

Hanford Elementary School District

REGULAR BOARD MEETING AGENDA

Wednesday, April 24, 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
Case# 13-62 - Simas
Case# 13-63 - Kennedy
Case# 13-64 - Kennedy
Case# 13-65 - Hamilton
Case# 13-66 - Hamilton
Case# 13-67 - King
- **Personnel** (*Pursuant to Government Code Section 54956.9, trustees will adjourn to Closed Session to discuss the items listed below. The items to be discussed shall be announced in accordance with Government Code Section 54954.5 and/or under Education Code provisions.*)
-Conference with Labor Negotiator (GC 54957.6) – HETA; District Negotiators:
Paul Terry/Diane Williams
- **Conference with Legal Counsel** – Pending litigation (GC 54956.9)
Name of Case: Hanford Elementary v. BVI Construction

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

- 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.

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 April 5, 2013; and April 12, 2013.
- b) Approve minutes of Regular Board Meeting April 10, 2013.
- c) Consider acceptance of classroom library books from Jeanine Hill. (White)
- d) Accept donation of \$215.00 from Washington PTC to Washington School. (Rubalcava)
- e) Accept donation of \$1,984.88 from Hamilton PTC to Hamilton School.
- f) Accept donations to Simas School from Edison International \$150.00; from Savemart Shares \$19.14; from Simas PTC \$42,244.00.

3. INFORMATION ITEMS

- a) Receive quarterly report on Williams Uniform Complaints. (Terry)

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider for adoption the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 5113.1 – Chronic Absence and Truancy
- b) Consider for adoption the following revised Administrative Regulation: (Simas)
 - AR 5125 – Student Records
- c) Receive for information the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 5144 – Discipline
- d) Receive for information the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 5144.1 – Suspension and Expulsion/Due Process
- e) Receive for information the following revised Administrative Regulation: (Simas)
 - AR 6173.1 – Education for Foster Youth
- f) Consider for adoption the following revised Administrative Regulation: (Williams)
 - AR 4161.2/4261.2/4361.2 – Personal Leaves (revised)
- g) Hear public input and accept Hanford Elementary Teachers Association's (HETA's) initial proposal for a successor agreement between Hanford Elementary School District (HESD) and HETA beginning with the 2013-2014 school year. (Williams)
- h) Hear public input and accept Hanford Elementary School District's (HESD's) initial proposal for a successor agreement with Hanford Elementary Teachers Association (HETA) beginning with the 2013-2014 school year. (Williams)

5. PERSONNEL (Williams)

- a) Employment
 - Certificated, effective 8/14/13*
 - Malissa Aguilar, Teacher, Probationary I

- Emily Carlton, Teacher, Probationary I
- Graciela Magallon, Teacher, Probationary I
- Bret Williams, Teacher, Probationary I
- Temporary Employees/Substitutes/Yard Supervisors*
 - Sabine Appleby, Substitute Clerk Trainee, effective 4/8/13
 - Nydia Caballero, Substitute READY Program Tutor, Translator: Oral Interpreter and Written Translator, effective 4/10/13
 - Francisca Estrada de Saldana, Short-term Yard Supervisor – 1.5 hrs., Hamilton, effective 4/4/13 to 6/7/13

b) Resignations

- Jaclyn Lowdermilk, Teacher, King, effective 6/7/13

c) Promotion

- Frank Lourenco, Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 4/22/13

d) Promotion/More Hours

- Audreyana Hernandez, from READY Program Tutor – 4.5 hrs., Richmond to Lead READY Program Tutor – 5.0 hrs., King, effective 4/15/13

e) Decrease in Hours

- Veronica Leach, Yard Supervisor, from 3.0 to 1.5 hrs., Hamilton, effective 4/4/13

f) Leave of Absence

- Brooke Fuller, Teacher, Wilson, effective 3/20/13 to 6/7/13, personal
- Tara Monard, Teacher, Richmond, effective 2013-2014 school year, travel

g) Volunteers

| <u>Name</u> | <u>School</u> |
|-----------------------------------|-----------------|
| Rosemary Lerma (current employee) | Jefferson/Simas |
| Edward Ayala, Jr. | Jefferson |
| Ruth Hernandez (current employee) | Jefferson |
| Jose Torres (current employee) | Jefferson |
| Veronica Martines | Jefferson |
| David Trevino (current employee) | Jefferson |
| Sonia Mena (current employee) | Monroe |
| Elizabeth Moz | Monroe |
| Zenaida Puga | Monroe |
| Robin Patison (current employee) | Roosevelt |
| Lady Steen | Simas |

6. FINANCIAL (White)

- a) Consider approval of Resolution #18-13: Revision of the 2012-13 budget.
- b) Consider approval of Public Hearing Notice: Proposed Budget for 2013-14, June 12, 2013, 6:10 p.m., Hanford Elementary School District Office Board Room, 714 N. White Street, Hanford, California.

ADJOURN MEETING

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: April 11, 2012

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

Date you wish to have your item considered: April 24, 2013

ITEM: Student Discipline

PURPOSE: Administrative Panel Recommendations

Case# 13-62 - Simas
Case# 13-63 - Kennedy
Case# 13-64 – Kennedy
Case# 13-65 – Hamilton
Case# 13-66 - Hamilton
Case# 13-67 - King

Hanford Elementary School District
Minutes of the Regular Board Meeting
April 10, 2013

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on April 10, 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 Garner and Hernandez were present. Trustees Hill and Revious 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) HETA;
District Negotiators: Paul Terry/Diane Williams
- Personnel - Public Employee Discipline/Dismissal/Release (GC 54957) -
Certificated

Trustees returned to open session at 6:16 p.m.

HESD Managers Present

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

Expulsions #13-55, 13-56, 13-58

Trustee Hernandez made a motion to accept the Findings of Facts and expel Cases #13-55, 13-56, and 13-58 for the remainder of the second semester of the 2012-13 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held on April 8, 2013. Parents may apply for readmission on or after June 7, 2013. Trustee Garner seconded; motion carried 3-0.

Expulsions #13-54, 13-57, 13-59, 13-60

Trustee Hernandez made a motion to accept the Findings of Facts and expel Cases #13-54, 13-57, 13-59, and 13-60 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 and/or 48915 as determined by the Administrative Panel at Hearings held April 8, 2013. Parents may apply for readmission on or after January 10, 2014. Trustee Garner seconded; motion carried 3-0.

Expulsion #13-61

Trustee Hernandez made a motion to accept the Findings of Facts and expel Case #13-61 for the remainder of the 2012-2013 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held April 8, 2013. However, Trustee Hernandez further moved that the Expulsion Order be suspended. The student may attend regular school in probationary status provided that the student complies with a Behavior Conditions Plan through June 7, 2013. Trustee Garner seconded; motion carried 3-0.

Impose Expulsion Order #13-52

Trustee Hernandez made a motion to impose the Expulsion Order for Case #13-52 based upon the student's failure to abide by the Behavior Conditions Plan. Parents may apply for readmission on or after June 7, 2013. Trustee Garner 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: April 11 Band Performance and Art Sale 6:00 p.m. at JFK gym; April 13 Hanford Zone Track Meet 8:15 a.m. at Hanford High School track; April 15 Boys' Diamond Classic 4:30 p.m. at JFK field; April 19th Girls' Diamond Classic 3:30 p.m. at Woodrow Wilson field; next regular Board Meeting April 24, 2013 at 5:30 p.m.**CONSENT ITEMS**

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

- a) Warrant listings dated March 8, 2013; March 15, 2013; March 22, 2013; and March 29, 2013.
- b) Minutes of the Regular Board Meeting March 13, 2013.
- c) Interdistrict transfers as recommended.
- d) Donation of \$400.00 from Health Net of California, Inc. to Roosevelt School.
- e) Donation of \$160.00 from Washington PTC to Washington School.
- f) Donation of \$900.00 from Washington PTC to Washington School.
- g) Donation of \$1,781.44 from HESD Parent Corp. to READY After School Program.
- h) Donation of Canon T3 Camera, memory card, and camera bag, value \$515, from Balfour Yearbooks to the Woodrow Wilson Junior High School Yearbook Program.
- i) Donation of one flute, estimated value \$400, from Anneliese Roa to JFK Band Program.

INFORMATION ITEMS**2012-13 Board Goals review** Superintendent Dr. Terry reviewed mid-year progress toward 2012-13 Board Goals.

HETA's Initial Proposals for Successor Agreement Diane Williams, Assistant Superintendent Human Resources, presented for information HETA's Initial Proposals for a Successor Agreement and introduced Mike Rogers, Chief Negotiator for Hanford Elementary Teachers Association (HETA), along with two additional members (out of five total) present from the HETA negotiation team: Kristie Hamilton and Rosa Adams. Negotiations are set to begin for a 3-year contract. Rogers thanked the team, the board, and the district. He stated that a strong contract indicates a good relationship.

District's Initial Proposals for Successor Diane Williams, Assistant Superintendent Human Resources, presented for information the District's Initial Proposals for a Successor Agreement between Hanford Elementary School District (HESD) and Hanford Elementary Teachers Association (HETA). Williams

- Agreement** acknowledged the district negotiations team members Michele Alexander, Jill Rubalcava, and Jaime Martinez.
- AR 4161.2/4261.2/4361.2** Diane Williams, Assistant Superintendent Human Resources, presented the following revised Administrative Regulation for information:
- AR 4161.2/4261.2/4361.2 – Personal Leaves (revised)
- BP/AR 5113.1** Liz Simas, Child Welfare and Attendance Coordinator, presented the following revised Board Policy and Administrative Regulation for information:
- BP/AR 5113.1 – Chronic Absence and Truancy
- AR 5125** Liz Simas, Child Welfare and Attendance Coordinator, presented the following revised Administrative Regulation for information:
- AR 5125 – Student Records
- BP/AR 5144** Liz Simas, Child Welfare and Attendance Coordinator, presented the following revised Board Policy and Administrative Regulation for information:
- BP/AR 5144 – Discipline
- BP/AR 5144.1** Liz Simas, Child Welfare and Attendance Coordinator, presented the following revised Board Policy and Administrative Regulation for information:
- BP/AR 5144.1 – Suspension and Expulsion/Due Process
- AR 6173.1** Liz Simas, Child Welfare and Attendance Coordinator, presented the following revised Administrative Regulation for information:
- AR 6173.1 – Education for Foster Youth

BOARD POLICIES AND ADMINISTRATION

- 2013-14 School Calendar** Trustee Hernandez made a motion to adopt the 2013-2014 school calendar. Trustee Garner seconded; motion carried 3-0.
- Resolution #15-13** Trustee Garner made a motion to adopt Resolution #15-13: California Energy Commission Audit. Trustee Hernandez seconded; motion carried 3-0.
- Consultant Contract** Trustee Garner made a motion to approve consultant contract with Randel McGee to provide Character Counts! Presentation to READY After School Program. Trustee Hernandez seconded; motion carried 3-0.
- BP/AR 3553** Trustee Garner made a motion to approve the following revised Exhibit to Board Policy and Administrative Regulation. Trustee Hernandez seconded; motion carried 3-0:
- BP/AR 3553 – Free and Reduced Price Meals
- BP 4030** Trustee Hernandez made a motion to adopt the following revised Board Policy. Trustee Garner seconded; motion carried 3-0:
- BP 4030 – NonDiscrimination in Employment (revised)
- Resolution #16-13** Trustee Hernandez made a motion to adopt Resolution No. 16-13, Reduction in Classified Services for the 2013-2014 school year. Trustee Garner seconded; motion carried 3-0.

PERSONNEL

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

**Item "a" –
Employment***Temporary Employees/Substitutes/Yard Supervisors*

- Sandra Acevedo, Short-term Educational Tutor K-6 – 1.0 hrs., (M,T,Th,F), Richmond, effective 4/8/13 to 5/9/13
- Rosarita Alvarez, Short-term READY Program Tutor – 4.5 hrs., and Short-term Yard Supervisor – 1.0 hr., Richmond, effective 4/2/13 to 6/7/13
- Oscar Barron, Short-term Student Specialist – 7.0 hrs., Lincoln, effective 3/18/13 to 6/7/13
- Melissa Braley, Yard Supervisor – 3.0 hrs., Kennedy, effective 4/2/13
- Cruz Chavez, Short-term Educational Tutor K-6 – 1.0 hr. (M,T,Th,F), Richmond, effective 4/8/13 to 5/9/13
- John Gonzales, Substitute Custodian I, Groundskeeper I, and Maintenance Worker I, effective 3/19/13
- Paige Hartshorn, Short-term Educational Tutor K-6 – 1.0 hrs., (M,T,Th,F), Washington, effective 4/8/13 to 5/3/13
- Roberto Ibarra, Short-term Yard Supervisor – 1.0 hr., (M,T,Th,F), Washington, effective 4/2/13 to 6/6/13; Short-term Yard Supervisor – 1.0 hr., Richmond, effective 4/2/13 to 6/7/13
- Kimberly Jenkins, Substitute Yard Supervisor, effective 3/20/13
- Andrea Keel, Yard Supervisor – 3.25 hrs., Kennedy, effective 4/2/13
- Sherman Royal, 4-6 Boys Track Coach – 2 units, Monroe, effective 3/4/13 to 5/4/13; Yard Supervisor – 1.75 hrs., Washington, effective 4/2/13
- Cory Stewart, Short-term Educational Tutor K-6 – 1.0 hrs., (M,T,Th,F), Richmond, effective 4/8/13 to 5/9/13
- Kathryn Yarbrough, Short-term Educational Tutor K-6 – 1.0 hrs., (M,T,Th,F), Washington, effective 4/8/13 to 5/3/13
- Jose David Molina, Teacher, Monroe, effective 6/7/13
- Sherry Hutsell, Food Service Worker I – 2.75 hrs., Jefferson, effective 3/22/13
- Laura Rodriguez, Lead READY Program Tutor – 5.0 hrs., King, effective 3/22/13
- Jennifer Perryman, from READY Program Tutor – 4.5 hrs., to Lead READY Program Tutor – 5.0 hrs., Richmond, effective 3/18/13

**Item "b" –
Resignations****Item "c" –
Promotion/More Hours****Item "d" –
Increase in Work Year****Item "e" –
Temporary Out of Class
Assignment****Item "f" –
Leave of Absence****Item "g" –
Consider approval of a
Credential Internship
Agreement with
Brandman University**

- Maria Hernandez, Administrative Secretary I – 8.0 hrs., from 11-month employee to 12-month employee, Categorical Programs, effective 7/1/13
- Don Gonzales, from Groundskeeper II – 8.0 Grounds/DSF to Maintenance II – 8.0 Maintenance/DSF, effective 3/11/13 to undetermined
- Jolee Schwarzenbach-Gomes, from READY Program Tutor – 4.5 hrs. to Lead READY Program Tutor – 5.0 hrs., King, effective 4/2/13 to 4/12/13
- Manuel Silveira, from Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 5/2/13 to undetermined
- Kellie Noji, Teacher, Monroe, effective 4/5/13 to 5/24/13, baby bonding
- Authorize agreement to enter into a Credential Internship Agreement between Hanford Elementary School District and Brandman University from 2/1/13 to 1/31/15.

**Item "h" –
 Volunteers**

| <u>Name</u> | <u>School</u> |
|---------------------------|-----------------|
| Maricela Cuellar | Jefferson/Simas |
| Guadalupe Torres | Jefferson/Simas |
| Sandra Evangelista-Larios | King |
| Daniel Hernandez | Monroe |
| Sarah De La Cruz | Roosevelt |
| Anahi Gutierrez | Roosevelt |
| Cecelia Guzman | Simas |
| Rebecca Strong | Simas |
| Robert Uldall | Washington |
| Eric Ramirez | Wilson |
| Heather Jenkins | Wilson/Simas |

FINANCIAL

Resolution #17-13

Trustee Hernandez made a motion to approve Resolution #17-13: Resolution for the Governing Board Authorizing the Borrowing of Funds for Fiscal Year 2013-14 and the Issuance and Sale of one or more series of 2013-14 Tax and Revenue Anticipation Notes Therefore and Participation in the California School Cash Reserve Program and Requesting the Board of Supervisors of the County to Issue and Sell Said Series of Notes. Trustee Garner seconded; motion carried 3-0.

**Declaration of Surplus
 Property**

Trustee Garner made a motion to declare surplus property. Trustee Hernandez seconded; motion carried 3-0.

Adjournment

There being no further business, Vice President Jay adjourned the meeting at 6:48 p.m.

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

Approved:

 Tim Revious, President

 Lupe Hernandez, Clerk

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: April 12, 2013
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: () Information
(X) Action

Date you wish to have your item considered: April 24, 2013

ITEM:

Consider acceptance of donation of classroom library books from Jeanine Hill.

PURPOSE:

FISCAL IMPACT:


RECOMMENDATION:

Accept donation of classroom library books from Jeanine Hill.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Jill Rubalcava 

DATE: 4/9/13

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 4/24/13

ITEM: Donation of \$215.00 from Washington PTC to Washington School**PURPOSE:** PTC Expenditure for end of year Carnival**FISCAL IMPACT:** 0100-0000-1110-1000-430006-028-0000**RECOMMENDATIONS:** Accept Donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Paul Terry

FROM: Javier Espindola

DATE: April 15, 2013

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: April 24, 2013

ITEM: Donation of \$1984.88 from Hamilton PTC to Hamilton School.

PURPOSE: These funds will be used for a 4th grade Study Trip to Old Town Sacramento.

FISCAL IMPACT: Increase \$1984.88 to
Account #: 0100-0000-0-1110-1000-571020-029-0000

RECOMMENDATION (if any): Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Silvia Duvall

DATE: 4/12/13

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 4/24/13

ITEM: Consider accepting donations to Simas School from: Edison International \$150,
Savemart Shares \$19.14, and Simas PTC for \$42,244

PURPOSE: Edison & Savemart for instructional supplies
PTC:

Computer lab \$13,000

EOY awards \$5000

Assemblies/EOY activities/Incentive \$3,000

Study Trips \$17,744

Student yearbooks \$2,700

Air quality Activities \$600

Track meet fees \$200

FISCAL IMPACT: Increase of \$42,413.14 to Simas School General Fund Budget

RECOMMENDATIONS: accept donations

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: April 15, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: April 24, 2013

ITEM: Quarterly report (1/1/13 – 3/31/13) 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 third 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 type="checkbox"/> | January | 2 nd Quarter |
| <input checked="" 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: April 10, 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

April 4, 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 Terry
FROM: Liz Simas
DATE: April 11, 2013

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

Date you wish to have your item considered: April 24, 2013

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

- BP/AR 5113.1 - Chronic Absence and Truancy

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

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford Elementary SD

Board Policy

Tardies/Chronic Absence And Truancy

BP 5113.1

Students

~~To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.~~

The Governing Board believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students classified as chronic absentees and truants, as defined in law and administrative regulation.

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall work with students, parents/guardians, school staff, and

community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

(cf. 1020 - Youth Services)

(cf. 5030 - Student Wellness)

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

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Study Success Teams)

(cf. 6176 - Weekend/Saturday Classes 6173 - Education for Homeless Children)

~~In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.~~

~~(cf. 1020 - Youth Services)~~

~~(cf. 6173.1 - Education for Foster Youth)~~

~~(cf. 1400 - Relations Between Other Governmental Agencies and the~~ 6173.2 - Education of Children of Military Families)

~~(cf. 6175 - Migrant Education Program)~~

~~(cf. 6179 - Supplemental Instruction)~~

~~(cf. 6181 - Alternative Schools/Programs of Choice)~~

~~Habitually truant students may be referred to a school attendance review board.~~

~~For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263. (cf. 6183 - Home and Hospital Instruction)~~

~~(cf. 6184 - Continuation Education)~~

~~(cf. 6185 - Community Day School)~~

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the sole basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 - Discipline)

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

The Superintendent or designee shall regularly analyze data on student absence to identify patterns of absence districtwide and by school, grade level, and student population. Such data shall be used to identify common barriers to attendance, prioritize resources for intervention, and monitor progress over time. As appropriate, the Superintendent or designee also shall provide this information to key school staff and community agency partners to engage them in program evaluation and improvement and in identification of how to best allocate available community resources.

School Attendance Review Board

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts. (Education Code 48321)

The Board shall appoint members of the district's SARB, who may include, but are not limited to, a parent/guardian as well as representatives of the district, county probation department, county welfare department, county office of education, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, school or county health care personnel, and school, county, or community mental health personnel. (Education Code 48321)

The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

41601 Reports of average daily attendance

46000 Records (attendance)

46010-46014 Absences

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48225.5 Work permits, entertainment and allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48296 Failure to comply; complaints against parents

48320-4832448325 School attendance review boards

48340-48341 Improvement of student attendance

48400-48403 Compulsory continuation education

48900 Suspension and expulsion

49067 Unexcused absences as cause of failing grade

60901 Chronic absence

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS

66 Ops.Cal.Atty.Gen. 245, 249 (1983)

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

~~CDE MANAGEMENT ADVISORIES~~

~~0114.98 School Attendance and CalWORKS, Management Bulletin 98-01~~

~~CDE CSBA PUBLICATIONS~~

~~Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~School Attendance Review Board Handbook, 1995-2012~~

~~CSBA ADVISORIES~~

~~0520.97 Welfare Reform and Requirements for School Attendance Improvement Handbook, 2000~~

~~WEB SITES~~

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

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

~~Policy HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~adopted: May 16, 2001 — Hanford, California Attendance Works:~~

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

~~California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>~~

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

~~California Healthy Kids Survey: <http://chks.wested.org>~~

~~California School Climate, Health, and Learning Survey System: <http://www.cal->~~

schls.wested.org

OnTrackCA: <http://www.ontrackca.org>

(11/99 11/10) 04/13

Hanford ESD

Administrative Regulation

~~Tardies/~~Chronic Absence And Truancy

AR 5113.1

Students

~~An attendance supervisor or designee, peace officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person so arresting or assuming temporary custody shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264)~~

~~Upon receiving a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341, the Board of Trustees or district attendance supervisor shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent or designee shall refer such person to the school attendance review board. (Education Code 48290, 48291, 48292)~~

Strategies for Addressing Truancy

~~The following steps shall be implemented based on the number of trancies committed by the student:~~

- ~~1. ——— Students shall be classified as truant if~~Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof.- (Education Code 48260)

The parent/guardian of Habitual truant means a student classified who has been reported as a truant shall be notified of three or more times within the following- same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10

percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260.5-48263 and 48291. (Education Code 48263.6)

a. ~~The student is truant.~~

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse also may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

(cf. 5113 - Absences and Excuses)

(cf. 5113.2 - Work Permits)

Attendance Supervisor(s)

The Superintendent or designee shall appoint or contract with a supervisor of attendance and assistant supervisors as necessary to supervise the attendance of district students. Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent. (Education Code 48240, 48243, 48244)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the attendance supervisor shall communicate with the student and his/her parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

(cf. 6020 - Parent Involvement)

The student may be referred to a student success team or school-site attendance review team to assist in evaluating his/her needs and identifying strategies and programs to assist him/her.

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

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6175 - Migrant Education Program)

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

(cf. 6158 - Independent Study)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6178.1 - Work-Based Learning)

(cf. 6179 - Supplemental Instruction)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the attendance supervisor may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

(cf. 3515.3 - District Police/Security Department)

The attendance supervisor shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of trancies he/she has committed:

1. Initial truancy

a. The student shall be reported to the attendance supervisor. (Education Code 48260)

Note: When a student is classified as truant, Education Code 48260.5 requires notification of his/her parents/guardians by the most cost-effective method possible, which may include email or a telephone call. The CDE's web site and School Attendance Improvement Handbook provide sample letters.

b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)

(1) The student is truant.

(2) The parent/guardian is obligated to compel the student to attend school.

e. ~~The~~ If the parent/guardian who fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.

~~d.~~(3) Alternative educational programs are available in the district.

~~(cf. 6176—Weekend/Saturday Classes)~~

~~(cf. 6181—Alternative Schools)~~

~~(cf. 6182—Opportunity School/Class/Program)~~

~~(cf. 6184—Continuation Education)~~

e.(4) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

~~f.~~(5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator, an or attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.

~~g.~~(6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.

(7) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.-

(cf. 5145.6 - Parental Notifications)

~~Courses of Action as a result of unexcused absences leading to truancy~~

~~1st Unexcused: — Student counseled; parent/guardian notified of future consequence~~

~~2nd Unexcused: — Student counseled; parent/guardian notified of future consequence.~~

~~3rd Unexcused: — First Classification of Truancy: Notice to parent/guardian.~~

~~4th Unexcused: — Second Classification of Truancy: Mandatory Parent Conference to discuss resources available for achieving regular school attendance; i.e., program change, community services, health check-up, etc.~~

~~5th Unexcused: — Third Classification of Truancy: Habitual Truant Notification to parent/guardian; Referral to School Attendance Review Board (SARB). CalWorks notification(-~~

if applicable)
Reports

c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

d. The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)

2. Second truancy

a. Any student who has once been reported as a truant shall again be reported to the attendance supervisor as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)

b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)

d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)

e. The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

3. Third truancy (habitual truancy)

Note: Education Code 48263 and 48264.5 authorize the district to refer habitual truants to a SARB, a county truancy mediation program, or a comparable program for services. The district should revise the following items to reflect the option(s) available in the district.

a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed

acceptable by the district's attendance supervisor. (Education Code 48263, 48264.5)

b. Upon making a referral to the SARB or the probation department, the attendance supervisor shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)

c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

4. Fourth truancy

a. Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

b. If a student has been adjudged by the county juvenile court to be a habitual truant, the attendance supervisor shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)

5. Absence for 10 percent of school days (chronic truancy)

a. The attendance supervisor shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.

b. If a chronically truant student is at least age 6 years and is in any of grades K-8, the attendance supervisor shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

Records

The Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

(cf. 5125 - Student Records)

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

Regulation ~~—~~ HANFORD ELEMENTARY SCHOOL DISTRICT
approved: ~~—~~ June 16, 1999 Hanford, California
reviewed: ~~—~~ May 16, 2001(3/02 11/10) 04/13

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: April 11, 2013

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

Date you wish to have your item considered: April 24, 2013

ITEM: Consider for adoption the following revised Administrative Regulation:

- AR 5125 - Student Records

PURPOSE: The revised Administrative Regulation reflect changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to state and federal law changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Administrative Regulation

Student Records

AR 5125

Students

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district or, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district.- Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee-

3. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student-

5. Grades on peer-graded papers before they are collected and ~~reported~~recorded by a

teacher

~~(cf. 3515.3—District Police/Security Department)~~

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record, or an accurate copy of a record, or receipt of an accurate copy of a record, or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

~~Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)~~

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name:
2. The name of the student's parent/guardian or other family members:
3. The address of the student or student's family:
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)—(34 CFR 99.3)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal

knowledge of the relevant circumstances, to identify the student with reasonable certainty-

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates-

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, -legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records. ~~School officials and employees also include contractors, consultants, volunteers, or other parties to whom the district has outsourced district functions and who perform services for which the district would otherwise use employees.~~

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Legitimate educational interest is an interest held by any school officials and employees official, employee, contractor, or consultant whose duties ~~and~~, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require ~~that they~~ him/her to have access to student records.

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Access

The following persons ~~or agencies~~ shall have absolute access to any and all student records in accordance with law:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family ~~code~~ Code 3025)

2. An adult student age 18 years or older, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:--
(~~Education Code 49076~~)

1. Parents/guardians of a dependent student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Note: 34 CFR 99.3, 99.31, and 99.35 clarify the limited circumstances under which the district may disclose student records to federal, state, or local officials to assess the effectiveness of state and federally funded education programs. Pursuant to 34 CFR 99.35, the district must have a written agreement with the entity or individual which contains specified components and must use reasonable methods to ensure that the entity or individual complies with FERPA.

6. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

7

7. Any county placing agency acting as an authorized representative of a state or local

educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #6 above (Education Code 49076)

8. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

89. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

910. A ~~prosecuting agency~~ district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

~~1011.~~ Any probation officer, district attorney, or counsel of record for a minor student- for the purposes of conducting a criminal investigation or an investigation in regards to declaring -the minor student a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

———When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the ~~record(s)~~ records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

~~1112.~~ Any judge or probation officer for the purpose of conducting a truancy mediation program for a student; or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681_ (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

~~12. Any county placing agency for the purpose of preparing a health and education summary pursuant to Welfare and Institution Code 16010 for a child placed in foster care, fulfilling educational case management responsibilities required by the juvenile court or by law, or assisting with the school transfer or enrollment of a student. (Education Code 49076) (cf. 6173.1- Education for Foster Youth)~~

13. Any foster family agency with jurisdiction over currently enrolled or former students for purposes of accessing ~~those students' records of grades and transcripts, and any individualized education program (IEP) developed and maintained by the district with respect to such students.~~ (Education Code 49069.3)

(cf. 6173.1 - Education for Foster Youth)

14. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

—When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the ~~record(s)~~ records as described in item #1011 above. (Education Code 49076)

(cf. 6159 ~~Individualized Education Program~~)

15. Designated peace officers, ~~federal criminal investigators, and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency in accordance with Education Code 49076.5; or law enforcement agencies~~ in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

At his/her discretion, the Superintendent or designee may release information from ~~student's~~ student's records to the following: ~~(Education Code 49076)~~

1. — Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, -

organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

b. ~~the~~ The information is destroyed when no longer needed for the ~~purpose~~ purposes for which the study is conducted.

c. The district enters into a written agreement with the organization that ~~includes the information specified in~~ complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is ~~enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34~~ (Education Code 49076; 34 CFR 99.31, 99.3634)

5. Local health departments operating countywide or regional immunization information and reminder systems and the ~~State~~ California Department of Public Health, in which case the Superintendent or designee shall notify the student's parent/guardian of his/her rights in accordance with law prior to releasing the information— (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

Persons, agencies, or organizations not afforded access rights ~~pursuant to~~ by law may be granted access only through written consent of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Any person or agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When prior written consent is required by law, the parent/guardian shall provide a written, signed, and dated consent before the district discloses the student record.- Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Within five business days following the date of request, a parent/guardian or other- authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to include record of access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information

~~(cf. 5125.1—Release of Directory Information)~~

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials ~~or~~ and employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student ~~which~~ who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state ~~/~~ or federal officials. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of ~~furnishing~~ providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

~~The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.~~

(cf. 3260 - Fees and Charges)

Changes to Student Records

Only or a parent/guardian having legal custody of a student or an adult student may challenge the

content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

~~Only a parent/guardian having legal custody of the student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)~~

~~(cf. 5125.3 - Challenging Student Records)~~

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

~~(cf. 5111.13 - Residency for Homeless Children)~~

5. Entrance and departure ~~dates~~dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - Standardized Testing and Reporting Program)
 (cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor/ and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

If/When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

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

(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from this district to another school district or to a private school, the

Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Upon ~~students'~~any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
5. District policies for reviewing and expunging student records

6. The right to inspect and review student records; and the procedures for doing so
 7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
- (cf. ~~5125.3~~ Challenging Student Records)
8. The cost, if any, charged for duplicating copies of records
 9. The categories of information defined as directory information pursuant to Education Code 49073
 10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
 11. ~~The availability~~ Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school
- (cf. 5020 - Parent Rights and Responsibilities)
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the ~~United States~~ U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
 13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment.

Regulation — ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~
 approved: May 16, 2001 — Hanford, California
 revised: August 1, 2006
 revised: June 13, 2012(3/09 11/11) 04/13

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: April 11, 2013

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

Date you wish to have your Item considered: April 24, 2013

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

- BP/AR 5144 - Discipline

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

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Discipline

BP 5144

Students

~~The Board of Trustees desires~~

The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. ~~5145.3 - Nondiscrimination/Harassment~~ 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

(cf. 6164.5 - Student Success Teams)

Board policies and administrative regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. ~~Each school shall develop disciplinary rules to meet the school's individual needs.~~

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

~~When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. (cf. 5131.2 - Bullying)~~

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn.

Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

~~(cf. 3515.4 - Recovery for Property Loss or Damage)~~

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

(cf. 5136 - Gangs)

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

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

~~(cf. 6164.5 - Student Success Teams)~~

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

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination, and in accordance with the district's nondiscrimination policies.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills and implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain

on a student. (Education Code 49001)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of ~~parents or guardians~~parent/guardian

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Protecting Our Safe Schools: Governing Board Strategies for Governing Boards to

Combat Ensure Student Success, October 2011

Maximizing Opportunities for Physical Activity during the School Violence, 1999 Day, Fact Sheet, 2009

CDECALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL 88/9-5

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

WEB SITES

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

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

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

Policy ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~

adopted: June 16, 2010 ~~Hanford, California~~(11/02 3/11) 04/13

Hanford ESD

Administrative Regulation

Discipline

AR 5144

Students

Site-Level Rules

In developing site-level disciplinary rules, the ~~school principal or designee~~ shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

Each school shall file a copy of its rules with the Superintendent or designee.

~~The rules shall be consistent with law, Board of Trustees policy and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)~~

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary Strategies

~~To the extent possible, staff shall use disciplinary strategies that keep students in Board policy, regulations, school and law may be used participating in developing site-level rules. These the instructional program. Disciplinary strategies may include, but are not limited to:~~

1. Referral of the student for advice and counseling

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

2. ~~Discussion or conference with~~ between school staff and the student and his/her parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

3. ~~Recess restriction~~

4. ~~2.~~ Referral of the student to the school counselor or other school support service personnel for case management and counseling

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

3. Convening of a study, guidance, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians

(cf. 6164.5 - Student Success Teams)

4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan

(cf. 6159 - Individualized Education Program)

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

5. Enrollment in a program for teaching prosocial behavior or anger management

6. Participation in a restorative justice program

7. A positive behavior support approach with tiered interventions that occur during the school day on campus

8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

(cf. 5148.2 - Before/After School Programs)

9. Recess restriction as provided in the section below entitled "Recess Restriction"

10. Detention during and after school hours as provided in the section below entitled "Detention After School"

511. Community service as provided in the section below entitled "Community Service"

612. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

13. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

~~7. Removal from the class~~ 14. Suspension and expulsion in accordance with law, Board policy, and administrative regulation and law

~~8. Suspension and expulsion~~

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

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

Corporal Punishment

~~Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)~~

~~For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)~~

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

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

Recess Restriction

Recess Restriction

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch,

as appropriate.

2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds, ~~during nonschool hours~~. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension ~~pursuant to this section~~. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline.

(Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

~~Regulation~~ ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~
~~approved: June 16, 2010~~ ~~Hanford, California~~ (11/02 3/11) 04/13

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: April 11, 2013

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

Date you wish to have your item considered: April 24, 2013

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

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

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

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

~~The Board of Trustees~~

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

(cf. ~~5144 - Discipline~~ 5131 - Conduct)

(cf. 5131-.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

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

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

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

~~(cf. 6145 - Extracurricular and Cocurricular Activities)~~

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

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

~~Student Due Process~~

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

(cf. 5119 - Students Expelled from Other Districts)

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

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

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual

profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

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

TheAny teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

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

(cf. 5145.6 - Parental Notifications)

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

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

~~When a parent/guardian does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, the principal or designee shall contact him/her by telephone, mail, or inability to get release time from work~~other method that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

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

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (re: regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined
 266c Unlawful sexual intercourse
 286 Sodomy defined
 288 Lewd or lascivious acts with child under age 14
 288a Oral copulation
 289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
 626.2 Entry upon campus after written notice of suspension or dismissal without permission
 626.9 Gun-Free School Zone Act of 1995
 626.10 Dirks, daggers, knives, razors, or stun guns
 868.5 Supporting person; attendance during testimony of witness
 WELFARE AND INSTITUTIONS CODE
 729.6 Counseling
 UNITED STATES CODE, TITLE 18
 921 Definitions, firearm
 UNITED STATES CODE, TITLE 20
1415(K) Placement in alternative educational setting
 7151 Gun-free schools
 COURT DECISIONS
 T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
 Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
 Board of Education of Sacramento City Unified School District v. Sacramento County Board of
 Education and Kenneth H., (2001) 85 Cal.App.4th 1321
 Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807
 Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
 John A. v. San Bernardino School District -(1982) 33 Cal. 3d 301
 ATTORNEY GENERAL OPINIONS
 84 Ops.Cal.Atty.Gen. 146 (2001)
 80 Ops.Cal.Atty.Gen. 91 (1997)
 80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights Data Collection Summary, March 2012

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:
<http://www.ed.gov/about/offices/list/osdfs>

Policy ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~
adopted: ~~June 16, 2010~~ ~~Hanford, California~~
revised: ~~August 22, 2012~~ (11/04 3/12) 04/13

Hanford ESD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1

Students

Definitions

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

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

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

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

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

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

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

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

Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

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

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

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

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

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

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

5. Committed or attempted to commit robbery or extortion- (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property- (Education Code 48900(f))
7. Stole or attempted to steal school property or private property- (Education Code 48900(g))
8. Possessed or used tobacco or ~~any~~ products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products- (Education Code 48900(h))
(cf. 5131.62 - Tobacco)
9. Committed an obscene act or engaged in habitual profanity or vulgarity- (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5- (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties- (Education Code 48900(k))
(cf. 5131.4 - Student Disturbances)
12. Knowingly received stolen school property or private property- (Education Code 48900(l))
13. Possessed an imitation firearm- (Education Code 48900(m))
_____ Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4- (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness- (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug

Soma- (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing- (Education Code 48900(q))

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

18. Engaged in an act of bullying (Education Code 48900-(r))

_____ Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be ~~predicated~~predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet ~~website~~web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/~~her~~disability-her disability. (Education Code 48900-(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

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

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

A terrorist threat includes any written or oral statement by a person who willfully threatens to

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

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

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

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

(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

1. While on school grounds
2. While going to or coming from school

(cf. 5131.1 - Bus Conduct)

3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

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

~~(cf. 5131.1 - Bus Conduct)~~

Removal from Class by a Teacher/ and Parental Attendance

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

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

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

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

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

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

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

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

This notice shall also:

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

Suspension by Superintendent, Principal, or ~~Principal's~~ Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. -(Education Code 48900.5)

When other means of correcting a student's behavior are implemented prior to imposing suspension upon the student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

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

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

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault ~~or as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above~~ Penal Code 243.4
5. ~~Possession of~~ Possessing an explosive as defined in 18 USC 921

~~Explosive means a destructive device and includes, but is not limited to, any explosive,~~

~~incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)~~

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

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

(cf. 6184 - Continuation Education)

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

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the ~~misbehavior.~~ A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

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

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

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

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

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

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

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to

| correct his/her behavior and keep him/her in school.

| Suspension by the Board

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

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

| Supervised Suspension Classroom

| Students

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

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

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

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

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

For all other grounds listed above under ~~"Grounds for Suspension and Expulsion,"~~ the Board shall order a student expelled upon the recommendation of the ~~principal, Superintendent, hearing officer, principal, or administrative panel, based on designee,~~ only if the Board makes a finding of either or both of the following finding(s): (Education Code 48915(b) and (e))

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

Mandatory Recommendation for Expulsion

Unless the ~~principal, Superintendent, principal,~~ or designee ~~finds~~ determines that expulsion is ~~inappropriate due to particular~~ should not be recommended under the circumstances, ~~the principal or the Superintendent or designee~~ that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

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

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Mandatory Recommendation and Mandatory Expulsion

~~The principal, Superintendent~~

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

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

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

Student's Right to Expulsion Hearing

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

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

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good

cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

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

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

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

Rights of Complaining Witness

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

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

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

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

Written Notice of the Expulsion Hearing

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

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

(cf. 5119 - Students Expelled from Other Districts)

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

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

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

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the ~~board~~ Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918-(c))

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

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with ~~the~~ Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence:- Technical rules of evidence shall not apply to the expulsion

hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when ~~hearings involve~~ hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

- (1) The district shall provide a room separate from the hearing room for the use of the

complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The ~~Board's~~ Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918-(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." ~~(Education Code 48918, "including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))~~

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. -The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be

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

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

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

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

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

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

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

Written Notice to Expel

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

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

Decision Not to Enforce Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. -This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above

or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of ~~the~~ enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall ~~also~~ inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the ~~time~~period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's his/her status with the expelling district, pursuant to Education Code 48915.1-(b)). (Education Code 48918(j))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Post-Expulsion Placements

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

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

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be ~~instead~~ referred to a program of study that is provided at another comprehensive middle, junior, or senior high school; or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. -At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation

regarding readmission. -The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including ~~the~~its specific cause(s). (Education Code 48900.8)-

Expulsion records of any student shall be maintained in the student's mandatory interim record, and sent to any school in which the student subsequently enrolls upon receipt of a written request by ~~the admitting~~that school. (Education Code ~~48900.8, 48918(k)~~)

~~(cf. 5125 - Student Records)~~

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

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

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

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

~~Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~approved: June 16, 2010~~

~~revised: December 12, 2012 Hanford, California~~

(3/12 7/12) 04/13

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: April 11, 2013

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

Date you wish to have your item considered: April 24, 2013

ITEM: Consider for adoption the following revised Administrative Regulation:

- AR 6173.1 - Education for Foster Youth

PURPOSE: The revised Administrative Regulation reflect changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to state and federal law changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Administrative Regulation

Education For Foster Youth

AR 6173.1
Instruction

Definitions

Foster youth means a child who has been ~~subject to one of the following:~~ (Education Code 48853.5)

1. ~~Has been removed from his/her home pursuant to Welfare and Institutions Code 309- (temporary custody)~~
2. ~~Is, is the subject of a petition filed under Welfare and Institutions Code 300 or 602- (jurisdiction of juvenile court)~~
3. ~~Has, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602. (Education Code 48853.5)~~

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or ~~727~~726.

School of origin means the school that the foster youth attended when permanently housed or the school in which ~~the student~~he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, ~~determine, and in the best interest~~interests of the foster youth, which school is the school of origin. (Education Code 48853.5)

Best ~~interest~~interests means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853)~~7~~

District Liaison

The Superintendent ~~or designee~~ designates the following position as the ~~district~~district's liaison for foster youth: (Education Code 48853.5)

Liz Simas, Coordinator
 Office of Child Welfare and Attendance
 P.O. Box 1067
 Hanford, CA 93232

(cf. 6173 - Education for Homeless Children)

The district's liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

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

~~(cf. 5141.6 - Student Health and Social Services)~~

~~2. Assist foster youth when transferring~~

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another ~~in ensuring proper transfer of credits, records and grades, including ensuring that records reflect full or partial credit for courses taken.~~ (Education Code 48645.5, 48853.5)

~~(cf. When a student in foster care is enrolling in a district school, the liaison or designee shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison or designee shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5))~~

~~(cf. 5117 - Interdistrict Attendance)~~

~~5121 - Grades/Evaluation of Student Achievement)~~

~~(cf. 5125 - Student Records)~~

~~(cf. 6146.3 - Reciprocity of Academic Credit)~~

~~3. As necessary~~

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including, for a student with a disability, a manifestation determination prior to a change in the student's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)

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

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

***Note: Items #4-8 below are optional and should be modified to reflect district practice. ***

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973:

~~(cf. 6164.4. — Ensure - Identification and Evaluation of Individuals for Special Education)~~
 (cf. 6164.6 - Identification and Education Under Section 504)

5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, ~~counseling, or~~ and after-school services:

5(cf. 5141.6 - School Health Services)
 (cf. 5148.2 - Before/After School Programs)
 (cf. 5149 - At-Risk Students)
 (cf. 6164.2 - Guidance/Counseling Services)
 (cf. 6172 - Gifted and Talented Student Program)
 (cf. 6174 - Education for English Language Learners)
 (cf. 6177 - Summer School)
 (cf. 6179 - Supplemental Instruction)

6. Develop protocols and procedures ~~so that~~ for creating awareness for district staff, including principals, school registrars, and attendance clerks, ~~are aware of~~ the requirements for the proper enrollment, placement, and transfer of foster youth

6(cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)

7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for the district's foster youth:

(cf. 1020 - Youth Services)
 (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
 (cf. 5113.1 - Chronic Absence and Truancy)

Enrollment

A foster youth placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(cf. 6159 - Individualized Education Program)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program; and submits a written statement to the district indicating that determination and that:

a. He/she is aware that the student has a right to attend a regular public school in the least restrictive environment.

b. The alternate educational program is a special education program, if applicable.

c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.

d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.

a. ~~_____~~ The student may continue in the school of origin for the duration of the court's jurisdiction ~~or, if,~~

b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, then the student may continue in his/her school of origin for the remainder of the school year.

b. ~~_____ To provide the student~~ c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.

d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts; a student who is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students

living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best ~~interest~~ interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how this recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if ~~the youth has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to produce records, such as academic, medical or proof of residency, or clothing normally required for enrollment.~~ he/she. (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Does not have clothing normally required by the school, such as school uniforms

(cf. 5132 - Dress and Grooming)

(cf. 5141.31 - Immunizations)

Within two business days of a request

3. Is unable to produce records normally required for enrollment, the liaison shall contact the school last attended by the student to obtain all such as previous academic and other records. Upon receiving a request from a new school, the liaison shall provide all records within two business days of receiving the request. (, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

If the foster youth or a person with the right to make educational decisions for a foster youth or the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the

parent/guardian or foster youth may appeal that decision to the Board of Trustees. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

(cf. 9320 - Meetings and Notices)

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

(cf. 1312.3 - Uniform Complaint Procedures)

Transportation

The district shall not be responsible for providing transportation to and from the school of origin.

Grades/Credits

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date he/she left school
2. A verified court appearance or related court-ordered activity

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

Regulation — ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~
 approved: ~~June 23, 2004~~ — ~~Hanford, California~~
 revised: ~~April 2007~~
 revised: ~~May 20, 2009~~
 revised: ~~March 16, 2011~~

Eligibility for Extracurricular Activities

A foster youth who changes residences pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

| (11/10 11/11) 04/13

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams

DATE: April 15, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **April 24, 2013**

ITEM: Consider adoption of the following revised Board Policy.

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

- AR 4161.2/4261.2/4361.2 – Personal Leaves (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel**AR 4161.2 (a)****4261.2****PERSONAL LEAVES****4361.2**

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable ~~lesson plans or instructions, including lesson plans as applicable,~~ for a substitute employee.

A. Bereavement Leave

1. Certificated and classified employees are entitled to paid bereavement leave upon the death of any member of the employee's immediate family in accordance with the provisions of their respective collective bargaining agreements. Immediate family shall be as defined in the respective collective bargaining agreement.
2. Non-represented employees are entitled to paid bereavement leave in accordance with Board policy.

(cf. 4221 Temporary, Short-Term and Substitute Personnel)

3. Management, Supervisory and Confidential employees are entitled to paid bereavement leave in accordance with Board Policy

(cf. 4361.21 Bereavement Leave)

4. Bereavement leave may be extended under Personal Necessity Leave provisions.

B. Personal Necessity Leave

1. Certificated and classified employees may use accrued Sick Leave (Personal Illness and Injury Leave) for reasons of personal necessity in the amount and for the purposes specified in their respective collective bargaining agreements.
2. Personal Necessity Leave provisions for non-represented employees shall be in accordance with Board policy.

(cf. 4221 Temporary, Short-Term and Substitute Personnel)

3. Management, Supervisory and Confidential employees are entitled to personal necessity leave in accordance with Board Policy.

(cf. 4361.23 - Personal Necessity Leave)

4. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions. (Education Code 44981, 45207)

PERSONAL LEAVES

5. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family. (Education Code 44981, 45207)
 6. A serious illness of a member of the certificated employee's immediate family. (Education Code 44981)
- (cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)*
7. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order. (Education Code 45207)
 8. Fire, flood, or other immediate danger to the home of the employee.
 9. Personal business of a serious nature which the employee cannot disregard.
- 410 Employees shall verify absences for reasons of personal necessity by submitting a completed and signed district absence form to their immediate supervisor.
11. Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.
 12. Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the serious illness of a member of his/her immediate family. (Education Code 44981, 45207)
 13. After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

C. Legal Duties:

All regular employees of the district are entitled to Jury Duty and Witness leave in accordance with Board Policy and Administrative Regulation 4161.22 and as specified in their respective collective bargaining agreement. An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

AR 4161.2 (c)

4261.2

4361.2

PERSONAL LEAVES

3. A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees. (Education Code 44037)
4. A certificated employee also shall be granted leave for jury duty with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.
5. Employees shall be granted leave to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

(cf. 4161.22 Jury Duty and Witness Leave)

D. Spouse/Domestic Partner on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse/domestic partner is a member of the United States Armed Forces, National Guard, or Reserves may take up to 10 days of unpaid leave during a period that his/her spouse/domestic partner is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Family Code 297.5; Military and Veterans Code 395.10)

The employee shall provide the Superintendent or designee with notice, within two business days of receiving official notice that his/her spouse/domestic partner will be on leave from deployment, of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse/domestic partner will be on leave from deployment during the time that the leave is requested. (Family Code 297.5; Military and Veterans Code 395.10)

E. Leaves for Crime Victims

1. An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, immediate family member of a victim, registered domestic partner of a victim, or a child of a registered domestic partner of a victim of any of the following crimes: (Labor Code 230.2)
 - a. A violent felony as defined in Penal Code 667.5 (c)
 - b. A serious felony as defined in Penal Code 1192.7 (c)
 - c. A felony provision of law proscribing theft or embezzlement

AR 4161.2 (d)

4261.2

4361.2

PERSONAL LEAVES

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, sick leave, or compensatory time off that is otherwise available to the employee, ~~or unpaid leave~~. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim (Labor Code 230.2)

The ~~supervisor and Superintendent or designee~~ district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

F. Leaves for Victims of Domestic Violence or Sexual Assault

1. An employee who is a victim of domestic violence or sexual assault as defined by law may ~~take time off work~~ use vacation, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1)

- a. Obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. ~~(Labor Code 230)~~.

~~In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend any of the following activities: (Labor Code 230.1)~~

- ab. Seek medical attention for injuries caused by domestic violence or sexual assault.
 - bc. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault.
 - ed. Obtain psychological counseling related to an experience of domestic violence or sexual assault.
 - de. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

AR 4161.2 (e)
4261.2
4361.2

PERSONAL LEAVES (continued)

2. ~~An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave (personal necessity/personal sick leave), or compensatory time off that is otherwise available to the employee under the applicable terms of employment.~~
32. Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide within a reasonable time, certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)
 - a. A police report indicating that the employee was a victim of domestic violence or sexual assault.
 - b. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
 - c. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault.
43. The District shall maintain the confidentiality of such an employee to the extent authorized by law (Labor Code 230, 230.1)

G. Personal Leave for a Child's School Activities

1. Any employee who is a parent, guardian, or grandparent having custody, of one or more children who are enrolled in grades kindergarten through 12; or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, ~~and the employee shall give reasonable advance notice of the absence.~~ (Labor Code 230.8)
2. In lieu of using vacation, personal leave or compensatory time off, eligible employees ~~giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month may take unpaid leave for this purpose.~~

(cf. 1240 - Volunteer Assistance)

3. If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies; simultaneous absence by the second parent/guardian may be granted by the ~~supervisor~~ Superintendent or designee ~~if it does not impede the educational programs or operations of the school or department.~~ (Labor Code 230.8)

PERSONAL LEAVES (continued)

2. Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility to prove that he/she participated in school or licensed day care facility activities at the time of the leave on a specific date and at a particular time. (Labor Code 230.8)

H. Service on Education Boards and Committees

1. Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

- a. The service is performed within the state.
- b. The board, commission, organization, or group informs the district in writing of the service.
- c. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

HI. Civic Duties (titled: Service on Education Boards, Committees and State or Employee Organizations Activities)

1. Upon request, any certificated employees shall be granted up to 20 days of paid leave per year for service performed within the state on any Boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California and the organization informs the district in writing of the service and agrees prior to the service to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs. Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations)

PERSONAL LEAVES (continued)

2. ~~Upon request, employees may take a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for the purpose of attending periodic, stated, special or regular meetings of the body of the organization. (The employee organization must reimburse the district. Education Code 44987, 45210) Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)~~
3. When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

IJ. Religious Leave

1. ~~Employees may take leave for religious purposes as specified by Board policy~~ The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.
2. The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.
3. No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

~~(cf. 4161.24/4261.24/4361.24 - Leave for Religious Purposes)~~

JK. Leave for Emergency Duty

1. An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)
2. An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

PERSONAL LEAVES (continued)**KL. Civil Air Patrol**

1. An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to ~~employees~~ him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single ~~emergency operational~~ mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)
2. The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Legal Reference: (see next page)

PERSONAL LEAVES (continued)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances
44963 Power to grant leaves of absence (certificated)
44981 Leave of absence for personal necessity (certificated)
44985 Leave of absence due to death in immediate family (certificated)
44987 Service as officer of employee organization (certificated)
44987.3 Leave of absence to serve on certain boards, commissions, etc.
45190 Leaves of absence and vacations (classified)
45194 Bereavement leave of absence (classified)
45198 Effect of provisions authorizing leaves of absence
45207 Personal necessity (classified)
45210 Service as officer of employee organization (classified)
45240-45320 Merit system, classified employees

FAMILY CODE

297-297.5 Registered Domestic partner rights, protections, and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations
12945.1-12945.2 California Family Rights

LABOR CODE

230-230.2 Leave for victims of domestic violence, sexual assault or specified felonies
230.3 Leave for emergency personnel
230.4 Leave for volunteer firefighters
230.8 Leave to visit child's school
233 Illness of child, parent, spouse, domestic partner or domestic partner's child
234 Absence control policy
1500-1507 Civil Air Patrol leave

MILITARY AND VETERANS CODE

395.10 Leave when spouse on leave from military deployment

PENAL CODE

667.5 Violent felony, defined
1192.7 Serious felony, defined

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2612 Leave requirements

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954

Management Resources:

WEB SITES

California Federation of Teachers: <http://www.cft.org>
California School Employees Association: <http://www.csea.com>
California Teachers Association: <http://www.cta.org>
Public Employment Relations Board: <http://www.perb.ca.gov>

Regulation

Approved: November 7, 2001

revised: April 2, 2003

revised: February 9, 2005

revised: August 20, 2008

revised: October 20, 2010

revised: _____ 2013

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

Hanford Elementary School District
HUMAN RESOURCES DEPARTMENT

AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: April 15, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **April 24, 2013**

ITEM: Hear public input on Hanford Elementary Teachers Association's (HETA's) initial proposal for a successor agreement between Hanford Elementary School District (HESD) and HETA beginning with the 2013-2014 school year.

PURPOSE: HETA's initial proposal for a successor agreement with HESD was presented at the Board Meeting on April 10, 2013. Comments from the public regarding the proposal are to be heard prior to Board action to accept the proposal [Gov. Code 3547 (b) and (c)].

The current collective bargaining agreement between the District and HETA expires June 30, 2013.

FISCAL IMPACT: Unknown at this time.

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

Article 8 Transfer

HETA would like the following language added or changed to- "the district shall notify the affected teacher in person in private after duty day of any proposed transfer. Such notification shall identify the reason for the proposed action."

Article 9 Certificated Evaluation and Personnel Files

HETA would like for nurses to have the option to be on a 5 year evaluation plan.

Article 10 Teacher Safety

HETA would like the following language added or changed to- "teachers receiving a special needs student (i.e.; medical, behavior, emotional, or learning disabilities) shall be given notice and specific directions for the student's care within two days of placement."

HETA would like the following language added or changed to- "the school office will make sure that they have personnel assigned to answer a school office phone at all times. Procedures shall be put into place in the event that no one answers the office phone (Office clerks shall be given wireless headsets to answer the phone in the event they are not at their desks)."

Article 12 Faculty Advisory Committees

HETA would like the following language added or changed to- "Faculty Advisory Committee (FAC) shall be established at each school site."

Article 13 Teaching Hours and Teaching Load

HETA would like the following language added or changed to- "no meetings are to be scheduled on a Friday anytime past the students' instructional day."

HETA would like the following language added or changed to- "the professional day at the Junior High for Promotion/Dance will not exceed 6:00 p.m."

Article 14 Class Size

| Section B | Grades K-3 | Ratio | Ceiling |
|-----------|------------|--|---------|
| | | As set forth in the 13-14 state budget | |

Article 16 Leaves

Reinstate three (3) days of paid Family Illness Leave annually.....and include grandparents and grandchildren

Article 18 Employee Group Health and Welfare Insurance Benefits

HETA would like the District to continue to fully fund benefits with a reduction in employee out of pocket costs (i.e. deductibles and co-pays).

Article 20 Salary

Section A The Teacher and Nurses’ salary schedules shall include any new monies put forth by the State of California.

Section D Stipends 1a RSP Increase

Section D Stipends 1c Dual Immersion (FLI) with BCLAD increase

Section D Stipends 1d Dual Immersion (FLI) without BCLAD increase

Section D Stipends 1i Masters Increase

Add Step L-30 to the salary schedule

Article 21 Co-Curricular

Add all co-curricular activities that receive compensation, their unit value and rate.

Article 24 Negotiations

Section I Add- The bargaining session will meet and begin at the mutually agreed upon time and place with the members that are present unless both parties agree to a delay.

New Article FLI (Foreign Language Institute)

FLI teachers increase classroom stipend yearly.

FLI staffing shall be based on the following teacher/pupil ratios and ceilings set forth below:

| | Ratio | Ceiling |
|--------------------|--|---------|
| Grades K through 3 | ratio and ceiling as set forth in the 13-14 state budget | |
| *Grades 4-6 | 1:28 | 1:31 |

*Teachers shall receive \$75 per month for each student over the ratio and up to the ceiling of 31 students. Overage pay will be calculated based on the highest daily enrollment of any single day during the month and regardless of the number of days in the month the class size exceeds the 28 student limit.

Reinstatement rights under Article 8, section E, number 8, shall include teachers in the FLI program.

New Article TK (Transitional Kindergarten)

In 2014-2015 the establishment of the new and separate grade level position of Transitional Kindergarten shall commence. Spring staffing for 2014-2015 will be based on district wide seniority and shall be reopened as vacant positions.

Transitional Kindergarten shall be based on the following teacher/pupil ratios and ceilings set forth below:

| | Ratio | Ceiling |
|----------|--|---------|
| Grade TK | ratio and ceiling as set forth in the 13-14 state budget | |

Should TK teachers be required to collaborate offsite, the district will compensate mileage according to the standard formula.

To maintain program continuity and consistency within the Transitional-Kindergarten grade, should a TK/K combination class need to exist more than one consecutive year, the unit member who currently has the class will be given the opportunity to volunteer for the position again.

Hanford Elementary School District
HUMAN RESOURCES DEPARTMENT

AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams *DL*

DATE: April 15, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **April 24, 2013**

ITEM: Hear public input on Hanford Elementary School District's (HESD's) initial proposal for a successor agreement with the Hanford Elementary Teachers Association (HETA) beginning with the 2013-2014 school year.

PURPOSE: The District's initial proposal for a successor agreement with HETA was presented at the Board Meeting on April 10, 2013. Comments from the public regarding the proposal are to be heard prior to Board action to accept the proposal [Gov. Code 3547 (b) and (c)].

The current collective bargaining agreement between the District and HETA expires June 30, 2013.

FISCAL IMPACT: Unknown at this time.

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

**HANFORD ELEMENTARY SCHOOL DISTRICT'S INITIAL PROPOSAL FOR
SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH
HANFORD ELEMENTARY TEACHERS ASSOCIATION**

Effective July 1, 2013

Article 1
Agreement

C. Change dates for commencement and reopeners to: Agreement shall commence on July 2013 and remain in full force until June 30, 2016. Reopeners for 2014-15 and 2015-16 school year.

Article 2
Recognition

B. Add 10. Program Specialist
C. Clarify Day-to-day substitutes, add temporary teacher
D. Change trimester to semester

Article 3
Nondiscrimination

A. Update protected groups to comply with law.

Article 4
Association Rights

D. Add e-mail shall be limited to non-political communication
Add designee

Article 5
District Rights

Status Quo

Article 6
Grievance Procedures

Status Quo

Article 7
Professional Dues & Payroll Deductions

3.b. Strike this section about procedures for payments to scholarship funds for employees who do not belong to the Union.

Article 8
Transfer

2.c. Add FLI teacher to a transfer is not a change in site, grade level or assignment.

B. Add new section on combination classes to list all procedures for combo's in one place.

D. Voluntary Transfer 1. Change current language that a transfer request will remain in effect until the close of business on September 12 TO the first day of the new school year.

Article 8 (continued)
Transfer

2. Strike current language: A member who wants to be considered for a transfer after September 12 of any year must submit another written request. Replace with: a teacher, including those in special assignments such as Special Education, FLI, Literacy/Induction and Band shall utilize the voluntary transfer request procedures in the event they wish to vacate their current assignment.

F. Involuntary Transfer – Spring Staffing

1.b. The District shall actively seek volunteers – Add at the affected grade level.

8.b. Strike language – If the previous position (grade and/or subject) is reopened after the students return to school, the former position will be made available to the teacher the following school year if it is vacant or has been filled by a new hire, unless the new hire is a Probationary I teacher and it would be in the best interest of that teacher to stay in that position for further observation and assistance.

G. Involuntary Transfer – After April 15 or Fall Balancing

1.a. The District will actively seek volunteers – add at the affected grade level.

2.a. current language: Shall be given the option to return to his/her position (grade and/or subject), if the position is reopened prior to the students return to school. Teachers electing this option shall waive their rights to benefits provided in Section F.1.b. of this Article IO: Shall be given the option to return to his/her position (grade and/or subject), if the position becomes vacant at spring staffing. If the teacher reinstates, the teacher retains protection during this second year.

2.b. Strike language – If the previous position (grade and/or subject) is reopened after the

Article 8 (continued)
 Transfer

students return to school, the former position will be made available to the teacher the following school year if it is vacant or has been filled by a new hire, unless the new hire is a Probationary I teacher and it would be in the best interest of that teacher to stay in that position for further observation and assistance.

Article 9
 Certificated Evaluation
 and Personnel Files

I.A. Add – This does not prevent the supervisor from bringing in another district administrator during the scheduled observation.

F.6 Change Roman numerals V and VI to 5 and 6.

Article 10
 Teacher Safety

Delete Section E. Teachers shall be given a copy of the Student Discipline Regulations (AR 5144) and Suspension and Expulsion/Due process Regulations (AR 5144.1) at the beginning of the established work year (repetitive section).

Article 11
 School Calendars and
 Work Year

3. Take out Professional Development days funding language

4. Change Labor Day to Memorial Day for student minimum day.

Article 12
 Faculty Advisory
 Committee (FAC)

C. Eliminate FAC may request faculty meetings.

Article 13
 Teaching Hours and
 Teaching Load

C.1. Delete 35 minutes of accelerated reader time.

D. and 2.b. Change Labor Day to Memorial Day.

D.2.a. Clarify expectations for types of minimum days.

E. Parent/Teacher Conference 1.d. 2:00 p.m. earliest out on second day.

Add – No personal day or leave for personal necessity will be granted for PC days.

Article 13 (continued)
Teaching Hours and
Teaching Load

F.1.d.6) Teachers who miss a scheduled staff meeting shall charge their leave bank as appropriate.

H.2. Add nurses to the 30 minute lunch period.

I.1. Eliminate collection of monies.

J. Professional Development 1. Strike first part of sentence: "In addition to Professional Development activities up to three Professional Development Days (not currently available in the 2010-11 contract)."

Article 14
Class Size

RSP – Add "In the event a waiver is granted from the State Department of Education to increase RSP case loads, the district will implement the same overage procedures as established for SDC teachers."

Article 15
Summer School

Status Quo

Article 16
Leaves

A.4.b. & d. Change from Personnel Office to Human Resources Department.

A.7.a. Change from eight (8) to four (4) the amount of hours a teacher can donate to the Catastrophic Sick Leave Bank.

B.2. Pregnancy Disability Leave – Delete language "Teachers absent as a result of pregnancy disability shall have the option of either receiving or not receiving pay during the period of this disability."

B.2. Delete language "due to pregnancy, miscarriage, childbirth, or recovery therefrom."

B.4. Delete entire paragraph regarding reporting a due date to the District as this is already covered in B.2.

Article 16 (continued)
Leaves

C.2. revise reference from workers comp agency to Kings County Insured Schools Joint Powers Authority and Third Party Claims Administrators.

C.9. Add language – In the alternative and as a convenience to both parties, the Third Party Claims Administrator can also mail the checks directly to the District made payable to the District during the employee's full pay status.

C.13. Revise language to make it clear that unless a physician's verification of temporary disability is received, no Industrial Accident Leave will be claimed. Also clarified that unless a "Pre-designation" form is filed with the District a teacher claiming industrial leave shall be examined by a physician selected on the District's Worker's Compensation Medical Plan.

D.4.b. Change from three (3) to two (2) the number of consecutive days that can be used for personal compelling reasons.

E. Change Personal Business Leave to Personal Day.

F. 1. Delete family illness leave.

F.1. Delete "Leave taken under this provision shall reduce leave available, if any, for Personal Necessity, per Section D. of this Article, on a day-for-day basis.

G. Clarified the definition of "immediate family."

H.1. Changed language about contacting Principal about returning to work if released from jury duty at ½ day to prior to or during their regularly scheduled lunch break.

K.3. Unpaid Family Care Leave --added "During uncompensated unpaid leave, teachers shall be

Article 16 (continued)
Leaves

entitled to maintain their health insurance benefits by payment of full monthly premiums to the District. Life insurance coverage will cease under group coverage. The employee can choose to convert group life insurance or opt for portability on the AD&D life at their own expense."

L.3. Changed so that uncompensated personal leaves shall only be granted for one (1) school year.

L.4. Deleted language referring to how leaves would be handled in 2010-11 when we were transitioning to the maximum leave being two years.

L.7.a. Clarified language for teachers on uncompensated leaves to indicate when coverage terminates.

Article 17
Layoffs

E. change current language: The teacher who has received District notification of a layoff shall be entitled to five (5) days of leave, deducted from sick leave, to seek other employment. IQ may use their personal necessity leave if they have days available.

Article 18
Employee Group Health
& Welfare Insurance
Benefits

A.1.a. Medical Insurance: Deleted reference to chiropractic services and add behavioral health program.

A.1.b. Changed SISC Review Committee language to "Administrator according to the appeal process identified in the SISC Medical Plan Document."

A.2. Clarified the dental insurance type of program.

A.4. Clarified that benefits terminate upon retirement or upon termination of active employment.

Article 18 (continued)
 Employee Group Health
 & Welfare Insurance
 Benefits

A.5. No change in cap.
 New reform language

Current amount spent

Cap \$11,341.32

273 teachers \$3,096,093

28 retired teachers 250,066

Total Teacher Benefit Costs \$3,346,159

A.10.a. Identified type of insurance coverage as medical.

A.10.b. & c. Added language – Life insurance ends on the last workday.

B.3.c. Clarified the reference to District group health insurance plans as medical.

C.2. & 3. Clarified the teacher's group insurance coverage as medical, dental and vision.

Article 19
 Early Retirement Plans

Due to new/changing retirement legislation, we propose to eliminate the entire Article. All Early Retirement Provisions are covered in Board Policy.

Article 20
 Salary

Pending state budget legislation for 2013-14 school year.

Article 21
 Payment for Co-Curricular
 Activities

Status Quo

Article 22
 Teacher Travel

Status Quo

Article 23
 Peer Assistance & Review

Minor revisions to be reviewed by PAR Panel.

| | |
|---|---|
| Article 24 Negotiating Procedures | F. Fifteen (15) final copies of the bargaining agreement will be given to Association President. The Agreement will be available on the District portal to all members. |
| Article 25 Maintenance of Standards | Status Quo |
| Article 26 Statutory Changes | Status Quo |
| Article 27 Savings | Status Quo |
| Article 28 Miscellaneous Provisions | C. Recovery of Costs – review/clarify expectations of this language. |
| Article 29 Shared Teaching Contracts | Section B: Ask for share must be tenured – already completed at least two years in the District at spring staffing |
| Article 30 Effect of the Agreement | C. Change to July 1, 2013 through June 30, 2016; reopen 2014-15 and 2015-16 Articles on Calendar, Benefits, and Salary |

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Diane Williams
DATE: April 15, 2013
RE: (X) Board Meeting
() Superintendent's Cabinet
() Information
(X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **April 24, 2013**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Certificated, effective 8/14/13

- Malissa Aguilar, Teacher, Probationary I
- Emily Carlton, Teacher, Probationary I
- Graciela Magallon, Teacher, Probationary I
- Bret Williams, Teacher, Probationary I

Temporary Employees/Substitutes/Yard Supervisors

- Sabine Appleby, Substitute Clerk Trainee, effective 4/8/13
- Nydia Caballero, Substitute READY Program Tutor, Translator: Oral Interpreter and Written Translator, effective 4/10/13
- Francisca Estrada de Saldana, Short-term Yard Supervisor – 1.5 hrs., Hamilton, effective 4/4/13 to 6/7/13

b. Resignations

- Jaclyn Lowdermilk, Teacher, King, effective 06/07/13

c. Promotion

- Frank Lourenco, Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 4/22/13

d. Promotion/More Hours

- Audreyana Hernandez, from READY Program Tutor – 4.5 hrs., Richmond to Lead READY Program Tutor – 5.0 hrs., King, effective 4/15/13

e. Decrease in Hours

- Veronica Leach, Yard Supervisor, from 3.0 hrs. to 1.5 hrs., Hamilton, effective 4/4/13

f. Leave of Absence

- Brooke Fuller, Teacher, Wilson, effective 3/20/13 to 6/7/13, personal
- Tara Monard, Teacher, Richmond, effective 2013-2014 school year, travel

g. Volunteers

| <u>Name</u> | <u>School</u> |
|-----------------------------------|-----------------|
| Rosemary Lerma (current employee) | Jefferson/Simas |
| Edward Ayala, Jr. | Jefferson |
| Ruth Hernandez (current employee) | Jefferson |
| Jose Torres (current employee) | Jefferson |
| Veronica Martinez | Jefferson |
| David Trevino (current employee) | Jefferson |
| Sonia Mena (current employee) | Monroe |
| Elizabeth Moz | Monroe |
| Zenaida Puga | Monroe |
| Robin Patison (current employee) | Roosevelt |
| Lady Steen | Simas |

RECOMMENDATION: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: April 12, 2013

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

FOR: () Information
(X) Action

Date you wish to have your item considered: April 24, 2013

ITEM:

Consider approval of Resolution #18-13: Revision of the 2012-13 Budget.

PURPOSE:

Miscellaneous budget changes are listed on the attached resolution.

FISCAL IMPACT:

RECOMMENDATION:

Approve Resolution #18-13: 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 #: 18-13

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 April 24, 2013 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Clerk of the Governing Board
Hanford Elementary School District

**Budget Changes
2012-13 Budget
April 24, 2013**

| | Amount Changed | Reason for Change |
|--|---------------------------|--------------------------------------|
| FUND 0100 - GENERAL FUND | | |
| Revenue | | |
| 869900 Other Local | \$8,736 | Donations |
| TOTAL REVENUE CHANGES - GENERAL FUND | \$8,736 | |
| Expenditures | | |
| <u>LOCATION 003 - HUMAN RESOURCES</u> | | |
| 200000 Classified Salaries | -\$1,500 | Adjust per manager request |
| 500000 Services | \$1,500 | |
| | <u>\$0</u> | |
| <u>LOCATION 010 - FACILITIES</u> | | |
| 560000 Repairs | \$20,827 | Adjust coding on repair - Washington |
| 620000 Improvement of Buildings | -\$20,827 | |
| | <u>\$0</u> | |
| <u>LOCATIONS 020-031 - GENERAL SCHOOLS</u> | | |
| 400000 Books & Supplies | \$2,933 | Donations - Monroe |
| 500000 Services | \$5,803 | |
| | <u>\$8,736</u> | |
| <u>TITLE I AND SWP (SCHOOL-WIDE PROGRAM)</u> | | |
| 100000 Certificated Salaries | \$3,467 | Adjust per manager request |
| 200000 Classified Salaries | \$260 | |
| 300000 Employee Benefits | -\$2,896 | |
| 400000 Books & Supplies | -\$3,302 | |
| 500000 Services | \$2,471 | |
| | <u>\$0</u> | |
| <u>SBCP (SCHOOL BASED COORDINATED PROGRAM)</u> | | |
| 200000 Classified Salaries | \$216 | Adjust per manager request |
| 400000 Books & Supplies | -\$826 | |
| 500000 Services | \$610 | |
| | <u>\$0</u> | |
| <u>QEIA (QUALITY EDUCATION INVESTMENT ACT)</u> | | |
| 400000 Books & Supplies | \$6,000 | Adjust per manager request |
| 500000 Services | -\$6,000 | |
| | <u>\$0</u> | |
| <u>REVEDELOPMENT</u> | | |
| 430000 Supplies | -\$2,863 | Adjust budgets for fencing projects |
| 500000 Services | -\$5,595 | |
| 617000 Sites & Improvement of Sites | \$9,716 | |
| 979000 Undesignated Reserve | -\$1,258 | |
| | <u>\$0</u> | |

**Budget Changes
2012-13 Budget
April 24, 2013**

| | Amount Changed | Reason for Change |
|---|---------------------------|---|
| <u>ASES (AFTER-SCHOOL READY PROGRAM)</u> | | |
| 200000 Classified Salaries | -\$23,627 | Mid-year adjustment to move unused salary budgets to be used for supplies and services. |
| 300000 Employee Benefits | -\$5,396 | |
| 400000 Books & Supplies | \$23,359 | |
| 500000 Services | \$5,664 | |
| | <u>\$0</u> | |
| TOTAL EXPENDITURE CHANGES - GENERAL FUND | <u>\$8,736</u> | |

FUND 1300 - CAFETERIA FUND

Expenditures

| | | |
|----------------------------------|-------------------------|--|
| 200000 Classified Salaries | \$1,707 | Mid-year salary adjustments; purchase of replacement equipment |
| 300000 Employee Benefits | \$2,430 | |
| 400000 Books & Supplies | \$27,154 | |
| 500000 Services | -\$10,647 | |
| 650000 Equipment Replacement | \$76,713 | |
| 978000 Undesignated Reserve | <u>-\$119,201</u> | |
| Total Expenditure Changes | <u>-\$21,844</u> | |

FUND 1400 - DEFERRED MAINTENANCE FUND

Revenue

| | | |
|------------------------------|---------------------|-----------------|
| 859000 State Match | -1384 | Adjust estimate |
| 866000 Interest | <u>-400</u> | |
| Total Revenue Changes | <u>-1784</u> | |

Expenditures

| | | |
|----------------------------------|---------------------|-------------------------------|
| 560000 Repairs | -7615 | Adjust budgets to actual need |
| 620000 Improvement of Buildings | -3044 | |
| 976000 Undesignated Reserve | <u>8875</u> | |
| Total Expenditure Changes | <u>-1784</u> | |

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: April 12, 2013

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: April 24, 2013

ITEM:

Consider approval of Public Hearing Notification: Proposed Budget for 2013-14, June 12, 2013, 6:10 p.m., Hanford Elementary School District Office Board Room, 714 N. White Street, Hanford, California.

PURPOSE:

The proposed budget can be adopted only after a public hearing has been held. The budget must be adopted by June 30, 2013. I suggest that you hold the public hearing during your regular meeting on June 12, 2013.

FISCAL IMPACT:

RECOMMENDATION:

Approve public hearing date and time.