employees exposed to bloodborne pathogens, access to exposure and medical records**5193 California bloodborne pathogens standard***UNITED STATES CODE, TITLE 38***4344 Uniformed Services Employment and Reemployment Rights Act, notice requirement***UNITED STATES CODE, TITLE 41***8101-8106 Drug-Free Workplace Act***CODE OF FEDERAL REGULATIONS, TITLE 29***825.300 Family and Medical Leave Act; notice requirement***CODE OF FEDERAL REGULATIONS, TITLE 34***104.8 Nondiscrimination**106.9 Dissemination of policy, nondiscrimination on basis of sex***CODE OF FEDERAL REGULATIONS, TITLE 40***763.84 Asbestos inspections, response actions and post-response actions**763.93 Asbestos management plans***CODE OF FEDERAL REGULATIONS, TITLE 49***382.601 Controlled substance and alcohol use and testing notifications*

Policy
 adopted: _____, 2012

HANFORD ELEMENTARY SCHOOL DISTRICT
 Hanford, California

NEW EXHIBIT**All Personnel**

E 4112.9 (a)

4212.9

4312.9

EMPLOYEE NOTIFICATIONS

The following Exhibit lists notices which the law requires be provided to employees.

I. To All Employees

1. BP/AR 4119.11/4219.11/4319.11
The district's policy on sexual harassment, legal remedies, complaints
2. AR 3514.2
Use of pesticide product, active ingredients, Internet address to access information
Annually to all employees
3. BP 4136/4236/4336
Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
4. BP/AR 4112.3/4212.3/4312.3
Oath or affirmation of allegiance required of public employees
Prior to beginning employment
5. BP 4020
District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs
6. BP/AR 3513.3
District's tobacco-free schools policy and enforcement procedures
7. AR 4119.43/4219.43/4319.43
Bloodborne Pathogens – AIDS and hepatitis B, methods to prevent exposure
Annually to all employees
8. BP/AR 4154/4254/4354
Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To covered employees and former employees
9. BP/AR 4157.1/4257.1/4357.1
Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Upon employment or by end of first pay period

E 4112.9 b)
 4212.9
 4312.9

EMPLOYEE NOTIFICATIONS (continued)

10. BP/AR 5141.4
 Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights,
 copy of law
 Prior to beginning employment
11. AR 4154/4254/4354
 Disability insurance rights and benefits
 Upon employment, and when employee goes on leave for specified reasons
12. BP/AR 1312.3
 Uniform complaint procedures, available appeals, civil law remedies, identity of
 coordinator
 Annually to all employees
13. BP/AR 4161.8/4261.8/4361.8
 Benefits through Family and Medical Leave Act
 To all employees via employee handbook, or to each new employee
14. BP 0410, BP 4030
 District's policy on nondiscrimination and related complaint procedures
 To all employees and job applicants
15. BP/AR 3514
 Availability of asbestos management plan; any inspections, response actions or post-
 response actions planned or in progress
 Annually to all employees

II. To Certificated Employees

1. BP/AR 4121
 Criteria for membership in retirement system; right to elect membership at any time
 To eligible certificated employees in a timely manner, and to part-time and substitute
 certificated employees within 30 days of hire
2. AR 4117.14/4317.14
 Postretirement compensation limitation
 Upon employment of a retired certificated individual
3. BP/AR 4115, BP 4315
 District regulations related to performance evaluations

E 4112.9 (c)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

4. BP/AR 4115
Copy of employee's evaluation
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
5. BP/AR 4115
Notice and description of the unsatisfactory performance
To a certificated employee with unsatisfactory evaluation
6. AR 4112.1
Request to notify district of intent to remain in service for the following school year; copy of law
By May 30
7. AR 4112.1, BP/AR 4121
Employment status and salary
To certificated employees upon employment
8. AR 4117.6
Whether or not employee is reelected for next school year
To probationary employees by March 15 of employee's second consecutive year of employment
9. AR 4117.4, BP/AR 4118
Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
When certificated employee is subject to disciplinary action for cause
10. BP/AR 4118
Notice of deficiency and opportunity to correct
To certificated employee charged with unprofessional conduct
11. BP/AR 4118
Notice of intent to dismiss 30 days from notice
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
12. AR 4117.4
Reasons for dismissal and opportunity to appeal
To probationary employees 30 days prior to dismissal, or not later than March 15 for second- year probationary employees

E 4112.9 (d)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

13. BP/AR 4117.3
Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
By March 15 when necessary to reduce certificated personnel, with final notice by May 15
14. BP/AR 4121
District's decision not to reelect employee for following school year
On or before June 30, to temporary employee who served 75 percent of school year but will be released
15. BP/AR 4158/4258/4358
Student has committed specified act that constitutes ground for suspension or expulsion
To teacher, when student engages in or is reasonably suspected of specified acts
16. BP 4119.21
Contents of state regulation re: report to Commission on Teacher Credentialing
To certificated employee upon change in employment status due to alleged misconduct

III. To Classified Employees

1. BP/AR 4218
Notice of charges, procedures, and employee rights
When classified employee is subject to disciplinary action for cause, in nonmerit district
2. AR 4217.3
Notice of layoff and reemployment rights
To classified employees, at least 60 days prior to layoff, or by April 29 if specially funded program is expiring
3. BP 4212
Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified employees upon employment and upon each change in classification
4. AR 4261.1, BP/AR 4261.11
Exhaustion of leave, opportunity to request additional leave
To classified permanent employee whose leave is exhausted
6. BP/BP 4112.42/4212.42/4312.42
Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to district drug testing program and thereafter upon employment

E 4112.9 (e)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

IV. To Administrative/Supervisory Personnel

1. AR 4312.1
Decision not to reelect or reemploy upon expiration of contract or term
To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract
2. BP 4313.2
Statement of the reasons for the release or reassignment
Upon request by administrative or supervisory employee transferred to teaching position
3. BP 4313.2
Notice that employee may be released or reassigned the following school year
By March 15 to employee who may be released/reassigned the following school year

V. To Individual Employees Under Special Circumstances

1. AR 4112.6/4212.6/4312.6
Notice of derogatory information, opportunity to review and comment
Prior to placing derogatory information in personnel file
2. BB 9321
Employee's right to have complaints/charges heard in open session
24 hours before Board meets in closed session to hear complaints or charges against employee
3. BP 4119.23/4219.23/4319.23
Law prohibiting disclosure of confidential information obtained in closed session
Notice or training to employee with access to confidential information
4. BP/AR 4157.1/4257.1/4357.1
Potential eligibility for workers' compensation benefits, claim form
Within one working day of work-related injury or victimization of crime at workplace
5. BP/AR 4119.42/4219.42/4319.42
The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee with exposure to bloodborne pathogens, upon initial employment and at least annually thereafter

E 4112.9 (f)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

6. AR 4161.5/4261.5/4361.5
Notice of rights, benefits, and obligations under military leave
To employee eligible for military leave

7. BP/AR 4161.8/4261.8/4361.8
Whether or not employee is eligible for FMLA leave, rights and obligations; consequences
of failure to meet obligations
Within five days of employee's request for family care and medical leave

Exhibit
adopted: _____, 2013

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

DELETE ADMINISTRATIVE REGULATION**All Personnel**

AR 4112.9(a)

4212.9

4312.9

EMPLOYEE NOTIFICATIONS

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse

(cf. 5141.4 - Child Abuse Reporting Procedures)

2. Oath or affirmation of allegiance required of public employees

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

3. Hepatitis B vaccine declination

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

4. The district's school bus driver drug and alcohol testing policy, regulations and related information

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

5. Notice of release from position requiring an administrative or supervisory credential

(cf. 4313.2 - Promotion/Demotion/Reassignment)

6. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek

(cf. 4212 - Appointment and Conditions of Employment)

7. Information about certificated employee membership in the State Teachers' Retirement System

Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace

(cf. 4020 - Drug and Alcohol-Free Workplace)

2. The district's nonsmoking policy

(cf. 3513.3 - Tobacco-Free Schools)

AR 4112.9(b)

4212.9

4312.9

EMPLOYEE NOTIFICATIONS (continued)

3. Prohibition of sexual harassment

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

4. The certificated employee's employment status and salary

(cf. 4112.1 - Contracts)

5. State disability insurance rights and benefits

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

6. Certificated employee evaluations

*(cf. 4115 - Evaluation/Supervision)**(cf. 4315 - Evaluation/Supervision)*

7. Requirements and information pertinent to emergency teaching or specialist permit applicants

(cf. 4112.2 - Certification)

8. Notice of layoff

*(cf. 4117.3 - Personnel Reduction)**(cf. 4217.3 - Layoff/Rehire)**(cf. 4317.3 - Personnel Reduction)*

9. Derogatory information to be placed in personnel file

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

10. Exhaustion of classified employee's paid leave

*(cf. 4261.1 - Personal Illness/Injury Leave)**(cf. 4261.11 - Industrial Accident/Illness Leave)*

11. Notice of charges related to disciplinary action

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

12. Notice of intention to dismiss

EMPLOYEE NOTIFICATIONS (continued)*(cf. 4118 - Suspension/Disciplinary Action)**(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

13. Students whose actions could constitute grounds for suspension or expulsion, except for possession or use of tobacco

*(cf. 4158/4258/4358 - Employee Security)**Legal Reference:*EDUCATION CODE

231.5 Sexual harassment policy

22455.5 STRS information to potential members

22515 Irrevocable election to join STRS

44031 Personnel file contents, inspection

44663 Evaluation and assessment; copy to certificated employee

44916 Written statement of employment status

44940.5-44941 Notification of suspension and intent to dismiss

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified

44955 Reduction in number of employees

45113 Notification of charges

45117 Notice of layoff

45169 Employee salary data

45192 Industrial and accident leave

45195 Additional leave

49079 Notification to teacher

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation

approved: November 7, 2001

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: January 14, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: January 23, 2013

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

- BP/AR 1312.3 – Uniform Complaint Procedures (revised)

PURPOSE: The revised Board Policy and Administrative Regulation reflect changes (see underlines and strikeouts) that are necessary to align with current practice and procedure as well as recommendations by CSBA due to state and federal law changes.

FISCAL IMPACT: None

RECOMMENDATION: Approve.

Hanford ESD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

~~The Governing Board of Trustees recognizes that the district is primarily responsible for~~
~~complying with district's responsibility to comply with applicable state and federal laws and~~
~~regulations governing educational programs.- The district shall investigate any complaints~~
~~alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment,~~
~~intimidation, and bullying against any protected group as identified under Education code section~~
~~200 and 220 and Government Code section 11135 and shall seek to resolve those complaints in~~
~~accordance with the district's uniform complaint procedures.-(5 CCR 4620)~~

~~The district shall follow use the uniform complaint procedures when addressing complaints to~~
~~resolve any complaint alleging unlawful discrimination, harassment, intimidation, and bullying~~
~~against any protected group as identified under Education Code 200 and 220 and Government~~
~~Code 11135, including in district programs and activities based on actual or perceived race, color,~~
~~ancestry, national origin, ethnic group identification, age, religion, marital or parental status,~~
~~physical or mental disability, sex, sexual orientation, gender, ethnic group identification, race,~~
~~ancestry, national origin, religion, color, or mental or physical disability, gender identity or~~
~~age expression, or on the basis of a person's genetic information; 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 in any district program or activity that receives or benefits from state~~
~~financial assistance.~~

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

~~(cf. 4031 - Complaints Concerning Discrimination in Employment)~~

~~Uniform complaint procedures shall also be used when addressing complaints to address any~~
~~complaint alleging the district's failure to comply with state and/or federal law laws in adult-~~
~~education programs, consolidated categorical aid programs, migrant education, career technical~~
~~and technical education and career technical and technical training programs, -child care and~~
~~development programs, child nutrition programs, and special education programs, and the~~
~~development and adoption of the school safety plan.~~

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

~~(cf. 0420.1 - School Based Coordinated Program 0450 - Comprehensive Safety Plan)~~

~~(cf. 1312.1 - Complaints Concerning District Employees)~~

~~(cf. 1312.2 - Complaints Concerning Instructional Materials)~~

~~(cf. 1312.4 - Williams Uniform Complaint Procedures 3553 - Free and Reduced Price Meals)~~

~~(cf. 4031 - Complaints Concerning Discrimination in Employment)~~

~~(cf. 6159 - Individualized Education 3555 - Nutrition Program Compliance)~~

~~(cf. 0420.2 - School Improvement Program)~~
~~(cf. 0430 - Comprehensive Local Plan for Special Education)~~
~~(cf. 3553 - Free~~(cf. 5141.4 - Child Abuse Prevention and Reduced Price Meals Reporting)
~~(cf. 5148 - Child Care and Development)~~
~~(cf. 6159 - Individualized Education Program)~~
~~(cf. 6171 - Title I Programs)~~
~~(cf. 6174 - Education for English Language Learners)~~
~~(cf. 6175 - Migrant Education Program)~~
~~(cf. 6178 - Vocational Career Technical Education)~~
~~(cf. 5141.4 - Child Abuse Reporting Procedures)~~

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedures. (AR 1312.4)

~~(cf. 6178.1 - Work-Based Learning)~~
~~(cf. 6178.2 - Regional Occupational Center/Program)~~
~~(cf. 6200 - Adult Education)~~

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

~~The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.~~

~~4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)~~
~~(cf. 5125 - Pupil Records)~~
~~(cf. 9011 - Disclosure of Confidential/Privileged Information)~~

~~The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to the filing of a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.~~

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving ~~their~~the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results

are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

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

(cf. 5125 - Student Records)

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

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 6162.52 - High School Exit Examination)

(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint ~~procedure~~ procedures

35186 Williams uniform complaint ~~procedure~~ procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513_ Categorical education block grants

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career-technical education

52500-52616.24 Adult schools

52800-52870 School-based ~~coordinated programs~~ program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

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

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: May 16, 2001 Hanford, California

revised: October 2, 2002

revised: February 9, 2005

revised: April 5, 2006

revised: January 23, 2013

Hanford ESD

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3
Community Relations

Compliance Officers

The Board of Trustees designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Superintendent
P.O. Box 1067
Hanford, CA 93230
(559) 585-2201

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

~~The Superintendent or designee shall make available copies~~(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

***Note: During the FPM process, CDE staff will check the notice to ensure that it contains a summary of the district's uniform complaint procedures free of charge. (5 CCR 4622) as specified in items #1-4 below. ***

The notice shall:

1. Identify the person(s), ~~positions~~position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies

4. Include statements that:

a. The district is primarily responsible for compliance with state and federal laws and regulations.

b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination.

d. The complainant has a right to appeal the district's decision to the District governing board and/or the CDE by filing a written appeal within 15 days of receiving the district's decision.

e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

~~(cf. 5145.6—Parental Notifications)~~

f. Copies of the district's uniform complaint procedures are available free of charge and in the primary language pursuant to section 48985 of the Education Code.

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs or the complainant has been subject to unlawful discrimination, harassment, intimidation, or bullying.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the district's alleged noncompliance by the district with federal or state laws or regulations governing educational programs. (5 CCR 4630)

~~A complaint alleging unlawful discrimination~~ A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. ~~A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.~~ (5CCR However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (5 CCR 4630)

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

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy or other disabilities, district staff shall help assist him/her to file in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with all the complainant parties the possibility of using mediation. If the ~~complainant agrees~~ parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

~~Within 10 days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting, the compliance officer shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.~~

~~The complainant and/or his/her representative and the district's representatives shall have an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. (5 CCR 4631)~~ The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, ~~or his/her failure or refusal to cooperate in the investigation, or his/her engagement in any other obstruction of the investigation,~~ may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

~~The district's refusal to~~ In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision ~~is~~ shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's ~~initially receiving~~ initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

~~The district's decision shall be written in English and in the language of the complainant whenever feasible or, when required by law~~ Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered ~~(5 CCR 4631)~~
 2. The conclusion(s) of law ~~(5 CCR 4631)~~
 3. Disposition of the complaint ~~(5 CCR 4631)~~
 4. Rationale for such disposition ~~(5 CCR 4631)~~
 5. Corrective actions, if any are warranted ~~(5 CCR 4631)~~
 6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal ~~(5 CCR 4631)~~
 7. ~~For~~ In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint, complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)
- If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the ~~California Department of Education~~ CDE within 15 days of receiving the district's decision.- When appealing to the CDE, the ~~complaint must~~ complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied.- The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. ~~-A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision-~~
4. A copy of the investigation file, including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint

6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in ~~the~~ a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. -Complainants may seek assistance from mediation centers or public/private interest attorneys.- Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For discrimination complaints, ~~however based on state law~~, a complainant ~~must~~ shall wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. ~~The moratorium does not apply to injunctive relief and is applicable only if, provided~~ the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

Regulation HANFORD ELEMENTARY SCHOOL DISTRICT
 approved: March 16, 1998 Hanford, California
 revised: May 16, 2001
 revised: April 5, 2006
revised: January 23, 2013

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: January 14, 2013

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

FOR: () Information
(X) Action

Date you wish to have your item considered: January 23, 2013

ITEM:

Consider approval of revised Board Policy and Administrative Regulation:
BP/AR 3311 - Bids

PURPOSE:

This Board Policy and Administrative Regulation reflect changes that are necessary to align with current practices and procedures as well as recommendation by CSBA due to Education and Public Contract Code changes.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve revised Board Policy and Administrative Regulation: BP/AR 3311 - Bids

Business and Noninstructional Operations

BP 3311(a)

BIDS

In order to ensure transparency and the prudent expenditure of public funds, the Governing Board shall award contracts in an objective manner and in accordance with law. District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the district to do so.

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

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

(cf. 9270 - Conflict of Interest)

Legal Reference: (see next page)

BIDS (continued)*Legal Reference:*EDUCATION CODE*17595 Purchases through Department of General Services**38083 Purchase of perishable foodstuffs and seasonable commodities**38110-38120 Apparatus and supplies**39802 Transportation services*GOVERNMENT CODE*4330-4334 Preference for California-made materials**6252 Definition of public record**53060 Special services and advice**54201-54205 Purchase of supplies and equipment by local agencies*PUBLIC CONTRACT CODE*1102 Emergencies**2001-2001 Responsive bidders**3002 Roofing projects**3400 Bids, specifications by brand or trade name not permitted**3410 United States produce and processed foods**6610 Bid visits**12200 Definitions, recycled goods, materials and supplies**20103.8 Award of contracts**20107 Bidder's security**20111-20118.4 Contracting by school districts**20189 Bidder's security, earthquake relief**22002 Definition of public project**22030-22045 Alternative procedures for public projects (UPCCAA)**22050 Alternative emergency procedures**22152 Recycled product procurement*COURT DECISIONS*Marshall v. Pasadena USD, (2004) 119 Cal.App.4th 1241**Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449**City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861*ATTORNEY GENERAL OPINIONS*89 Ops. Cal. Atty. Gen. 1 (2006)**Management Resources:*WEB SITES*CSBA: <http://www.csba.org>**California Association of School Business Officials: <http://www.casbo.org>*

Policy

adopted: May 16, 2001

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

Business and Noninstructional Operations

BP 3311(a)

BIDS

The district shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In addition, formal bids may be required whenever it appears to be in the best interest of the district.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

To assist the district in determining whether bidders are responsible, the Board of Trustees may require prequalification procedures as allowed by law and specified in administrative regulation. A copy of any applicable administrative regulations shall be provided to bidders with all bid specifications.

(cf. 9270 - Conflict of Interest)

Legal Reference: (see next page)

BIDS (continued)*Legal Reference:*EDUCATION CODE

17595 Purchases through Department of General Services
38083 Purchase of perishable foodstuffs and seasonable commodities
38110 Purchase of supplies through county superintendent
38111 Purchases by district Board of Trustees
38112 Purchases of necessary supplies
39801.5 Transportation bids and contracts for services

GOVERNMENT CODE

4330-4334 Preference of California-made materials
6252 Definitions for California Public Records Act
53060 Special services and advice

PUBLIC CONTRACT CODE

2000-2001 Responsive bidders
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
12200 Definitions, recycled goods, materials and supplies
20107 Bidder's security
20111-20118.4 School districts especially:
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20189 Bidder's security, earthquake relief
22002 Definition of public project
22030-22045 Alternative procedures for public projects (UPCCAA), especially:
22032 Dollar amount limits for public projects
22050 Alternative emergency procedures

COURT DECISIONS

Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops. Cal. Atty. Gen. 1 (2006)

Business and Noninstructional Operations

AR 3311(a)

BIDS**Advertised/Competitive Bids**

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. Public project means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

The district shall also seek competitive bids through advertisement for contracts exceeding the amount specified in law, and as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Government Code 53060; Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs, including maintenance that is not a public project

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting, or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned

BIDS (continued)

transit system, or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Board of Trustees shall approve the advertisement of bids. The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
(cf. 3510 - Green School Operations)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district

AR 3311(c)

BIDS (continued)

- d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

BIDS (continued)

8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.
9. The results of the bid shall be presented to the Board. The Board shall approve the award of a bid.

(cf. 1340 - Access to District Records)

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. The Board shall approve the competitive negotiation and request for proposal process and approve the advertisement of the RFP.
3. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals. The Superintendent or designee also may post the notice on the district's website or through an electronic portal.
4. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
5. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
6. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.

AR 3311(e)

BIDS (continued)

7. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
8. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award.
9. The Board, at its discretion, may reject all proposals and request new RFPs.
10. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize by contract, lease, requisition, or purchase order, another public corporation or agency to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

BIDS (continued)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 20113)

(cf. 3517 - Facilities Inspection)
(cf. 9323.2 - Actions by the Board)

Bids shall also not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall not draft the bid specification in a manner that, either directly or indirectly, limits bidding to any one specific concern or calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification designating the specific material, product, thing, or particular brand name is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In such cases, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract. (Public Contract Code 3400)

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to the one designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific concern, material, product, thing, or service by brand or trade name (sole sourcing), if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion

AR 3311(g)

BIDS (continued)

3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is inconsistent with Board policy, the bid's specifications, or is not in compliance with law. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

BIDS (continued)

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the protest. The Board's decision shall be final.

Regulation
approved: October 2, 2002
revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

Business and Noninstructional Operations

AR 3311(a)

BIDS**Advertised Bids**

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. (Public Contract Code 20111)

Public project includes construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a district owned, leased or operated facility. (Public Contract Code 22002)

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding \$69,000 for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the district
2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
3. Repairs, including maintenance that is not a public project

Maintenance means routine, recurring and usual work for preserving, protecting and keeping a district facility operating in a safe, efficient and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing and other craft work designed to preserve the facility as well as repairs, cleaning and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires; or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

BIDS (continued)

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the district or if no such paper exists then in some newspaper of general circulation, circulated in the county, at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory prebid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the postconsumer and secondary waste content. (Public Contract Code 12169, 12213)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

AR 3311(c)

BIDS (continued)

The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
4. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
5. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, depending on the availability of funds, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a, below, will be used: (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.
 - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.
6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

BIDS (continued)**Bids Not Required**

Upon a determination that it is in the best interest of the district, the Board may authorize the purchase, lease or contract for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)

(cf. 3310 - Purchasing Procedures)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable commodities such as foodstuffs may be purchased through bid or on the open market, depending on district preference. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

In an emergency when any repairs, alterations, work or improvement to any school facility is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the Board, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

(cf. 9323.2 - Actions by the Board)

Bids shall also not be required for day labor under circumstances specified in law. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Whenever the total number of hours on the job does not exceed 350 hours, day labor may be used to erect new buildings and for the following purposes: (Public Contract Code 20114)

1. School building repairs, alterations, additions
2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

AR 3311(e)

BIDS (continued)**Sole Sourcing**

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality or utility and follow the description with the words "or equal." (Public Contract Code 3400)

Specifications for contracts may designate a product by brand or trade name (sole sourcing) when one or more of the following conditions apply: (Public Contract Code 3400)

1. The product is designated to match others in use on a particular public improvement that has been completed or is in the course of completion.
2. One product has a unique application required to be used in the public interest.
3. Only one brand or trade name is known.
4. Upon resolution of the Board, the Board makes a finding that the item sought is the subject of a field test to determine its suitability for future use.

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

BIDS (continued)

The district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy or the bid's specifications or was not in compliance with law.

A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to timely file a protest shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 days. The Superintendent or designee also may convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for

Board consideration of the contract award. The Board's decision shall be final.

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Diane Williams
DATE: January 14, 2013
RE: (X) Board Meeting
 () Superintendent's Cabinet
 () Information
 (X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **January 23, 2013**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Certificated Short-term Employment

- Loriann Riley, Substitute School Psychologist, Special Services, effective 2/19/13 to 4/25/13

Temporary Employees/Substitutes/Yard Supervisors

- Monica Gamez, Substitute Translator: Oral Interpreter and Written Translator and Yard Supervisor, effective 1/7/13
- Jose Picazo, Substitute Custodian I, effective 1/9/13
- Taylor Scaife, Short-term READY Program Tutor – 4.5 hrs., (T, Th) Lincoln, effective 1/22/13 to 6/6/13
- Ashley Urbano, Substitute READY Program Tutor, Translator: Oral Interpreter and Written Translator, effective 1/22/13; Short-term READY Program Tutor – 4.5 hrs., (M, W, F), Lincoln, effective 1/23/13 to 6/7/13

b. Resignations

- Susan Haynes, Teacher, Richmond, effective 6/7/13
- Brandy Torres, Substitute Yard Supervisor, effective 12/14/12
- Ashley Urbano, READY Program Tutor – 4.5 hrs., Lincoln, effective 1/18/13
- Maykia Vang, Teacher, King, effective 4/9/13

c. Reclassification

- Sheila Kurtz, from Administrative Secretary I (Range 14) to Administrative Secretary II (Range 15), READY and Office of Special Services, effective 8/1/12 (first day on contract for 2012-13 school year).

d. Volunteers

<u>Name</u>	<u>School</u>
Maria Meza	Jefferson
Monica Gamez	Hamilton
Tabitha Hernandez	Hamilton
Lucia Sanchez	King
Susana Cervantes	Roosevelt
Rosa Loza	Simas
Sylvia Spiller-Martinez	Simas

RECOMMENDATION: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: January 11, 2013

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

FOR: () Information
(X) Action

Date you wish to have your item considered: January 23, 2013

ITEM:

Consider approval of Resolution #9-13: Approving the Kings County Director of Finance's Statement of Investment Policy and Delegating Investment Authority to the Kings County Director of Finance.

PURPOSE:

Government Code 53646 requires the chief fiscal officer of each school agency to present to their boards for adoption a policy governing investment of district funds. The law also requires the District to have a quarterly investment report on file.

The attached resolution recommends the adoption of the amended investment policy of the Kings County Department of Finance for funds held in the Kings County Treasury and also includes language that allows for investments in Tax and Revenue Anticipation Notes (TRAN's) as well as Certificates of Participation (COP's).

The investment policy of the Kings County Department of Finance was developed through an oversight committee. Hanford Elementary and other agencies whose funds are invested by the Kings County Department of Finance are represented on the committee and helped to develop the initial policy and the amendments being recommended at this time. The Policy has been amended to include California Government Code changes from newly enacted legislation and to add CalTRUST as a designated money market mutual fund.

The policy lists the guidelines for the County Treasurer's practices, policies and procedures by which the County Treasury Investment Pool shall be administered. The policy covers the following areas:

- Safety of Principal
- Credit Risk
- Interest Rate Risk
- Liquidity
- Public Trust
- Maximum Rate of Return
- Standards of Care
- Prudence
- Ethics & Conflicts of Interest
- Delegation of Authority
- Safekeeping and Custody
- Investment Parameters
- Maximum Maturities
- Depository Institutions
- Authorized Financial Dealer & Institutions
- Internal Controls
- Safekeeping
- Voluntary Depositors
- Withdrawal of Funds for External Investment
- Suitable and Authorized Investments
- Investment Types
- Restrictions on Authorized Investments
- Competitive Bidding
- Collateralization
- Diversification

A copy of the County of Kings Director of Finance's Statement of Investment Policy is included in the Board's January 18, 2013, Friday mail. Quarterly investment reports for the Kings County Treasury are sent to HESD Board members in the Friday News as they are available.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve Resolution #9-13: Approving the Kings County Director of Finance's Statement of Investment Policy and Delegating Investment Authority to the Kings County Director of Finance.

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

IN THE MATTER OF APPROVING
THE KINGS COUNTY DIRECTOR OF
FINANCE'S STATEMENT OF INVESTMENT
POLICY AND DELEGATING
INVESTMENT AUTHORITY TO THE
KINGS COUNTY DIRECTOR OF FINANCE
UNDER CALIFORNIA GOVERNMENT CODE
SECTIONS 53607, 53646 AND 53684 /

RESOLUTION NO. 9-13

WHEREAS, under Government Code section 53646, the Kings County Director of Finance ("Treasurer") may render an annual statement of investment policy to the Kings County Board of Supervisors and to the governing board of any local agency which has funds on deposit in the Kings County Treasury; and

WHEREAS, on December 18, 2012 the Kings County Board of Supervisors approved the Director of Finance's Statement of Investment Policy dated January 1, 2013 ("Investment Policy"); and

WHEREAS, the Investment Policy has been submitted to the District Board of Trustees ("District Board") for approval under Government Code section 53646; and

WHEREAS, under Government Code section 53646, the Treasurer may render a quarterly report ("Quarterly Report") to each local agency which has funds on deposit in the County Treasury and for which the Treasurer has made investments; and

WHEREAS, the Hanford Elementary School District ("District") has funds on deposit with the Kings County Director of Finance ("Treasurer"); and

WHEREAS, when keeping, holding, depositing and investing District funds on the District's behalf, the Treasurer acts as the "ex-officio" treasurer of the District; and

WHEREAS, the District Board has authority under Government Code sections 53607 and 53684 to delegate authority to the Treasurer to deposit and invest District funds under the provisions of Government Code sections 53601 and 53635; and

WHEREAS, the District Board now wishes to approve the Director of Finance's Statement of Investment Policy and to delegate investment authority to the Kings County Director of Finance ("Treasurer") for the ensuing twelve-month period.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code section 53646, the District Board hereby approves the Investment Policy.
2. Pursuant to Government Code section 53646, the District Board acknowledges and approves the procedures utilized by the Treasurer in rendering and submitting each Quarterly Report, under the provisions of which the Treasurer shall render each such report. Under the provisions of Government Code section 53607, the Treasurer shall prepare a monthly report and maintain it on file in his/her office for review and inspection by the District Board, staff and designated agents.
3. Pursuant to Government Code sections 53607 and 53684, and subject to the requirements of Government Code sections 53601 and 53635, the District Board hereby delegates to the Kings County Director of Finance ("Treasurer") the discretionary authority to deposit, invest or reinvest the funds of the District in the County Treasury commencing on the date of approval of this resolution and continuing for the ensuing twelve months. Without limiting his discretion in any way, the Treasurer is hereby expressly authorized to invest such District funds in the Treasurer's Pooled Investment Portfolio.
4. The District Board hereby delegates to the Treasurer the discretionary authority to determine which District funds on deposit in the Kings County Treasury are monies which are sinking funds or money not required for immediate use within the meaning of Government Code section 53601 and which monies are excess funds within the meaning of Government Code section 53684.
5. The Treasurer shall assume full responsibility for such deposit and investment transactions until such time as the District Board revokes this delegation of authority or until the date which is twelve months from the date of approval of this resolution, unless renewed on or before that date by the District Board.

The foregoing resolution was adopted upon motion by Trustee _____, seconded by Trustee _____, at a regular meeting held on the 23rd day of January, 2013, by the following vote:

AYES: Trustees
 NOES: Trustees
 ABSENT: Trustees

Timothy L. Revious
 President of the Board of Trustees
 Hanford Elementary School District

WITNESS my hand and seal of said Board of Trustees this 23rd day of January 2013.

Lupe Hernandez
 Clerk of said Board of Trustees

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: January 14, 2013
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: () Information
(X) Action

Date you wish to have your item considered: January 23, 2013

ITEM:

Consider approval of Resolution #10-13: Revision of the 2012-13 Budget.

PURPOSE:

Miscellaneous budget changes are listed on the attached resolution.

FISCAL IMPACT:**RECOMMENDATION:**

Approve Resolution #10-13: Revision of the 2012-13 Budget.

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

The Matter of
Adopting Budget
Revisions

RESOLUTION #: 10-13

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

The Board of Trustees adopted this resolution on January 23, 2013 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Clerk of the Governing Board
Hanford Elementary School District

**Budget Changes
2012-13 Budget
January 23, 2013**

	Amount Changed	Reason for Change
FUND 0100 - GENERAL FUND		
Revenue		
829000 Title II	\$50,742	Adjust to actual allocation
829000 Title III, LEP	\$16,464	Adjust to actual allocation
869900 Other Local	\$4,289	Donations
869900 Ed Tech Settlement	<u>-\$185,082</u>	Second allocation not yet received
TOTAL REVENUE CHANGES - GENERAL FUND	-\$113,587	
Expenditures		
LOCATION 000 - UNDESIGNATED/GENERAL - BALANCE SHEET ACCOUNTS		
979000 Undesignated Reserve	<u>-\$4,521</u>	Balance is now \$574,338
	<u>-\$4,521</u>	
LOCATION 001 - GENERAL ADMINISTRATION		
731010 Indirect Costs	<u>-\$310</u>	Adjust to balance
	<u>-\$310</u>	
LOCATION 010 - FACILITIES		
560000 Services	<u>\$4,131</u>	Add door - Simas office
	<u>\$4,131</u>	
LOCATIONS 020-031 - GENERAL SCHOOLS		
100000 Certificated Salaries	\$890	Donations and adjust per site request
300000 Employee Benefits	\$110	
400000 Books & Supplies	\$489	
500000 Services	<u>\$3,500</u>	
	<u>\$4,989</u>	
SPECIAL ED - IDEA MENTAL HEALTH		
500000 Services	\$14,500	Training
731010 Indirect Costs	\$310	
979000 Undesignated Reserve	<u>-\$14,810</u>	
	<u>\$0</u>	
TITLE I/TITLE II, LEP		
979000 Undesignated Reserve	<u>\$67,206</u>	Adjusted allocation not yet budgeted for expenditure
	<u>\$67,206</u>	
SWP (SCHOOL-WIDE PROGRAM - TITLE I/II/III, LEP)		
100000 Certificated Salaries	-\$2,750	Adjust per manager request
200000 Classified Salaries	\$6,000	
300000 Employee Benefits	\$963	
400000 Books & Supplies	<u>-\$4,213</u>	
	<u>\$0</u>	
SBCP (SCHOOL BASED COORDINATED PROGRAM)		
200000 Classified Salaries	\$2,500	Adjust per manager request
300000 Employee Benefits	\$583	
400000 Books & Supplies	<u>-\$3,083</u>	
	<u>\$0</u>	

**Budget Changes
2012-13 Budget
January 23, 2013**

	Amount Changed	Reason for Change
<u>QEIA (QUALITY EDUCATION INVESTMENT ACT)</u>		
200000 Classified Salaries	\$4,600	Adjust per manager request
300000 Employee Benefits	\$840	
400000 Books & Supplies	-\$1,000	
979000 Undesignated Reserve	-\$4,440	
	<u>\$0</u>	
<u>EDUCATION TECHNOLOGY - MICROSOFT SETTLEMENT</u>		
400000 Books & Supplies	-\$34,140	Reduce budget - second allocation not yet received
500000 Services	\$1,141	
640000 New Equipment	-\$17,083	
979000 Undesignated Reserve	-\$135,000	
	<u>-\$185,082</u>	
TOTAL EXPENDITURE CHANGES - GENERAL FUND	<u>-\$113,587</u>	