

Hanford Elementary School District

REGULAR BOARD MEETING AGENDA

Wednesday, October 9, 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

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

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

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

Administrative Panel Recommendations

Case # 14-01 – Kennedy

OPEN SESSION

6:00 p.m. **1. PRESENTATIONS, REPORTS AND COMMUNICATIONS**

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

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

2. CONSENT ITEMS

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

- a) Approve warrant listings dated September 20, 2013; and September 27, 2013.
- b) Approve minutes of Regular Board Meeting September 25, 2013.

- *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.*

3. INFORMATION ITEMS

- a) Receive for information quarterly report regarding Williams Uniform Complaints. (Terry)
- b) Receive for information the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 1312.3 – Uniform Complaint Procedures
- c) Receive for information the following revised Board Policy and Administrative Regulation: (McConnell)
 - BP/AR 5141.27 – Food Allergies/Special Dietary Needs
- d) Receive for information Tentative Agreement for a Successor Contract with the Hanford Elementary Teachers Association (HETA). (Williams)

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider adoption of the following New Administrative Regulation: (Terry)
 - AR 0420.4 – Charter School Authorization
- b) Consider adoption of the following New Board Policy: (Terry)
 - BP 0420.42 – Charter School Renewal
- c) Consider adoption of the following New Board Policy: (Terry)
 - BP 0420.43 – Charter School Revocation
- d) Consider approval of the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 1113 – District and School Web Sites
- e) Consider approval of the following revised Board Policy: (Terry)
 - BP 1150 – Commendations and Awards
- f) Consider approval of the following revised Administrative Regulation: (Terry)
 - AR 1250 – Visitors/Outsiders
- g) Consider approval of the following revised Board Bylaw: (Terry)
 - BB 9220 – Governing Board Elections
- h) Consider approval of the following revised Board Bylaw:
 - BB 9322 – Agenda/Meeting Materials
- i) Consider approval of the following revised Board Bylaw and new Exhibit:
 - BB 9323.2 – Actions by the Board
 - Exhibit 9323.2 – Unconditional Commitment Letter
- j) Consider approval of consultant contract with Street Beat, LLC, to bring bully prevention and intervention presentation to students at MLK Elementary. (Colvard)
- k) Consider approval of contract with Supplemental Education Services (SES) Provider organizations to provide SES to eligible students. (Carlton)

5. PERSONNEL (Williams)

- a) Employment
Classified
 - Nancy Gonzales, Account Technician II – 8.0hrs., Fiscal Services, effective 10/1/13
 - Temporary Employees/Substitutes/Yard Supervisors*
 - Antesar Ahmed, Substitute Yard Supervisor, effective 10/1/13
 - Almira Alcoser, Substitute Food Service Utility Worker, Food Service Worker I/II, effective 9/18/13

- Yvette Alvarez, Substitute Yard Supervisor, effective 9/12/13
- Sabine Appleby, Short-term Yard Supervisor - .50 hrs., Hamilton, effective 9/23/13 to 10/17/13
- Cruz Chavez, Short-term Educational Tutor K-6 – 5.0 hrs. (2 days per week/intermittent), Migrant/Jefferson, effective 9/27/13 to 6/7/14
- Monica Gamez, Short-term Yard Supervisor – 2.0 hrs., Hamilton, effective 10/1/13 to 11/22/13
- Harmini Rabon, Substitute READY Program Tutor, effective 9/19/13
- Edith Rodriguez, Substitute Account Technician II, Bilingual Clerk Typist I and Clerk Typist I, effective 9/26/13
- Jose Rojas, II, Short-term READY Program Tutor – 4.5 hrs., Monroe, effective 9/30/13 to 10/30/13
- Danielle Stacy, Substitute Clerk Typist II, effective 9/26/13
- Cheyenne Zimmerman, Substitute Yard Supervisor, effective 9/20/13

b) Resignations

- Leticia Arenivas, Substitute Clerk Trainee, Translator: Oral Interpreter and Written Translator and Yard Supervisor, effective 9/27/13
- Olga Hernandez, Yard Supervisor – 2.25 hrs., Wilson, effective 9/20/13
- Cynthia Long, Food Service Worker I – 2.5 hrs., Roosevelt, effective 9/16/13
- Bryan Vickers, Special Education Aide – 5.0 hrs., Simas, effective 10/4/13

c) Termination due to Failure to Respond to Annual Notification

- Lawrence Brieno, Substitute Custodian I and READY Program Tutor, effective 5/29/13
- Alyssa Casarez, Substitute Yard Supervisor, effective 8/17/12
- Idalmiro Da Rosa, Substitute Custodian II, effective 3/19/12
- Kali Dousharm, Substitute READY Program Tutor and Yard Supervisor, effective 2/4/13
- Donna Duran, Substitute Yard Supervisor, effective 6/6/13
- Lisa Ellis, Substitute Media Services Aide, effective 3/29/12
- Angelica Gonzales, Substitute Bilingual Clerk Typist I, Clerk Typist I and Yard Supervisor, effective 8/7/12
- John Lesaca, Substitute Food Service Worker I/II, effective 1/18/13
- Sharon Maggio, Substitute Food Service Worker I/II and Yard Supervisor, effective 1/11/13
- Melissa Martinez, Substitute READY Program Tutor, Special Circumstance Aide and Special Education Aide, effective 6/7/13
- Narcisso Ribera, Substitute Yard Supervisor, effective 4/16/12
- Teresa Sargent-Maiden, Substitute READY Program Tutor, Special Education Aide and Yard Supervisor, effective 12/4/09
- Danielle Stacy, Substitute Clerk Typist II, effective 5/8/12
- Zachary Stewart, Substitute Custodian I, effective 2/15/13
- Angela Wells, Substitute Food Service Worker I/II and READY Program Tutor, effective 2/28/12

d) More Hours

- Melissa Braley, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Kennedy, effective 9/23/13
- Vance Fredrick, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 9/19/13
- Amanda Henderson, Short-term Yard Supervisor, from 2.0 hrs. to 2.25 hrs., Washington, effective 9/19/13 to 10/31/13
- Andraya Hernandez, Short-term Yard Supervisor, from 2.5 hrs. to 3.0 hrs., Simas, effective 9/16/13 to 10/31/13
- Veronica Leach, Yard Supervisor, from 1.75 hrs. to 2.25 hrs., Hamilton, effective 10/1/13
- Michael Quinones, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 9/19/13
- Maria Villafana, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Jefferson, effective 8/29/13

e) More Hours/Transfer

- Kierra Thomas, Short-term Yard Supervisor, from 2.5 hrs., Hamilton to 3.5 hrs., Lincoln, effective 9/30/13 to 10/31/13

f) Leave of Absence

- Elizabeth Chavez, Yard Supervisor – 3.25 hrs., King, effective 9/26/13 to 10/7/13, personal
- Maricia Cuevas, Yard Supervisor – 1.75 hrs., Hamilton, effective 10/3/13 to 10/9/13, personal
- Robert Thomas Torres, READY Program Tutor – 4.5 hrs., Simas, effective 8/9/13 to 10/17/13, military

g) Volunteers

<u>Name</u>	<u>School</u>
Guadalupe Lopez	Jefferson
Eric Foster (Walmart Employee)	JFK/Woodrow
Celestina Rodriguez	Monroe
Brenda Perez	Richmond
Angela Corona	Roosevelt

6. FINANCIAL (White)

- a) Consider approval of Resolution #4-14: Final Revision of the 2012-13 Budget.

ADJOURN MEETING

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: September 26, 2013

For: Board Meeting
 Superintendent' s Cabinet
 Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Student Discipline

PURPOSE: Consider Administrative Panel Recommendations

Case# 14-01 – Kennedy

**Hanford Elementary School District
Minutes of the Regular Board Meeting
September 25, 2013**

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on September 25, 2013, at the Hamilton School cafeteria, 1269 Leland Way, Hanford, CA.

Call to Order President Revious called the meeting to order at 5:35 p.m. Trustees Garner, Hernandez, and Jay were present. Trustee Hill was absent for a reason deemed acceptable by the board.

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

PRESENTATIONS, REPORTS AND COMMUNICATIONS

Introductions and Recognitions Dr. Terry introduced the HESD Management Team, Literacy Coaches and Induction Coaches.

Dr. Terry introduced newly tenured teachers. New certificated staff to HESD were introduced to the Board of Trustees and welcomed to the District.

Reception and Refreshments Trustees took a break at 5:50 p.m. and invited all in attendance to join them for a short reception and refreshments.

The meeting resumed at 6:20 p.m.

Public Comments None.

Board and Staff Comments President Revious stated that he received email from Superintendent announcing the district achieved API score of 800. Revious expressed deep appreciation for the efforts of all and asked administration to take the message back to staff to "tell them all thanks."

Requests to Address the Board None.

Dates to Remember President Revious reviewed dates to remember: September 26 ACSA Annual Fall Conference at Pioneer Middle School; September 28 Grades 4-6 Fall Round Robin #1; October 9 next regular Board Meeting.

INFORMATION ITEMS

AR 0420.4 Dr. Paul J. Terry, Superintendent, presented for information the following Administrative Regulation:

- AR 0420.4 – Charter School Authorization (NEW)

- BP 0420.42** Dr. Paul J. Terry, Superintendent, presented for information the following Board Policy:
BP 0420.42 – Charter School Renewal (NEW)
- BP 0420.43** Dr. Paul J. Terry, Superintendent, presented for information the following Administrative Regulation:
BP 0420.43 – Charter School Revocation (NEW)
- BP/AR 1113** Dr. Paul J. Terry, Superintendent, presented for information the following revised Board Policy and Administrative Regulation:
 - BP/AR 1113 – District and School Web Sites (revised)
- BP 1150.** Dr. Paul J. Terry, Superintendent, presented for information the following revised Board Policy:
 - BP 1150 – Commendations and Awards (revised)
- AR 1250** Dr. Paul J. Terry, Superintendent, presented for information the following revised Administrative Regulation:
 - AR 1250 – Visitors/Outsiders (revised)
- BB 9220** Dr. Paul J. Terry, Superintendent, presented for information the following revised Board Bylaw:
 - BB 9220 – Governing Board Elections (revised)
- BB 9322** Dr. Paul J. Terry, Superintendent, presented for information the following revised Board Bylaw:
 - BB 9322 – Agenda/Meeting Materials (revised)
- BB 9323.2 and Exhibit 9323.2** Dr. Paul J. Terry, Superintendent, presented for information the following revised Board Bylaw and new Exhibit:
 - BB 9323.2 – Actions by the Board (revised)
 - Exhibit 9323.2 – Unconditional Commitment Letter (NEW)

CONSENT ITEMS

Trustee Garner made a motion to take consent items "a" through "i" together. Trustee Hernandez seconded, motion carried 4-0. Trustee Garner then made a motion to approve consent items "a" through "i". Trustee Jay seconded, motion carried 4-0. The items approved are:

- a) Warrant listings dated September 6, 2013 and September 13, 2013.
- b) Minutes of September 11, 2013 Regular Board Meeting.
- c) Interdistrict transfers as recommended.
- d) Donation of \$204.62 from Target to MLK School.
- e) Donation of \$217.12 from Target to Roosevelt School.
- f) Donation of \$153.22 from Target to Lincoln School.
- g) Donation of \$92.33 from Target to Woodrow Wilson Junior High School.
- h) Donation of one Arcosonic upright piano, estimated value \$1,000.00 from Gary Christensen to Woodrow Wilson Band Program.
- i) Donation to Special Education Department of seven (7) Extreme

Isolation HP-25 headphones (valued at \$44.95 each) from H. Dennis Beaver and Direct Sound Headphones, LLC.

Trustee Revious thanked and acknowledged donors for their generous support of HESD schools.

**PUBLIC HEARING:
Instructional Materials**

At 6:35 p.m. President Revious opened the public hearing regarding Sufficiency of Instructional Materials. Joy Gabler, Assistant Superintendent Curriculum, Instruction and Professional Development, reviewed with the Board the core instructional materials for 2013-14 and presented an opportunity for the public to comment on the sufficiency of instructional materials. President Revious called for questions from the audience. There being none, the President Revious closed the public hearing at 6:37 p.m.

BOARD POLICIES AND ADMINISTRATION

- HESD's Initial Proposal** Trustee Jay made a motion to accept HESD's initial proposals for the 2013-2014 Amendments to the Collective Bargaining Agreement between Hanford Elementary School District and California School Employees Association (reopened articles). Trustee Hernandez seconded; motion carried 4-0.
- CSEA's Initial Proposal** Trustee Jay made a motion to accept CSEA's initial proposals for 2013-2014 Amendments to the 2011-2014 Collective Bargaining Agreement between Hanford Elementary School District and CSEA (reopened articles). Trustee Hernandez seconded; motion carried 4-0.
- Resolution #1-14
Sufficiency of
Instructional Materials** Trustee Jay made a motion to adopt Resolution #1-14 pertaining to the sufficiency of instructional materials. Trustee Garner seconded; motion carried 4-0.
- Certification of
Compliance** Trustee Garner made a motion to certify compliance with Education Code Section 60422(a) and California Code of Regulation (CCR) Title 5 Section 9531(a). Trustee Jay seconded; motion carried 4-0.
- SARB agreement** Trustee Jay made a motion to approve School Attendance Review Board Agreement. Trustee Garner seconded; motion carried 4-0.
- BP/AR 3514.1** Trustee Jay made a motion to approve the following revised Board Policy and Administrative Regulation. Trustee Garner seconded; motion carried 4-0:
- BP/AR 3514.1 – Hazardous Substances
- Consultant Contract** Trustee Garner made a motion to approve consultant contract with Tara Rodriguez to provide music classes to Migrant students and parents. Trustee Hernandez seconded; motion carried 4-0.
- Out-of-state travel** Trustee Jay made a motion to approve Preston Cooper, Database Specialist II, to travel to Scottsdale, Arizona to attend the Edupoint

National Users Conference on November 14-15, 2013. Trustee Hernandez seconded; motion carried 4-0.

PERSONNEL

Trustee Jay made a motion to take Personnel items "a" through "g" collectively. Trustee Hernandez seconded; motion carried 4-0. Then Trustee Jay made a motion to approve Personnel items "a" through "g". Trustee Hernandez seconded; the motion carried 4-0. The following items were approved:

Item "a" – Employment Classified

- Dallas Sanders, READY Program Tutor – 4.5 hrs., King, effective 9/9/13
- Paige Semas, READY Program Tutor – 4.5 hrs., Monroo, effective 8/30/13

Temporary/Substitutes/Yard Supervisors

- Mark Alford, Substitute Food Service Worker I, effective 8/15/13
- Leticia Arenivas, Short-term Yard Supervisor - .75 hr., Hamilton, effective 9/16/13 to 10/31/13
- Clara Flenoid, Substitute Food Service Worker I, effective 8/23/13
- Linda Garcia, Substitute Yard Supervisor, effective 8/15/13; Short-term Yard Supervisor – 2.0 hrs., Jefferson, effective 8/15/13 to 10/31/13
- Joseph Hernandez, Jr. High Drum Coach – 55 units, effective 9/3/13 to 6/7/14
- Paul Huerta, Substitute Clerk Trainee, effective 9/11/13
- Aaron Johnston, Substitute Custodian I and Groundskeeper I, effective 8/15/13
- Daniela Meza, Short-term Yard Supervisor - .75 hrs., King, 1.0 hr., Roosevelt, effective 9/16/13 to 10/31/13
- Andreama Rodriguez, Substitute Special Education Aide, effective 9/3/13
- Dallas Sanders, Substitute READY Program Tutor, effective 8/27/13
- Virginia Silva, Short-term READY Program Tutor – 4.5 hrs., Simas, effective 9/16/13 to 10/31/13

Item "b" – Resignations

- Evelyn Aguilera, Bilingual Clerk Typist – 5.0 hrs., King, effective 9/20/13
- Mark Alford, Substitute Food Service Worker I, effective 9/9/13
- Lucia Arteaga, Yard Supervisor – 1.5 hrs., Roosevelt, effective 8/30/13
- Sara Glasby, Account Technician II – 8.0 hrs., Fiscal Services, effective 10/11/13
- Sherry Miller, Yard Supervisor – 3.5 hrs., Lincoln, effective 8/23/13
- Valerie Velazquez, Yard Supervisor – 2.25 hrs., Monroe, effective 9/9/13

Item "c" – More Hours

- Angelica Aguilar, Yard Supervisor, from 2.5 hrs. to 2.75 hrs., King, effective 8/15/13
- Angela Almeida, Yard Supervisor, from 3.5 hrs. to 3.75 hrs., Roosevelt, effective 8/15/13
- Corina Angel, Short-term Yard Supervisor, from 1.0 hrs. to 1.5 hrs., Roosevelt, effective 9/3/13 to 10/31/13
- Leticia Arenivas, Short-term Yard Supervisor, from 1.0 hr. to 1.25 hrs., Monroe, effective 9/10/13 to 10/31/13
- Angela Byars-Roberg, Yard Supervisor, from 1.5 hrs. to 2.0 hrs., Roosevelt, effective 8/20/13
- Francisca Estrada de Saldana, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Hamilton, effective 9/3/13
- Vance Fredrick, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Washington, effective 8/15/13
- Zujey Garcia Zavala, Yard Supervisor, from 2.25 hrs. to 2.5 hrs., King, effective 8/15/13
- Evette Gonzalez, Yard Supervisor, from 2.25 hrs. to 3.0 hrs., King, effective 8/15/13
- Sonia Mena, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Jefferson, effective 8/29/13
- Guadalupe Gonzalez, Yard Supervisor, from 2.75 hrs. to 3.25 hrs., Hamilton, effective 8/15/13

- Raul Guzman, Yard Supervisor, from 2.0 to 3.25 hrs., Monroe, effective 9/10/13
- Debora Harris, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Hamilton, effective 8/15/13
- Veronica Leach, Yard Supervisor, from 1.5 hrs. to 1.75 hrs., Hamilton, effective 8/15/13
- Lisa Puente, Yard Supervisor, from 2.5 hrs. to 3.25 hrs., King, effective 8/15/13
- Sherman Royal, Yard Supervisor, from 1.75 hrs. to 2.25 hrs., Washington, effective 8/15/13
- Sylvia Soto, Yard Supervisor, from 2.0 hrs. to 2.75 hrs., King, effective 8/15/13
- Kierra Thomas, Short-term Yard Supervisor, from 2.25 hrs. to 2.5 hrs., Hamilton, effective 9/3/13 to 10/31/13

**Item "d" –
 Temporary More Hours**

- Martha Murillo, Bilingual Clerk Typist I, from 5.0 hrs., to 8.0 hrs., Jefferson, effective 9/11/13 to 11/1/13

**Item "e" –
 Promotion/Transfer**

- Harmini Rabon, from READY Program Tutor – 4.5 hrs., King to Media Services Aide – 5.5 hrs., Roosevelt, effective 9/9/13

**Item "f" –
 Decrease in Hours**

- Chantel Andresen, Yard Supervisor, from 3.25 hrs., to 3.0 hrs., Simas, effective 8/15/13
- Lidia Ortega, Yard Supervisor, from 2.0 to 1.75 hrs., King, effective 8/15/13
- Robin Patison, Yard Supervisor, from 2.5 hrs. to 1.5 hrs., Jefferson, effective 8/15/13

**Item "g" –
 Volunteers**

<u>Name</u>	<u>School</u>
Cassie Cummings	Hamilton
Marci Smith-Herrera	Jefferson
Devan Blackwell	Jefferson/Simas
Karen Carlsen	Simas
Oralia Alvidrez (current employee)	Washington
Carly Holiman	Washington

FINANCIAL

**Unaudited Actual
 Financial Report 2012-13**

Trustee Jay made a motion to approve Unaudited Actual Financial Report for 2012-13. Trustee Garner seconded; motion carried 4-0.

Resolution #2-14

Trustee Garner made a motion to approve Resolution #2-14: Gann Amendment. Trustee Jay seconded; motion carried 4-0.

Resolution #3-14

Trustee Jay made a motion to approve Resolution #3-14: Revision of the 2013-14 Budget. Trustee Garner seconded; motion carried 4-0.

Closed Session

At 6:50 p.m. the Trustees adjourned to closed session. They returned to Open Session at 7:04 p.m.

**Open Session and
 Adjournment**

There being no further business, President Revious adjourned the meeting at 7:05 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: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: September 30, 2013

FOR: Board Meeting
 Superintendent's Cabinet

FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Quarterly report (7/1/13 – 9/30/13) 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 first quarter of the 2013-14 school year there were no Williams Uniform Complaints filed.

FISCAL IMPACT: None.

12/94

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

District: HANFORD ELEMENTARY

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

Quarterly Report Submission Month/Quarter: October 1st Quarter
 (check one) January 2nd Quarter
 April 3rd Quarter
 Quarterly Report Submission Year: 2013-14 July 4th Quarter

Date for information to be reported publicly at governing board meeting: October 9, 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

October 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: Board of Trustees
FROM: Paul J. Terry, Ed. D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Receive for information the following revised Board Policy and Administrative Regulation:
• BP/AR 1312.3 – Uniform Complaint Procedures (revised)

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

FISCAL IMPACT: None

RECOMMENDATION: Will be returned for approval at next board meeting.

Hanford ESD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes ~~that the district's~~district has the primary responsibility to ~~comply~~ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, ~~and/or~~bullying against any protected group as identified under Education code ~~section 200 and 220 and Government Code section 11135~~ and shall seek to resolve those ~~complaints~~ in accordance with the district's uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, ~~and/or~~bullying in district programs and activities based on actual ~~and/or~~perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity ~~or~~, gender expression, or genetic information; ~~the perception of one, or any other characteristic identified in Education Code 200 or more of such characteristics;~~220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs, ~~and the development and adoption of the school safety plan.~~

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)
 (cf. 3553 - Free and Reduced Price Meals)
 (cf. 3555 - Nutrition Program Compliance)
 (cf. 5141.4 - Child Abuse Prevention and Reporting)
 (cf. 5148 - Child Care and Development)
 (cf. 6159 - Individualized Education Program)
 (cf. 6171 - Title I Programs)
 (cf. 6174 - Education for English Language Learners)
 (cf. 6175 - Migrant Education Program)
 (cf. 6178 - Career Technical Education)
 (cf. 6178.1 - Work-Based Learning)
 (cf. 6178.2 - Regional Occupational Center/Program)
 (cf. 6200 - Adult Education)

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

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

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

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

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

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

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments

4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination

(cf. 1312.4 - Williams Uniform Complaint Procedures)

~~(cf. 6162.52 - High School Exit Examination)~~

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

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

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

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

6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

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

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: May 16, 2001 Hanford, California

revised: October 2, 2002

revised: February 9, 2005

revised: April 5, 2006

revised: January 23, 2013

Hanford ESD

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3

Community Relations

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

(cf. 5145.6 - Parental Notifications)

Compliance Officers

~~The Board of Trustees designates~~ The following compliance officer-to(s) shall receive and investigate complaints and shall ensure district compliance with law:

Superintendent
P.O. Box 1067
Hanford, CA 93230
(559) 585-3600

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

(cf. 9124 - Attorney)

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process ~~pursuant to Education Code 262.3,~~ including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. ~~The district is primarily responsible for~~ has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. ~~A complaint alleging unlawful discrimination-complaint, harassment, intimidation, or bullying must be filed not later than six months from the date the alleged discrimination occurs~~ it occurred, or six months from the date the complainant first obtainsobtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the district's decision to the ~~district Board and/or the CDE~~ by filing a written appeal within 15 calendar days of receiving the district's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

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

Procedures

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

All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

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

Step 1: Filing of Complaint

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

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

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

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

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

Step 2: Mediation

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

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

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

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

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

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

In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

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

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be

answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

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

Step 5: Final Written Decision

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

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

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

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision. When appealing to the CDE, the complainant and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

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

Civil Law Remedies

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

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Regulation HANFORD ELEMENTARY SCHOOL DISTRICT

approved: March 16, 1998 Hanford, California

revised: May 16, 2001

revised: April 5, 2006

revised: January 23, 2013

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Karen McConnell KM

DATE: October 2, 2013

FOR: Board Meeting
 Superintendent's Cabinet

FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Receive recommended revisions to BP/AR 5141.27 (a) ~ Food Allergies/Special Dietary Needs

PURPOSE: The revisions to these policies reflect federal law which requires that a determination of disability, for the purposes of Section 504 of the federal Rehabilitation Act, be made without regard to mitigating measures. Revisions also adds specific information be included on students Health Care Plans and address the requirements of addressing the food allergy and/or special dietary needs while on field trips.

FISCAL IMPACT: None

RECOMMENDATIONS:

Hanford ESD

Board Policy

Food Allergies/Special Dietary Needs

BP 5141.27

Students

The Governing Board desires to prevent ~~students' exposure of students~~ to foods to which they are allergic or intolerant and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but ~~are not be~~ limited to, strategies for identifying students at risk for allergic reactions, avoidance measures and other means to manage allergies, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

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

(cf. ~~3552 - Summer Meal Program~~)

(~~cf.~~ 3554 - Other Food Sales)

(~~cf.~~ 4131 - Staff Development)

(~~cf.~~ 4231 - Staff Development)

(~~cf.~~ 4331 - Staff Development)

(cf. 5030 - Student Wellness)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Parents/guardians shall be responsible for notifying the Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation. _

(cf. 5125 - Student Records)

Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.

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

Students shall not be excluded from school activities ~~nor otherwise discriminated against, harassed, intimidated, or bullied because of~~ based solely on their food allergy. _

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

~~(cf. 5131.2—Bullying)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)~~

~~Any complaint of alleged noncompliance with this policy shall be addressed through appropriate district complaint procedures.~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~(cf. 3555—Nutrition Program Compliance)~~

~~The district's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a statement from the student's health care provider.~~

Legal Reference:

EDUCATION CODE

~~234.1—Prohibition against discrimination, harassment, intimidation, and bullying~~

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49423 Administration of prescribed medication for student

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

15562 Reimbursement for meals, substitutions

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701-795a Rehabilitation Act, including:

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Program

1771-1791 Child nutrition, especially:

1773 School Breakfast Program

~~12101-12213—Americans with Disabilities Act~~

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

225.16 Meal programs, individual substitutions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

~~FOOD ALLERGY RESEARCH AND EDUCATION~~ ANAPHYLAXIS NETWORK (FAAN)

PUBLICATIONS

School Guidelines for Managing Students with Food Allergies

~~NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS~~

~~Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies. Inquiry and Analysis, April 2009~~

~~U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS~~

~~Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, Fall 2001~~

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

~~Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012~~

~~WEB SITES~~

~~American Dietetic Association: <http://www.eatright.org>~~

~~American School Food Service Association: <http://www.asfsa.org>~~

~~California Department of Education, Health Services and School Nursing: <http://www.cde.ca.gov/ls/he/hn>~~

~~Food Allergy Research and Education Anaphylaxis Network: <http://www.foodallergy.org>~~

~~International Food Information Council: <http://ific.org>~~

~~National School Boards Association, School Health Programs: <http://www.nsba.org>~~

~~U.S. Department of Agriculture: <http://www.fns.usda.gov>~~

~~U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>~~

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: October 3, 2007 Hanford, California

Revised: October 9, 2013

Hanford ESD

Administrative Regulation

Food Allergies/Special Dietary Needs

AR 5141.27

Students

Definitions

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

Notification by Parent/Guardian

~~If their child~~ The parents/guardians of any student who has a known food allergy, the parents/guardians or other special dietary need shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by a physician or the student's health care provider, that describes the nature of the student's condition, instructions, and necessary medications. - If the ~~food allergy~~ student's condition requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

Health Plan

Upon receiving notice of a student's food allergy or other special dietary need, the Superintendent or designee shall ensure that a written health plan is developed, in consultation with the student's parents/guardians and health provider, to manage the student's needs while at school or at a school-sponsored activity. The plan shall seek to minimize the student's risk of exposure to the allergen and address actions to be taken if exposure occurs.

As appropriate, the plan may include specific food prohibitions and substitutions, an identification of common school rooms where the student may be exposed, staff responsibilities, information and training to be provided to staff, accommodations and services to facilitate the

student's participation in the educational program, and medical/emergency protocols.

When a student with a food allergy or other special dietary need has been identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act, necessary accommodations and services shall be identified as part of the student's Section 504 services plan or individualized education program, as appropriate.

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

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

Prevention Strategies

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

1. Notification to District Staff

-

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, substitute teacher, and/or any other personnel responsible for supervising the student.-

The principal or designee shall notify substitute staff of the identity of any students with known food allergies and the school's response plan.

(cf. 5125 - Student Records)

2. Food Services

The district's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 ~~of the federal Rehabilitation Act of 1973 that restricts their diet~~ and when a physician health care provider has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5148.2 - Before/After School Programs)

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a recognized medical authority health care provider. (7 CFR 210.10, 220.8, 225.16)

The district's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a ~~physieian~~health care provider.

Food substitutions shall not result in any additional cost to the student.--

3. Class Parties/School Activities

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that ~~the~~certain foods not be provided at class parties or other school events.-

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with a fresh cloth or disposable paper towels ~~and~~utilizing cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

Schoolwide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Supervision of Students

~~Staff~~When available, staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria ~~and, on the playground, and on field trips or other school activities~~ whenever students known to have a food allergy are ~~on school grounds~~present.

(cf. 6153 - School-Sponsored Trips)

7. Health Education

The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

(cf. 6142.8 - Comprehensive Health Education)

Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

(cf. 4119.43 - Universal Precautions)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.-

(cf. 5141 - Health Care and Emergencies)

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

When a student with a known allergy will be off school grounds, such as on a field trip, he/she shall be accompanied by a kit containing at least two doses of epinephrine, other medications as noted by the student's health care provider, and, as appropriate, the student's individualized food allergy plan.

~~Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT~~
~~approved: October 3, 2007 — Hanford, California~~
Revised: October 9, 2013

Hanford Elementary School District
HUMAN RESOURCES DEPARTMENT

AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams DW

DATE: September 30, 2013

FOR: Board Meeting
 Superintendent's Cabinet

Information
 Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 9, 2013**

ITEM: Receive, for information, Tentative Agreement for a Successor Contract with the Hanford Elementary Teachers Association (HETA).

PURPOSE: To "sunshine" the provisions of a new three-year collective bargaining agreement negotiated with HETA for the period of July 1, 2013, through June 30, 2016.

A copy of the Tentative Agreement is available, for review and comment by the public, in the Superintendent's Office from October 10, 2013 through October 23, 2013.

Board approval of the new collective bargaining agreement will be recommended at the October 23, 2013, regular Board meeting.

FISCAL IMPACT: A copy of the Disclosure Statement, detailing costs of the proposed collective bargaining agreement and source of funding, is attached.

RECOMMENDATION: Receive for information only.

DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT
 In Accordance with AB 1200 (Statutes of 1991, Chapter 1213); G.C. 3547.5

Hanford Elementary School District

Name of Bargaining Unit: Hanford Elementary Teachers Association

Certificated Classified _____

New Agreement or Reopener _____

The proposed agreement is a three-year agreement that covers the period beginning July 1, 2013 and ending June 30, 2016 and will be acted upon by the Governing Board at its meeting on October 23, 2013.

A.(1) Proposed Change in Compensation

Compensation	Cost Prior to Proposed Agreement	Fiscal Impact of Proposed Agreement		
		Increase (Decrease) and Percentage Change		
		Current Year 2013-14	Year 2 2014-15	Year 3 2015-16
1. Base Salary	\$ 16,981,645	\$ 594,359	\$ 594,359	\$ 594,359
		3.15%	3.15%	3.15%
2. Other Compensation – i.e. Stipends or Bonuses	\$ 0	\$ 0	\$ 0	\$ 0
		0%	0%	0%
3. Total Salary - (Sum of 1 & 2)	\$ 16,981,645	\$ 594,359	\$ 594,359	\$ 594,359
		3.15%	3.15%	3.15%
4. Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare	\$ 1,915,530	\$ 67,043	\$ 67,043	\$ 67,043
		0.35%	0.35%	0.35%
5. Health/Welfare Benefits	\$ 3,073,411	\$ 240,648	\$ 240,648	\$ 240,648
		1.27%	1.27%	1.27%
6. Total Benefits - (Total Lines 4 & 5)	\$ 4,988,941	\$ 307,691	\$ 307,691	\$ 307,691
		1.62%	1.62%	1.62%
7. Total Compensation – (sum of 3 & 6)	\$ 21,970,586	\$ 902,050	\$ 902,050	\$ 902,050
		4.77%	4.77%	4.77%

DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT

In Accordance with AB 1200 (Statutes of 1991, Chapter 1213); G.C. 3547.5

A.(2) Provide a brief narrative of the proposed change in compensation, including percentage change(s), effective date(s), and comments and explanations as necessary:

The Salary Schedule for 2013-14 shall reflect a 3.5% increase retroactive to July 1, 2013.

Included in that 3.5% is:

- 1% for two (2) Professional Development Days (one day added in 2013-14 and two days added starting with 2014-15).
 - 0.5% compensation for the elimination of one (1) Family Illness Day beginning with 2014-15.
-
-
-
-
-
-
-
-

B. Proposed Negotiated Changes in Non-Compensation Items (class size adjustments, staff development days, teacher prep time, etc.)

See attached summary (identified as pages 2.1 and 2.2 of 4).

C. What are the specific impacts on instructional and support programs to accommodate the settlement? Include the impact of non-negotiated changes such as staff reductions and program reductions/eliminations.

None

HETA NEGOTIATIONS SUMMARY OF CONTRACT CHANGES

- **3 YEAR CONTRACT – July 1, 2013 – June 30, 2016**
 - Reopeners 14-15, 15-16 - salary, benefits and calendar only
- 5 NEGOTIATION SESSIONS – opened 22 articles
- 3.5% salary increase
- 1.27% benefits (fully funded) \$12,229.32
- Total increase of 4.77 %
- Major changes to the contract....

ARTICLE 8 TRANSFER

- A transfer is not a change in site for a FLI teacher
- Combination classes – In the absence of volunteers at the affected grade level the site principal will select the combo class teacher by seniority. The person will not have had a combination class the prior year unless no other options are available at the affected grade level.
- A teacher, including those in special assignments such as Special Ed, FLI, Literacy/Induction and band teachers shall utilize the voluntary transfer request procedures in the event they wish to vacate their current position.
- Involuntary Transfers shall be notified in private after their duty day.
- Teachers will be given the reason for the proposed action.
- Establish procedures for TK staffing – Side Letter that expires on Dec 31, 2014
- TK is now a separate and distinct grade level from K
- While the district plans to designate TK positions at various school sites during staffing in the spring 2014; the district cannot predict either the number of TK students or the sites where the TK classes will be offered.
- All teachers are eligible to request a voluntary transfer to a TK position for 14-15 and all such voluntary transfer requests shall be evaluated pursuant to the transfer article. Any teacher serving in a TK/K combo assignment during 13-14 who wishes to be placed in a TK assignment for 14-15 shall request a voluntary transfer to TK on the annual staff planning form in January 2014.
- At fall balancing in August 2014, the district will follow procedures in the transfer article. Those procedures could result in the closing/opening of a TK or K class; making a TK/K combo class; or involuntarily transferring teachers to other schools and/or grade levels if classes must be closed.
- Beginning Jan 1, 2015 the provisions of the transfer article shall apply to the staffing of TK.

ARTICLE 9 EVALUATION AND PERSONNEL FILES

- Designation of Evaluator- each evaluatee's immediate supervisor or designee appointed by the supt. This does not prevent the supervisor from bringing in another district administrator during the scheduled observation, with advance notice to the teacher, to assist in the training of a designated evaluator and/or ensure that the teacher is

observed by an administrator whose training and experience is consistent with the teacher's assignment.

- 5 year evaluation cycle for nurses with no needs improvements, 10 years in district.

ARTICLE 11 CALENDAR AND WORK YEAR

- 13-14 add 1 PD day on Feb 10th = 185 work days
- 14-15 add 2 PD days = 186 work days
- Starting 14-15 Memorial Day will be the minimum day instead of Labor Day

ARTICLE 12 FAC

- Remove the words "if the staff so desires" so each school will establish a FAC

ARTICLE 13 TEACHERS HOURS AND LOAD

- Added "Lunch period for nurses shall not be less than 30 minutes"
- Collaboration start times are as follows:

K	1:10 pm
1-3	1:20 pm
4-8	1:30 pm (clarification)
- At Risk Conference Days – teachers may leave at 3:30 (it use to say when their individual conferences were done)
- Teachers who are absent from minimum day activities will be docked 2 hours from their sick leave or PN leave as appropriate. (clarification)
- Teachers who miss a staff meeting shall utilize their available leave as appropriate according to time missed. (this is clarification of practice)
- Misc. – The foregoing shall not preclude a teacher from volunteering to take another teacher's class without compensation and with administrator approval.

ARTICLE 14 CLASS SIZE

- Add TK as a grade level
- No change to language for ratio/ceiling 1/25 at k-3

ARTICLE 16 LEAVES

- Paid Family Illness Leave will decrease in 14-15 to 1 day
- Grandparents are included in immediate family for Family Illness Leave

ARTICLE 21 CO CURRICULAR

- Deleted "co curricular list will be attached to this agreement"
- Added "the Co Curricular list as approved by the district for any school year shall be presented by the first staff meeting of the year and be posted via email to the membership. Any changes occurring during the school year will be posted via district email."
- Deleted "members shall be notified in writing of opportunities to supervise co curricular activities."
- Added "members who meet the minimum qualifications as established by the District shall be given preferential consideration for co curricular activity positions"
- We left in the language "but this shall not preclude Management from selecting qualified persons from outside the Unit."

ARTICLE 29 SHARED TEACHING CONTRACT

- Teachers requesting a shared contract must be in permanent status with the District

DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT

In Accordance with AB 1200 (Statutes of 1991, Chapter 1213); G.C. 3547.5

D. What contingency language is included in the proposed agreement? Include specific areas identified for reopeners, applicable fiscal years, and specific contingency language.

This is the first year of a three-year contract with re-openers in Article 11 – School Calendars and

Work Year, Article 18 – Employee Group Health and Welfare Insurance Benefits and Article 20 –

Salary.

E. Source of Funding for Proposed Agreement

1. Current Year

Undesignated Reserve	Unrestricted	\$847,927
	Restricted	<u>54,123</u>
		\$902,050

2. How will the ongoing cost of the proposed agreement be funded in future years?

The cost will become part of the on-going base budget that will continue in future years.

3. **If multi-year agreement, what is the source of funding, including assumptions used, to fund these obligations in future years? (Remember to include compounding effects in meeting obligations)**

Not Applicable – This is not a multi-year agreement.

3A. For multi-year agreements, please provide a multi-year financial projection covering the term of the agreement. Include all assumptions used in the projections, growth, COLA, etc.

DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT

In Accordance with AB 1200 (Statutes of 1991, Chapter 1213); G.C. 3547.5

G. Certification

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement in accordance with the requirements of AB 1200 and G.C. 3547.5.

October 9, 2013

Date

District Superintendent
(Signature)

Contact Person: Nancy White

Telephone No.: (559) 585-3628

IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET
In accordance with AB3141 (Statutes of 1994, Chapter 650) (EC42142)

	(Col. 1) Latest Board- Approved Budget	(Col. 2) Adjustments as a Result of Settlement (from page 1)	(Col. 3) Other Revisions (provide explanation)	(Col. 4) Total Impact on Budget (Col. 1+2+3)
REVENUES				
Revenue Limit Source (8010-8099)	28,356,043		+ 8,720,220	37,076,263
Remaining Revenues (8100-87991)	14,679,992		- 5,324,879	9,355,113
TOTAL REVENUES	43,036,035		+ 3,395,341	46,431,376
EXPENDITURES				
1000 Certificated Salaries	21,729,203	+ 594,359	+110,000	22,433,562
2000 Classified Salaries	7,705,024			7,705,024
3000 Employees' Benefits	9,164,067	+ 307,691	+ 20,000	9,491,758
4000 Books and Supplies	2,482,732			2,482,732
5000 Services and Operating Exps	3,430,263		+ 73,000	3,503,263
6000 Capital Outlay	111,080			111,080
7000 Other	79,414			79,414
TOTAL EXPENDITURES	44,701,783	+ 902,050	+ 203,000	45,806,833
OPERATING SURPLUS (DEFICIT)	(1,665,748)			624,543
OTHER SOURCES AND TRANSFERS IN	0			0
OTHER USES AND TRANSFERS OUT	125,000		+ 200,000	325,000
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	(1,790,748)			299,543
BEGINNING BALANCE	6,979,276		+ 1,372,815	8,352,091
CURRENT-YEAR ENDING BALANCE	5,188,528			8,651,634
COMPONENTS OF ENDING BALANCE:				
Reserved Amounts	122,622			122,622
Reserved for Economic Uncertainties	2,235,000		+ 165,000	2,400,000
Board Designated Amounts	700,000			700,000
Unappropriated Amounts	2,130,906		+ 3,298,106	5,429,012

A. Date of governing board approval of budget revisions in Col. 1 Planned for November 2013

Contact Person: Nancy White

Date: October 9, 2013

CERTIFICATION #1: CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the district Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of Hanford Elementary School District, hereby certify that the District can meet the costs incurred under the Collective Bargaining Agreement between the District and the Hanford Elementary Teachers Association Bargaining Unit, during the term of the agreement from July 1, 2013 to June 30, 2016.

The budget revisions necessary to meet the costs of the agreement in each year of its term are as follows:

<u>Budget Adjustment Categories</u>	<u>Budget Adjustment Increase (Decrease)</u>
<u>Revenues/Other Financing Sources</u>	<u>+ 4,768,156</u>
<u>Expenditures/Other Financing Uses</u>	<u>+ 1,305,050</u>
<u>Ending Balance Increase (Decrease)</u>	<u>+ 3,463,106</u>

N/A _____ (No budget revisions necessary)

**District Superintendent
 (Signature)**

October 9, 2013
Date

**Chief Business Officer
 (Signature)**

October 9, 2013
Date

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed.D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Consider for approval the following New Administrative Regulation:
• AR 0420.4 – Charter School Authorization

PURPOSE: This new Administrative Regulation outlines the start-up procedures for a charter school.

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

NEW Administrative Regulation

Charter School Authorization

AR 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by one of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Permanent/Probationary Status)

In circulating a petition, the petitioners shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Components of Charter Petition

A petition shall include affirmations of the conditions described in Education Code 47605(d) as well as reasonably comprehensive descriptions of: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

If the proposed school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of

California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each "numerically significant" subgroup of students served by the charter school, as defined in Education Code 52052.
3. The method by which student progress in meeting the identified student outcomes is to be measured.
4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. The procedures that the school will follow to ensure the health and safety of students and staff, including the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. Admission requirements, if applicable.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Governing Board's satisfaction.
10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.
13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes

relating to charter provisions.

15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.

16. The procedures to be used if the charter school closes, including, but not limited to: (5 CCR 11962)

- a. Designation of a responsible entity to conduct closure-related activities
- b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:
 - (1) The effective date of the closure
 - (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - (3) The students' districts of residence
 - (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above
- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
- e. Transfer and maintenance of personnel records in accordance with applicable law
- f. Completion of an independent final audit within six months after the closure of the school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
- g. Disposal of any net assets remaining after all liabilities of the school have been paid or otherwise addressed pursuant to 5 CCR 11962
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33

- i. Identification of funding for the activities identified in item #16a-h above

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

1. The facilities to be used by the school, including where the school intends to locate
(cf. 7160 - Charter School Facilities)
2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.
3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish and locate a resource center, meeting space, or other satellite facility in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.

2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

Petition Review Committee

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review submitted petitions and supporting documentation. Such a committee may be used to evaluate the completeness of proposals, the merits of the proposed educational programs, and any concerns that should be addressed by the petitioners, taking into consideration the criteria specified in law and Board policy for approval or denial of petitions. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements.

(cf. 1220 - Citizen Advisory Committees)

Regulation
adopted:

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: September 30, 2013

FOR: Board Meeting
 Superintendent's Cabinet

FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Consider for adoption the following New Board Policy:
• BP 0420.42 – Charter School Renewal

PURPOSE: This new Board Policy states the timeline and process for revocation of a charter.

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

NEW Board Policy

Charter School Renewal

BP 0420.42

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board believes that the ongoing operation of a charter school established within the district should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.43 - Charter School Revocation)

(cf. 0500 - Accountability)

Each renewal granted by the Board shall be for a period of five years. (Education Code 47607)

Submission of Renewal Petition

A charter school seeking renewal of its charter is encouraged to submit its petition for renewal to the Board sufficiently early before the term of the charter is due to expire.

The signature requirement applicable to new charter petitions is not applicable to petitions for renewal. (5 CCR 11966.4)

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The petition also shall include documentation that the charter school meets at least one of the criteria for academic performance specified in Education Code 47607(b), as listed in item #5 in the section "Criteria for Granting or Denying Renewal" below. (Education Code 47607; 5 CCR 11966.4)

Criteria for Granting or Denying Renewal

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. The Board shall consider the past performance of the charter school's academics, finances, and operations in evaluating the likelihood of future success, along with plans for improvement, if any. (Education Code 47607; 5 CCR 11966.4)

In determining whether to grant a charter renewal, the Board shall consider increases in academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607)

The Board shall deny a renewal petition only if it makes a written factual finding setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)

1. The charter school presents an unsound educational program for the students enrolled in the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
5. The charter school has failed to meet at least one of the following criteria of academic performance:
 - a. Attainment of its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both schoolwide and for all numerically significant groups of students served by the charter school as defined in Education Code 52052.
 - b. An API ranking in deciles 4-10 in the prior year or in two of the last three years.
 - c. An API ranking in deciles 4-10 for a demographically comparable school in the prior year or in two of the last three years.
 - d. Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school. In determining whether the charter school satisfies this criterion, the Board shall base its decision on:
 - (1) Documented clear and convincing data
 - (2) Student achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program, for demographically similar student populations in comparison schools
 - (3) Information submitted by the charter school

Whenever the Board makes a determination based on this criterion, the Superintendent or designee shall submit copies of supporting documentation and a written summary of the basis for the Board's determination to the Superintendent of Public Instruction.

(cf. 6162.51 - Standardized Testing and Reporting Program)

e. Qualification for an alternative accountability system pursuant to Education Code 52052(h)

Timelines for Board Action

Within 30 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input.

If the charter school submits documentation pursuant to item #5d in the section "Criteria for Granting or Denying Renewal" above, the Board shall not grant a renewal until at least 30 days after the submission of such documentation. (Education Code 47607)

Within 60 days of receiving the renewal petition, or within 90 days if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request to renew the charter. (Education Code 47607; 5 CCR 11966.4)

If the Board fails to make a written factual finding pursuant to items #1-5 in the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. If the County Board then fails to deny or grant the petition within 60 days of receiving the petition, or within 90 days if extended by written mutual agreement of the charter school and the County Board, the charter school may submit the petition to the State Board of Education. (Education Code 47605, 47607.5)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

52052 Alternative accountability system; definition of numerically significant student subgroup

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course
Charter Schools: A Manual for Governance Teams, rev. 2012

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

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

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

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

Policy
adopted:

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed.D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Consider for adoption the following New Board Policy:
• BP 0420.43 – Charter School Revocation

PURPOSE: This new Board Policy states the timeline and process for revocation of a charter.

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

NEW Board Policy

Charter School Revocation

BP 0420.43

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

(cf. 0420.4 - Charter School Authorization)
(cf. 0420.41 - Charter School Oversight)
(cf. 0420.42 - Charter School Renewal)
(cf. 0500 - Accountability)

The Board may revoke a charter before the date it is due to expire whenever the Board makes a written factual finding, supported by substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607)

At least 72 hours prior to any Board meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

(cf. 9320 - Meetings and Notices)

If the Board takes action to issue a Notice of Violation, it shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s).

2. All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.

3. The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

Within 60 calendar days of the conclusion of the remedy period, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body

2. If there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body

If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to the California Department of Education (CDE) and the County Board of Education. (Education Code 47604.32; 5 CCR 11968.5.2)

Severe and Imminent Threat

The procedures specified above shall not be applicable when the Board determines, in writing,

that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body, the County Board, and the CDE. (Education Code 47607; 5 CCR 11968.5.3)

Appeals

In the event that the Board revokes the charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. Either the charter school or the district may subsequently appeal the County Board's decision to the SBE. (Education Code 47607; 5 CCR 11968.5.3-11968.5.5)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992, especially:

47607 Charter renewals and revocations

52052 Numerically significant student subgroup; definition

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools, especially:

11968.5-11968.5.5 Charter revocations

COURT DECISIONS

Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2011) 197 Cal.App.4th 436

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2012

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

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

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

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

Policy
adopted:

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed. D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013.

ITEM: Consider for approval the following revised Board Policy and Administrative Regulation:
• BP/AR 1113 – District and School Web Sites

PURPOSE: These revisions reflect changes recommended by CSBA to align the district's practices and procedures with current law.

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Board Policy

District And School Web Sites

BP 1113

Community Relations

To enhance communication with students, parents/guardians, staff, and community members and, the public at large, the Governing Board of Trustees encourages the development and ongoing maintenance Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites on the Internet. Web sites shall support the educational district's vision of the district and goals and shall be consistent coordinated with the district's plans for other district communications and media relations. strategies.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 3312 - Contracts) 1114 - District-Sponsored Social Media)

(cf. 4040 - Employee Use of Technology)

(cf. 5124 - Communication with Parents/Guardians)

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

(cf. 6010 - Goals and Objectives)

(cf. 6145.3 - Publications)

(cf. 6145.5 - Student Organization and Equal Access)

(cf. 6162.7 - Use of Technology in Instruction)(cf. 6020 - Parent Involvement)

Design Standards

(cf. 6163.4 - Student Use of Technology)

The Superintendent or designee shall develop guidelines regarding the content of establish design standards for district and school web sites which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law, Board policy and administrative regulation. in order to maintain a consistent identity, professional appearance, and ease of use.

The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

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

Guidelines for Content

~~The Superintendent or designee shall follow the same develop content guidelines applicable to for district and school web sites. and shall assign staff to review and approve content prior to posting.~~

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.

(cf. 1325 - Advertising and Promotion)

Privacy Rights

~~The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on district or school web sites.~~

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Content

~~The Superintendent or designee shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Board members, and other individuals.~~

~~No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published are protected on a district or school web page. Student directory information shall not be published if parents/guardians have requested that it be withheld. sites.~~

(cf. 1340 - Access to District Records)

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

(cf. 5125.1 - Release of Directory Information)

(cf. 5145.1 - Privacy)

~~Photographs of students shall be used only with written permission from the students' parents/guardians.~~

Because of the wide accessibility of the Internet and potential risk to students, photographs of individual students shall not be published with their names or other personally identifiable information without the prior written consent of the student's parent/guardian.

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Staff members' home addresses or telephone numbers of staff members shall not be posted on district or school web sites.

~~District and school web sites shall not post the~~ The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

~~(cf. 1100—Communication with the Public)~~

~~No public safety officer~~ official shall be required as a condition of employment to consent to the use of posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

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

~~The Superintendent or designee may establish standards for the design of district and school web sites in order to maintain a consistent identity, professional appearance and ease of use.~~

~~Staff and students may submit materials for web site publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.~~

Legal Reference:

EDUCATION CODE

35182.5 Contracts for advertising

35258 Internet access to school accountability report cards

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication-

49061 Definitions, directory information

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and ~~phone~~ telephone numbers of board members ~~officials~~

6254.24 Definition of public safety official

11135 Nondiscrimination; accessibility to state web sites

PENAL CODE

14029.5 Prohibition against publishing personal information of person in witness protection program

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law-

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act-(FERPA)

UNITED STATES CODE, TITLE 29

794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.412 Children's Online Privacy

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry

Management Resources:

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

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

California Department of Education, Web Accessibility Standards:

<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

California School Public Relations Association v. Perry Local Educators' Association, (1983)-

460 U.S. 37: <http://www.calspra.org>

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

~~Policy HANFORD ELEMENTARY SCHOOL DISTRICT~~

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

Policy

adopted: May 16, 2001

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

Administrative Regulation

District And School Web Sites

AR 1113

Community Relations

Guidelines for Content-

District and school web sites shall provide current and useful information regarding district/school programs, activities, and operations. Such information shall be appropriate for both internal and external audiences:

~~The content of web sites and may include, but not be limited to, district or school news, district mission and goals, district or school news, agendas and minutes of Governing Board of Trustees meetings, policy information, messages from the Board or administrators, information about curriculum and instruction School Accountability Report Cards, school calendars, student projects, school clubs and activities, lunch menus, transportation schedules, school map, school handbook, parent conferences, links to educational resources, links to other educational sites and contacts for further information.~~

~~The Superintendent or designee shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258)~~

(cf. 0440 - District Technology Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 6020 - Parent Involvement)

With approval of the principal, individual teachers may create web pages linked to the district or school web site to provide information pertaining to class assignments, expectations, and activities.

Student work may be published on a district or school web sites provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper or school newsletter.

~~Students, staff or other individuals may not use district or school web sites to provide access to their personal web pages or online services.~~

The Superintendent or designee shall ensure that copyright laws are not violated in the use of materials on district and school web sites. If any copyrighted material is posted on a district or school web site, the web site shall include, a notice shall be included crediting the original

producer of the material and noting how and when permission to reprint the material was granted.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Whenever a district or school web site includes links to external web sites, it shall include a disclaimer that the district is not responsible for the content of external web sites.

Roles and Responsibilities-

~~The~~Any employee assigned as a district or school webmaster shall be responsible for the content and publication~~uploading of material to the district web site(s) upon approval of the Superintendent or designee. He/she shall review all content before publication, upload content to ensure consistency of the material with district web server standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed to school webmasters.~~

~~The school webmaster shall perform similar duties related to the content and maintenance of the school's web site upon approval of the school principal. The principal or school webmaster shall notify the Superintendent or designee regarding the creating and updating of a school web site.~~

The Superintendent or designee may assign additional staff members to conduct an editorial review of all materials submitted for publication on district or school web sites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Security

~~The web site host computer~~Superintendent or designee shall have establish security procedures that prohibit for the district's computer network to prevent unauthorized persons from accessing system-level controls or making access and changes to district and school web site content sites.
To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

Regulation

Approved: May 16, 2001

Revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed. D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013.

ITEM: Consider for approval the following revised Board Policy:
• BP 1150 – Commendations and Awards

PURPOSE: These revisions reflect changes recommended by CSBA to align the district's practices and procedures with current law.

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Board Policy

Commendations And Awards

BP 1150

Community Relations

To encourage community involvement in district programs and activities, the Governing Board may publicly recognize and commend parents/guardians, community members, businesses, and organizations that make outstanding contributions or long-standing provide longstanding service to the district. The Board believes that commending such service promotes increased community understanding and participation. or district students.

(cf. 1000 - Concepts and Roles)

(cf. 1020 - Youth Services)

(cf. 1240 - Volunteer Assistance)

(cf. 1700 - Relations ~~between~~ Between Private Industry and the Schools)

~~The~~ (cf. 3290 - Gifts, Grants and Bequests)

Any Board member, employee, parent/guardian, student, or community member may recommend an individual or organization for Board recognition. He/she shall submit to the Superintendent or designee shall establish procedures the name of the individual or organization and a description of the outstanding contribution or service.

At the Board's discretion, ~~lettersthe~~ Board may present a letter of recognition, Board resolutions, plaques or awards may be presented resolution, plaque, or other award at a public Board meeting or may hold a reception or informal recognition activity. The Board also may designate a day, week, or month for special recognition of volunteers.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

(cf. 5126 - Awards for Achievement)–

Legal Reference:

EDUCATION CODE

35160 Authority of ~~Board of Trustees~~ governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students

CALIFORNIA CONSTITUTION

Article 16, Section 6 Gifts of public funds

Policy

adopted: May 16, 2001

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed. D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013.

ITEM: Consider for approval the following revised Administrative Regulation:
• AR 1250 – Visitors/Outsiders

PURPOSE: These revisions reflect changes recommended by CSBA to align the district's practices and procedures with current law.

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Administrative Regulation

Visitors/Outsiders

AR 1250

Community Relations

The Superintendent or designee shall post at every entrance to each school and school grounds a notice ~~setting forth visitor~~describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors/outsiders while they are on school grounds.

Outsider Registration

Outsiders shall register upon entering school premises during school hours. Any person other than the following is considered an outsider: (Evidence Code 1070; Penal Code 627.1, 627.2)

1. A student of the school, unless currently under suspension
2. A parent/guardian of a student of the school
3. A Governing Board member or district employee
4. A public employee whose employment requires being on school grounds, or any person who is on school grounds at the school's request
5. A representative of a school employee organization who is engaged in activities related to the representation of school employees
6. An elected public official
7. A publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, other periodical publication, press association or wire service, radio station, or television station

(cf. 1112 - Media Relations)

Registration Procedure

In order to register, a ~~visitor~~an outsider shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her name, address, and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

Denial of Principal's Registration Authority

~~The following provisions of law shall apply to outsiders. Visitors do not include students, parents/guardians, district employees, elected public officials, or other persons listed in Penal Code 627.1.~~

~~1. — The principal or designee may refuse to register any outsider if he/she reasonably concludes that the visitor's individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke ~~an~~ visitor's any outsider's registration if he/she has a reasonable basis for concluding that the visitor's individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)~~

(cf. 3515.2 – Disruptions)

~~2. — The principal or designee may request that a visitor who has failed (cf. 3515.3 - District Police/Security Department)~~

When an outsider fails to register, or whose when the principal or designee denies or revokes an outsider's registration privileges have been denied or revoked, the principal or designee may request that the individual promptly leave school grounds. When an ~~visitor~~ outsider is directed to leave, the principal or designee shall

~~inform the visitor him/her that if he/she reenters the school within seven days he/she will~~may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or

principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Regulation

HANFORD ELEMENTARY SCHOOL DISTRICT

approved: October 1998

Hanford, California

Reviewed May 16, 2001

Revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: September 30, 2013

FOR: Board Meeting
 Superintendent's Cabinet

FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013.

ITEM: Consider approval of the following revised Board Bylaw:
• BB 9220 – Governing Board Elections

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

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Board Bylaw

Governing Board Of Trustees Elections

BB 9220

Board Bylaws

Any person is eligible to be a ~~Board of Trustees member~~ of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of ~~the state~~ California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. ~~(Education Code 35107)~~ Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. ~~(Education Code 35107; Elections Code 20)~~

A district employee elected to the Board shall resign his/her ~~position~~ employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 - Oath of Affirmation)
(cf. 9270 - Conflict of Interest)

~~When possible~~

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with the California Education Code and Elections Code state and federal law.

(cf. 9110 - Terms of Office)

Electing Board Members

The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Prior to March 1 following the year in which the results of each decennial federal census are released, the Board shall adjust the boundaries of the district's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

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

(cf. 9005 - Governance Standards)

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

On the 125th day prior to the day fixed for the general district election, the Board secretary shall notify or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county clerk of this policy on or before the 125th day before each Board member election elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

Tie Votes in Board Member Elections

Before each election, the Board shall establish whether a potential tie is to be resolved by lot or with a runoff election. (Education Code 5016)

After an election for which the Board has decided to resolve a tie by lot, the Board shall immediately notify the candidates who received the tie votes of the time and place where ~~lot~~the candidates or their representatives should appear before the Board. The Board at that time shall ~~be east to~~ determine the winner by lot. (Education Code 5016)

After an election for which the Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law. (Education Code 5016)

Legal Reference:

EDUCATION CODE

| 1000 Composition, and trustee area, county board of education
 1006 Qualifications for holding office, county board of education
 5000-5033 Elections
 5220-5231 Elections
 5300-5304 General provisions (conduct of elections)
 5320-5329 Order and call of elections
 5340-5345 Consolidation of elections
 5360-5363 Election notice
 5380 Compensation (of election officer)
 5390 Qualifications of voters
 5420-5426 Cost of elections
 5440-5442 Miscellaneous provisions
 7054 Use of district property
 35107 Eligibility; school district employees
 35177 Campaign expenditures or contributions
 35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

| 20 Public office eligibility
 1302 Local elections, school district election
 2201 Grounds for cancellation
 4000-4004 Elections conducted wholly by mail
 10400-10418 Consolidation of elections
 10509 Notice of election by secretary
 10600-10604 School district elections
 13307 Candidate's statement
 | 13309 Candidate's statement, ~~indigency~~indigence
 | 14025-14032 California Voting Rights Act
 20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime
 1097 Illegal participation in public contract
 12940 Nondiscrimination, Fair Employment and Housing Act
 81000-91014 Political Reform Act

PENAL CODE

68 Bribes
 74 Acceptance of gratuity
 424 Embezzlement and falsification of accounts by public officers
 661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications
 Article 7, Section 7 Conflicting offices
 Article 7, Section 8 Disqualification from office

| UNITED STATES CODE, TITLE 42

| 1973-1973aa-6 Voting Rights Act

COURT DECISIONS

| Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192

Randall v. Sorrell, (2006) 126 S.Ct. 2479

| Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821

| Dusch v. Davis, (1967) 387 U.S. 112

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

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

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

| Institute for Local Self Government: <http://www.ca-ilg.org/>

Bylaw

Adopted: September 19, 2001

Revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed.D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Consider for approval the following revised Board Bylaw:
• BB 9322 – Agenda/Meeting Materials

PURPOSE: These revisions reflect changes recommended by CSBA to align the district's practices and procedures with current law.

FISCAL IMPACT: None

RECOMMENDATION: Approve.

Hanford ESD

Board Bylaw

Agenda/Meeting Materials

BB 9322

Board Bylaws

Agenda Content

~~Board of Trustees~~ Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of the agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.

Agenda Preparation

The Board president and the Superintendent, as Secretary to the Board, shall work together to develop in consultation with the Board president, shall prepare the agenda for each regular and special meeting. The agenda shall reflect the district's vision and goals for the Board's focus on student learning.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 9121 - President)

(cf. 9122 - Secretary)

Any Board member or member of the public ~~or any Board member~~ may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request ~~must be~~ shall be submitted in writing ~~and be submitted~~ to the Superintendent or designee with supporting documents and information, if any, at least ten working days before the scheduled

meeting date. Items submitted less than ten working days before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation ~~before placing the item on the agenda~~.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an informational item that does not require immediate action, or consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 1340 - Access to District Records)

(cf. 3320 - Claims and Actions Against the District)

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

Consent Items Agenda/Calendar

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature ~~or~~ and items for which ~~no~~ Board discussion is not anticipated and for which the Superintendent recommends approval.

When any Board member requests the removal of a item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that the members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government

Codes 54954.3)

~~In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.~~

Agenda Dissemination to Board Members

~~At least three days before each regular meeting, A copy of the agenda shall be forwarded to each Board member shall be provided a copy of the agenda and agenda packet, including at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.~~

When special meetings are called, the Superintendent or designee and ~~president~~ shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(cf. 9012 – Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

~~Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)~~

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document which related to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)
Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosures under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:

EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

6250-6270 *Public Records Act*

53635.7 *Separate item of business*

54954.1 *Mailed agenda of meeting*

54954.2 *Agenda posting requirements; board actions*

54954.3 *Opportunity for public to address legislative body*

54954.5 *Closed session item descriptions*

54956.5 *Emergency meetings*

54957.5 *Public records*

54960.2 *Challenging board actions; cease and desist*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2010

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

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002, rev. 2003

CALIFORNIA CITY ATTORNEY GENERAL PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

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

Bylaw

adopted: October 21, 1998
revised: September 19, 2001
revised: August 20, 2003
revised:

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed.D.
DATE: September 30, 2013
FOR: Board Meeting
 Superintendent's Cabinet
FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Consider approval of the following revised Board Bylaw and new Exhibit:

- BB 9323.2 – Actions by the Board
- Exhibit 9323.2 – Unconditional Commitment Letter

PURPOSE: These revisions reflect changes recommended by CSBA to align the district's practices and procedures with current law.

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Hanford ESD

Board Bylaw

Actions By The Board

BB 9323.2

Board Bylaws

The ~~Governing Board of Trustees~~ shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 – Role of the Board)

(cf. 9005 – Governance Standards)

(cf. 9012 – Board Member Electronic Communications)

(cf. 9200 – Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

~~The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)~~

~~1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.~~

~~(cf. 9320 – Meetings and Notices)~~

~~2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.~~

~~3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.~~

~~(cf. 9322 – Agenda/Meeting Materials)~~

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code

54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

~~After publicly identifying the item, t~~The Board may take action in a regular meeting on a subject not listed on the ~~published~~ meeting agenda ~~under any of the following conditions: only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances:~~ (Government Code 54954.2)

1. ~~When a majority of t~~The Board, ~~by majority vote of its members,~~ determines that ~~the action responds to~~ an emergency situation ~~exists, as defined for emergency meetings, pursuant to Government Code 54956.5.~~

~~(cf. 9320 - Meetings and Notices)~~

2. ~~When The Board determines, either by a two-thirds majority vote of the members present at the meeting or, or if less than two-thirds of the members are present; then~~ by a unanimous vote of all members present, ~~determine~~ that the need to take immediate action came to the district's attention after the ~~posting of the agenda was posted.~~

3. ~~When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.~~

~~(cf. 9320 - Meetings and Notices)~~

~~(cf. 9322 - Agenda/Meeting Materials)~~

Challenging Board Actions

The district attorney's office of any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability under the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)

2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

~~Any demand by the district attorney or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)~~

- ~~1. Government Code 54953, regarding open meeting and teleconferencing~~
- ~~2. Government Code 54954.5, regarding closed session item descriptions~~
- ~~3. Government Code 54954.6, regarding new or increased tax assessments~~
- ~~4. Government Code 54956, regarding special meetings~~
- ~~5. Government Code 54956.5, regarding emergency meetings~~

~~If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place.~~

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns actions taken in a open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: either cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

~~If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)~~

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.

2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

Legal Reference:

EDUCATION CODE

15266 School construction bonds
 17466 Declaration of intent to sell or lease real property
 17481 Lease of property with residence for nondistrict purposes
 17510-17511 Resolution requiring unanimous vote of all members constituting board
 17546 Private sale of personal property
 17556-17561 Dedication of real property
 17582-17583 District deferred maintenance fund
 35140-35149 Meetings
 35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue
 1245.240 Eminent domain vote requirements
 1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities
 53724 Parcel tax resolution requirements
 53790-53792 Exceeding the budget
 53820-53833 Temporary borrowing
 53850-53858 Temporary borrowing
 54950-54963 The Ralph M. Brown Act, especially:
 54952.6 Action taken, definition
 54960-54960.5 Actions to prevent violations
 65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications
 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
 20113 Emergencies, award of contracts without bids

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
McKee v. Orange Unified School District (2002) 82 Cal.App.4th 1310
Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672

Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A User's Guide to the Ralph M. Brown Act, 2007

WEB SITES

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

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

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw

adopted: October 21, 1998
revised: September 19, 2001
revised: August 20, 2003
revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

Board Bylaws

E(2) 9323.2

ACTIONS BY THE BOARD

UNCONDITIONAL COMMITMENT LETTER

Note: Government Code 54960, as amended by SB 1003 (Ch. 732, Statutes of 2012), authorizes the district attorney or other interested person to file an action in court to determine the applicability of the Ralph M. Brown Act to any past Governing Board action which is not specified in Government Code 54960.1 and which occurs on or after January 1, 2013; see the accompanying administrative regulation. Prior to commencing such an action, the district attorney or other interested person must send a cease and desist letter to the Board within nine months of the alleged violation. Within 30 days of receiving the cease and desist letter, the Board may respond by sending an unconditional commitment, substantially in the same form provided in Government Code 54960.2, to desist from repeating the past action. If the Board so responds, the district attorney or other interested person may not file an action in court. The following exhibit presents a sample unconditional commitment letter.

To: (Name of district attorney or any interested person)

The Governing Board of (name of school district) has received your cease and desist letter dated (date) alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Debra Colvard

DATE: 9/24/13

FOR: Board Meeting
 Superintendent's Cabinet

FOR: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Consider approval of consultant contract with Street Beat, LLC.

PURPOSE: Bully Prevention and Intervention presentation to all MLK students on December 16, 2013.

FISCAL IMPACT: Decrease of \$1760.00 in QEIA budget account #
0100-7400-0-1110-1000-580009-022-0000

RECOMMENDATIONS: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Doug Carlton

DATE: October 1, 2013

For: Board Meeting
 Superintendent's Cabinet

For: Information
 Action

Date you wish to have your item considered: October 9, 2013

ITEM: Approve contract with the Supplemental Educational Services (SES) Provider organizations listed below, to provide SES to eligible students.

PURPOSE: Under NCLB rules, schools that are in Program Improvement Year 2 or greater are required to provide supplemental educational services (SES) to eligible students. Hamilton, Monroe, Simas, Washington, Kennedy, and Wilson Schools must offer SES to eligible students. The following SES Providers have indicated that they will provide SES to eligible students.

- | | | |
|--|--|---|
| • # 1 At-Home Tutors, Inc. | • Achievement Matters, Inc. | • Future Stars Tutoring Services Center |
| • # 1 Touch-Screen Tablet Computer Tutoring | • Alternatives Unlimited, Inc. | • ICES Education, LLC |
| • #1 Educando con Tabletas | • AMAZING A ACADEMICS | • Jamie M. Perkins, LLC, DBA: Club Z! Tutoring Services |
| • #1 in Learning Online, Inc. | • Apple iPad & Android Tablet Tutoring !! | • Jones Reading & Math Clinics, Inc. |
| • ¡Alpha! Innovation through Education | • Applied Scholastics International | • Keep Hope Alive Projects |
| • 1 2 3 MATH AND READING, INC. | • Brain Hurricane, LLC | • Mobile Minds Inc. DBA: Mobile Minds Tutoring |
| • 1 A 1 TUTORÍA TABLET COMPUTER! | • California Tutoring Company, LLC | • One on One Learning Corp. |
| • 1 Computadora Gratis para Ti ! Inc. | • Carter, Reddy & Associates, Inc. | • Professional Tutors of America Inc. |
| • 1 to 1 Study Buddy Tutoring, Inc. | • Community College Foundation | • Reading and Beyond |
| • 1-on-1 Learning with Laptops | • Cullinan Education Center, Inc. | • Studentnest, Inc. (dba: studentnest.com) |
| • 1st Choice Android Smart-Phone Tutoring | • Datamatics Inc. dba Achieve HighPoints | • Sullivan Learning Systems, Inc. |
| • A Better Tomorrow Education | • DND LEARNING, INC., DBA Sylvan Learning Visalia | • Syntesys Educational Services, Inc. DBA: #1 Academia de Servicio de Tutoria |
| • A Tree of Knowledge Educational Services, Inc. | • Educational Advantage, LLC. DBA: Xamaze In Home Tutoring | • Total Education Solutions |
| • A+ C A T (Computer Assisted Tutoring) | • Elohim Dream Builders, DBA: Dream Builders Tutorial Center | • TutorWorks INC |
| • Academic Advantage, The | • Encourage Tomorrow | • Ultimate Success Learning |
| • Ace it by Sylvan | • Friendly Community Outreach Center (FCOC) | |
| • ACE Tutoring Services, Inc. | | |

Title I funds are set aside from the District allocation to provide the services.

FISCAL IMPACT: A minimum of 20% of District Title I funds are required to be set aside for SES. This is approximately \$473,638.

RECOMMENDATION: Approve the SES contracts.

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Diane Williams DW
DATE: September 30, 2013
RE: (X) Board Meeting
 () Superintendent's Cabinet
 () Information
 (X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 9, 2013**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Classified

- Nancy Gonzales, Account Technician II – 8.0 hrs., Fiscal Services, effective 10/1/13

Temporary Employees/Substitutes/Yard Supervisors

- Antesar Ahmed, Substitute Yard Supervisor, effective 10/1/13
- Almira Alcoser, Substitute Food Service Utility Worker, Food Service Worker I/II, effective 9/18/13
- Yvette Alvarez, Substitute Yard Supervisor, effective 9/12/13
- Sabine Appleby, Short-term Yard Supervisor – .50 hrs., Hamilton, effective 9/23/13 to 10/17/13
- Cruz Chavez, Short-term Educational Tutor K-6 – 5.0 hrs., (2 days per week/intermittent), Migrant/Jefferson, effective 9/27/13 to 6/7/14
- Monica Gamez, Short-term Yard Supervisor – 2.0 hrs., Hamilton, effective 10/1/13 to 11/22/13
- Harmini Rabon, Substitute READY Program Tutor, effective 9/19/13
- Edith Rodriguez, Substitute Account Technician II, Bilingual Clerk Typist I and Clerk Typist I, effective 9/26/13
- Jose Rojas, II, Short-term READY Program Tutor – 4.5 hrs., Monroe, effective 9/30/13 to 10/30/13
- Danielle Stacy, Substitute Clerk Typist II, effective 9/26/13
- Cheyenne Zimmerman, Substitute Yard Supervisor, effective 9/20/13

b. Resignations

- Leticia Arenivas, Substitute Clerk Trainee, Translator: Oral Interpreter and Written Translator and Yard Supervisor, effective 9/27/13
- Olga Hernandez, Yard Supervisor – 2.25 hrs., Wilson, effective 9/20/13
- Cynthia Long, Food Service Worker I – 2.5 hrs., Roosevelt, effective 9/16/13
- Bryan Vickers, Special Education Aide – 5.0 hrs., Simas, effective 10/4/13

c. Termination due to Failure to Respond to Annual Notification

- Lawrence Brieno, Substitute Custodian I and READY Program Tutor, effective 5/29/13
- Alyssa Casarez, Substitute Yard Supervisor, effective 8/17/12
- Idalmiro Da Rosa, Substitute Custodian II, effective 3/19/12
- Kali Dousharm, Substitute READY Program Tutor and Yard Supervisor, effective 2/4/13
- Donna Duran, Substitute Yard Supervisor, effective 6/6/13
- Lisa Ellis, Substitute Media Services Aide, effective 3/29/12
- Angelica Gonzales, Substitute Bilingual Clerk Typist I, Clerk Typist I and Yard Supervisor, effective 8/7/12
- John Lesaca, Substitute Food Service Worker I/II, effective 1/18/13
- Sharon Maggio, Substitute Food Service Worker I/II and Yard Supervisor, effective 1/11/13
- Melissa Martinez, Substitute READY Program Tutor, Special Circumstance Aide and Special Education Aide, effective 6/7/13
- Naricso Ribera, Substitute Yard Supervisor, effective 4/16/12
- Teresa Sargent-Maiden, Substitute READY Program Tutor, Special Education Aide and Yard Supervisor, effective 12/4/09
- Danielle Stacy, Substitute Clerk Typist II, effective 5/8/12
- Zachary Stewart, Substitute Custodian I, effective 2/15/13
- Angela Wells, Substitute Food Service Worker I/II and READY Program Tutor, effective 2/28/12

d. More Hours

- Melissa Braley, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Kennedy, effective 9/23/13
- Vance Fredrick, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 9/19/13
- Amanda Henderson, Short-term Yard Supervisor, from 2.0 hrs. to 2.25 hrs., Washington, effective 9/19/13 to 10/31/13
- Andraya Hernandez, Short-term Yard Supervisor, from 2.5 hrs. to 3.0 hrs., Simas, effective 9/16/13 to 10/31/13
- Veronica Leach, Yard Supervisor, from 1.75 hrs. to 2.25 hrs., Hamilton, effective 10/1/13
- Michael Quinones, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 9/19/13
- Maria Villafana, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Jefferson, effective 8/29/13

e. More Hours/Transfer

- Kierra Thomas, Short-term Yard Supervisor, from 2.5 hrs., Hamilton to 3.5 hrs., Lincoln, effective 9/30/13 to 10/31/13

f. Leave of Absence

- Elizabeth Chavez, Yard Supervisor – 3.25 hrs., King, effective 9/26/13 to 10/7/13, personal
- Maricia Cuevas, Yard Supervisor – 1.75 hrs., Hamilton, effective 10/3/13 to 10/9/13, personal
- Robert Thomas Torres, READY Program Tutor – 4.5 hrs., Simas, effective 8/9/13 to 10/17/13, military

g. Volunteers

<u>Name</u>	<u>School</u>
Guadalupe Lopez	Jefferson
Eric Foster (Walmart Employee)	JFK/Woodrow
Celestina Rodriguez	Monroe
Brenda Perez	Richmond
Angela Corona	Roosevelt

RECOMMENDATION: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: September 30, 2013
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: () Information
(X) Action

Date you wish to have your item considered: October 9, 2013

ITEM:

Consider approval of Resolution #4-14: Final revision of the 2012-13 Budget.

PURPOSE:

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

FISCAL IMPACT:

RECOMMENDATION:

Approve Resolution #4-14: Final 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 #: 4-14

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

The Board of Trustees adopted this resolution on October 9, 2013 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Clerk of the Governing Board
Hanford Elementary School District

**Budget Changes
2012-13 Budget
October 9, 2013**

	Amount Changed	Reason for Change
FUND 0100 - GENERAL FUND		
Revenue		
869900 Other Local	\$50,627	Donations
TOTAL REVENUE CHANGES - GENERAL FUND	\$50,627	
Expenditures		
<u>LOCATION 000 - UNDESIGNATED/GENERAL - BALANCE SHEET ACCOUNTS</u>		
979000 Undesignated Reserve	-\$20,136	Balance is now \$504,243
	-\$20,136	
<u>LOCATION 001 - GENERAL ADMINISTRATION</u>		
735000 Indirect Costs	\$11,541	Adjust to actual Cafeteria Fund charge
	\$11,541	
<u>LOCATION 015 - PRINT SHOP</u>		
650000 Equipment Replacement	\$8,595	Replace digital duplicator
	\$8,595	
<u>LOCATIONS 020-031 - SCHOOLS GENERAL PURPOSE BUDGETS</u>		
400000 Books & Supplies	\$30,006	Add budgets for donations
500000 Services	\$20,621	
	\$50,627	
TOTAL EXPENDITURE CHANGES - GENERAL FUND	\$50,627	
FUND 1400 - CAFETERIA FUND		
Expenditure Changes		
735000 Indirect Costs	-\$11,541	Adjust to actual
978000 Undesignated Reserve	\$11,541	
	\$0	
TOTAL EXPENDITURE CHANGES	\$0	