

Hanford Elementary School District

1/75

REGULAR BOARD MEETING AGENDA

Wednesday, February 12, 2014

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.)*

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

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) Accept warrant listings dated January 17, 2014; January 24, 2014; and January 31, 2014.
- b) Approve minutes of Regular Board Meeting January 22, 2014.
- c) Interdistrict transfers as recommended.
- d) Approve donation of \$250.00 from Paramount Citrus Association and Roll Giving to Roosevelt School. (Carrillo)
- e) Approve donation of \$500.00 from Roll Giving – Paramount Farms to Woodrow Wilson Junior High School. (Eggert)

3. INFORMATION ITEMS

- a) Receive for information quarterly report regarding Williams Uniform Complaints. (Terry)
- b) Receive information regarding pending Developer Fee increase. (White)
- c) Receive for information report from the District English Learner Advisory

- *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.*

- Committee (DELAC) October 30, 2013 meeting. (Gomez/Carlton)
- d) Receive for information the following revised Board Policy and Administrative Regulation: (Williams)
 - BP/AR 4161.3/4261.3/4361.3 – Leaves of Absence (revised)
 - e) Receive for information the following revised Board Policy: (Williams)
 - BP 4331.5 – Professional Growth (revised)
 - f) Receive for information the following revised Board Policy: (Williams)
 - BP 4351.1 – Salary Step Placement and Advancement (revised)

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider adoption of School Accountability Report Cards for 2012-13: (Terry)
- b) Consider approval to apply for the School Bus Incentives Program through the San Joaquin Valley Air Pollution Control District: (Mulligan)
- c) Consider approval of the Consolidated Application for Funding Categorical Aid Programs (Spring Release). (Carlton)
- d) Consider approval of the following revised Board Policy: (Carlton)
 - BP 1431 - Waivers
- e) Consider adoption of the following revised Administrative Regulation: (Williams)
 - AR 4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave
- f) Consider adoption of the following revised Administrative Regulation: (Williams)
 - AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave (revised)
- g) Consider adoption of the following revised Board Policy:
 - BP 4354 – Health and Welfare Benefits (management, supervisory, and confidential employees) (revised)

5. PERSONNEL (Williams)

a) Employment

Certificated

- Lacey Myers, Teacher, Probationary I, effective 1/28/14

Temporary Employees/Substitutes/Yard Supervisors

- Yvette Alvarez, Short-term Yard Supervisor – 1.5 hrs., Kennedy, effective 2/3/13 to 4/11/14
- Oscar Barron, Short-term Health Care Assistant – 6.0 hrs., Simas, effective 1/21/14 to 3/5/14
- Yessenia Chacon, Short-term Bilingual Clerk Typist I – 8.0 hrs., Richmond, effective 1/13/14 to 4/11/14
- Alana Delgado, Substitute Yard Supervisor, effective 1/28/14; Short-term Yard Supervisor – 3.0 hrs., Simas, effective 1/28/14 to 4/11/14
- Stacie Garcia, Substitute yard Supervisor, effective 1/14/14; Short-term Yard Supervisor – 1.0 hr., Monroe, effective 1/14/14 to 4/11/14
- Andraya Hernandez, Short-term Yard Supervisor – 3.0 hrs., Simas, effective 1/21/14 to 4/11/14
- Bertha Martin, Substitute Bilingual Clerk Typist I; Clerk Typist I; Translator: Oral Interpreter and Written Translator, effective 1/28/14
- Suzanne Silva, Substitute Yard Supervisor and Clerk Typist I, effective 1/31/14
- Melina Temores, Substitute READY Program Tutor, effective 1/14/14

b) Resignations

- Karen Abendroth, Teacher, King, effective 2/14/14
- Hilda Andrade-Lloyd, Substitute Bilingual Clerk Typist II, Clerk Typist II, Translator: Oral Interpreter and Written Translator, effective 12/12/13
- LaNita, Ayach, Teacher, Roosevelt, effective 6/6/14
- Catherine Godfrey, Teacher on LOA, effective 1/28/14
- Roselan Dodge, Yard Supervisor – 3.25 hrs., Simas, effective 1/17/14
- Justin Gonzales, Substitute Custodian I, effective 11/15/13
- Danette Parra, Teacher on LOA, effective 1/28/14

c) Promotion/Transfer

- Kristi Ochoa, from READY Program Tutor – 4.5 hrs., Lincoln to Lead READY Program Tutor – 5.0 hrs., Simas, effective 1/28/14
- Susan Tavares, from Food Service Worker I – 3.5 hrs., Monroe to Custodian II – 8.0 hrs., Kennedy, effective 2/3/14

d) Temporary Out of Class Assignment

- Maribel Aguilera, from Bilingual Clerk Typist II – 8.0 hrs., to School Operations Officer – 8.0 hrs., Richmond, effective 1/13/14 to 4/11/14
- Don Gonzales, from Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 1/27/14 to 2/14/14
- Manuel Silveira, from Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 1/27/14 to 2/14/14

e) Temporary Out of Class Assignment/Transfer

- Kristi Ochoa, from READY Program Tutor – 4.5 hrs., Lincoln to Lead READY Program Tutor – 5.0 hrs., Simas, effective 1/13/14 to 1/31/14

f) More Hours

- Genella Alvarez, Yard Supervisor, from 2.75 hrs. to 3.0 hrs., Hamilton, effective 12/16/13

g) Consider approval of Service Agreement with California State University, Fresno's Nursing Program

- Authorize agreement between Hanford Elementary School District and California State University, Fresno to provide the Institution's Nursing Program student field experience at HESD facilities.

h) Volunteers

<u>Name</u>	<u>School</u>
Stephanie Miranda	Jefferson
Hildelisa Chavez	Monroe/Simas
Nikki Gibbons	Simas
Brenda Limon	Washington

6. FINANCIAL (White)

- Consider acceptance of District Audit for the Fiscal Year ended June 30, 2013.
- Consider declaration of surplus property.

ADJOURN MEETING

Hanford Elementary School District
Minutes of the Regular Board Meeting
January 22, 2014

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on January 22, 2014, at the District Office Board Room, 714 N. White Street, Hanford, CA.

- Call to Order** President Jay called the meeting to order at 5:30 p.m. Trustees Garner, Hernandez, and Revious were present. Trustee Hill was absent for a reason deemed acceptable by the board.
- Closed Session** Trustees immediately adjourned to closed session for:
- Student Discipline pursuant to Education Code section 48918
- Trustees returned to open session at 5:55 p.m.
- HESD Managers Present** Dr. Paul J. Terry, Superintendent, and the following administrators were present: Kristina Baldwin, Doug Carlton, Anthony Carrillo, Debra Colvard, Joy Gabler, David Goldsmith, Lucy Gomez, Jaime Martinez, Karen McConnell, Gerry Mulligan, Liz Simas, Nancy White, and Diane Williams.
- Readmissions:** Trustee Hernandez made a motion to approve readmission for the following cases based upon each student's compliance with the Plan of Rehabilitation: Case #13-31, 13-42, 13-47, 13-55, 13-57, 13-60, 13-64, 13-65, 13-66, 13-67, 13-77, 13-78, 13-81, 13-86. Trustee Garner seconded. Motion approved 4-0:
- Garner - yes
 - Hernandez - yes
 - Hill - absent
 - Jay - yes
 - Revious - yes
- Readmissions denied:** Trustee Hernandez made a motion to deny readmission for the following cases based upon the finding that the student did not comply with the Plan of Rehabilitation or that student continues to pose a danger to self or to others: Case #13-23, 13-25, 13-26, 13-59, 13-73, and 13-82. Trustee Garner seconded. Motion approved 4-0:
- Garner - yes
 - Hernandez - yes
 - Hill - absent
 - Jay - yes
 - Revious - yes
- Revoke Readmission** Trustee Hernandez made a motion to revoke readmission for Case #13-03 based upon the student's failure to abide by school and district rules upon return to regular school. Parents may apply for readmission on or after June 6, 2014. Trustee Garner seconded. Motion approved 4-0:
- Garner - yes
 - Hernandez - yes
 - Hill - absent
 - Jay - yes

Revious – yes

Expulsions #14-06, 14-07, 14-08 Trustee Hernandez made a motion to accept the Findings of Fact and expel Cases #14-06, 14-07, and 14-08 for the remainder of the 2013-14 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at Hearings held January 21, 2014. However, Trustee Hernandez further moved that the Expulsion Order be suspended. The student may attend regular school in probationary status provided that the student complies with a Behavior Conditions Plan through June 6, 2014. Trustee Garner seconded. Motion approved 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay - yes
Revious – yes

Public Comments None.

Board and Staff Comments None.

Requests to Address the Board at future meetings None.

Dates to Remember President Jay reviewed Dates to Remember: January 25 Gr. 4-6 Girls' RoundRobin Basketball 8:30 a.m. at JFK gym; January 27 Mat Classic 5:00 p.m. JFK gym; January 31 29th Annual HESD Basketball Tournament 4:00 p.m. JFK gym; February 13 CTA School Board Appreciation Dinner 6:00 p.m. Visalia Marriott; KCSBA President's Dinner March 3rd.

INFORMATION ITEMS

BP 1431 Doug Carlton, Director Categorical Programs, presented for information the following revised Board Policy:

- BP 1431 - Waivers

AR 4161.11, 4261.11, 4361.11 Diane Williams, Assistant Superintendent Human Resources, presented for information the following revised Administrative Regulation:

- AR 4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave

AR 4161.8, 4261.8, 4361.8 Diane Williams, Assistant Superintendent Human Resources, presented for information the following revised Administrative Regulation:

- AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave (revised)

BP 4354 Diane Williams, Assistant Superintendent Human Resources, presented for information the following revised Board Policy:

- BP 4354 – Health and Welfare Benefits (management, supervisory, and confidential employees) (revised)

Local Control Funding Formula and LCAP

Superintendent Dr. Terry presented information regarding the new Local Control Funding Formula (LCFF) and Local Control Accountability Plan (LCAP) to keep the board up-to-date. Governor's January Budget proposal looks positive for schools. The district is working closely with Kings County Office of Education (KCOE) in developing the LCAP. KCOE will approve the plan or provide technical assistance to the district. The process begins next week with a meeting with the county superintendent. There will also be parent meetings and surveys as well as opportunity for public input on the district's website. LCAP must be approved by the Board before July 1, 2014.

CONSENT ITEMS

Trustee Garner made a motion to take consent items "a" through "i" together. Trustee Revious seconded, motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay - yes
Revious - yes

Trustee Garner then made a motion to approve consent items "a" through "i". Trustee Revious seconded, motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay - yes
Revious - yes

The items approved as follows:

- Warrant listings dated December 6, 2013; December 13, 2013; December 20, 2013; January 3, 2014; and January 10, 2014.
- Minutes of December 11 Regular Board Meeting.
- Donation from Feed the Children Foundation.
- Donation of \$700 from Washington PTC to Washington School.
- Donations of \$150.00 from Edison International and \$1,625.24 from Simas PTC to Simas School.
- Donation of \$68.38 from Target; and \$1,490.00 from Classic Soccer to Lee Richmond School.
- Donation of \$1,175.00 from Walmart to Roosevelt School.
- Donation of \$903.20 from Box Tops for Education (General Mills) to Hamilton School.
- Donation of \$5,000.00 from ASB and \$4,147.72 from PTC to JFK General Budget.

Trustee Garner publicly acknowledged and each of the generous donors for their support of HESD schools.

BOARD POLICIES AND ADMINISTRATION

BP/AR 0420

Trustee Revious made a motion to adopt the following revised Board Policy and Administrative Regulation: BP/AR 0420 – School Plans/Site Councils

Trustee Hernandez seconded; motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

BP/AR 0520.2

Trustee Hernandez made a motion to adopt the following revised Board Policy and Administrative Regulation: BP/AR 0520.2 – Title I Program Improvement Schools

Trustee Garner seconded; motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

BP/AR 5141.31

Trustee Garner made a motion to adopt the following revised Board Policy and Administrative Regulation: BP/AR 5141.31 – Immunizations

Trustee Hernandez seconded; motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

MOU California Healthy Kids Survey

Trustee Revious made a motion to approve Memorandum of Understanding for California Healthy Kids Survey. Trustee Hernandez seconded; motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

KCOE TUPE grant agreement

Trustee Hernandez made a motion to approve collaboration agreement between the Kings County Office of Education and the Hanford Elementary School District – Tobacco Use Prevention Education (TUPE). Trustee Revious seconded; motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent

Jay – yes
Revious – yes

Consultant Contract Trustee Garner made a motion to approve consultant contract with the Tulare County Office of Education to have seven Instructional Consultants to provide sessions during the HESD District wide Professional Development Day on Monday February 10, 2014. Trustee Hernandez seconded; motion carried 4-0:

Garner – yes
Hernandez – yes
Hill – absent
Jay – yes
Revious – yes

2013-2014 School Plans Trustee Hernandez made a motion to approve revisions to the 2013-2014 School Plans. Trustee Garner seconded; motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

PERSONNEL

Trustee Revious made a motion to take Personnel items "a" through "g" together. Trustee Garner seconded and motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

Then Trustee Revious made a motion to approve Personnel items "a" through "g". Trustee Garner seconded, and the motion carried 4-0:

Garner - yes
Hernandez - yes
Hill - absent
Jay – yes
Revious – yes

The following items were approved:

**Item "a" –
Employment**

Certificated

- Melissa Moreno, Teacher, Simas, Probationary I, effective 1/13/14

Confidential

- Jennifer Baker, Administrative Secretary/Confidential – 8.0 hrs., Fiscal/Facilities Services, effective 12/26/13

Classified

- Cynthia Long, Food Service Worker II – 2.0 hrs., Wilson, effective 1/14/14
- Carlos Rodriguez, Jr., Computer Maintenance Technician – 8.0 hrs., HESDNet, effective 1/6/14
- Allyssa Spradlin, Food Service Worker II – 2.0 hrs., Kennedy, effective 1/13/14

Temporary Employees/Substitutes/Yard Supervisors

- Rosarita Alvarez, Short-term Yard Supervisor – 3.0 hrs., Simas, effective 1/13/14 to 4/11/14
- Melissa Braley, Short-term Yard Supervisor – 1.0 hr., Kennedy, effective 1/13/14 to 4/11/14
- Cristina Ceja, Substitute Bilingual Clerk Typist I, Clerk Typist I and Translator: Oral Interpreter, effective 1/13/14
- Ashley Candelaria, Short-term Yard Supervisor – 1.5 hrs., Washington, effective 1/13/14 to 4/11/14
- Debi Clark, Substitute Bus Driver, Custodian I, Food Service Worker I and Yard Supervisor, effective 12/6/13
- Wilma Etulain Baraibar, Substitute Cook/Baker and Food Service Utility Worker, effective 1/13/14
- Linda Garcia, Yard Supervisor – 2.5 hrs., Jefferson, effective 1/13/14
- Fidel Gonzalez, Yard Supervisor – 2.25 hrs., Wilson, effective 1/13/14
- Everardo Guzman, Girls 7-8 Soccer Coach – 3 units, Kennedy, effective 1/13/14 to 1/23/14
- Angel Hawkins, Short-term Yard Supervisor – 1.5 hrs., (M, T,Th,F and .50 W), Roosevelt, effective 1/13/14 to 4/11/14
- Amanda Henderson, Yard Supervisor – 2.25 hrs., Washington, effective 1/13/14
- Jose Huerta, Substitute Yard Supervisor, effective 11/26/13
- Samantha Long, Substitute Yard Supervisor, effective 12/5/13
- Ramona Mendoza, Short-term Yard Supervisor – 1.0 hr., Washington, effective 1/21/14 to 4/11/14
- Jacqueline Noriega, Substitute Translator: Oral Interpreter and Written Translator, effective 12/4/13
- Shirley Smith, Short-term Yard Supervisor – 2.0 hrs., Richmond, effective 1/13/14 to 4/11/14
- Sylvia Solorio, Short-term Yard Supervisor – 1.5 hrs., Monroe, effective 1/13/14 to 4/11/14
- Gennifer Soriano, Yard Supervisor – 2.0 hrs., Lincoln, effective 1/13/14
- Stephanie Trevino, Substitute Yard Supervisor, effective 1/13/14; Short-term Yard Supervisor – 1.0 hr., Jefferson, effective 1/13/14 to 4/11/14
- Jacqueline Vargas, Substitute Bilingual Clerk Typist I, Clerk Typist, Translator: Oral Interpreter and Written Translator, effective 1/8/14
- Stacy Whittington, Substitute Food Service Worker I and Food Service Worker II, effective 12/3/13
- Suzanne Wilson, Substitute Custodian I and Health Care Assistant, effective 12/12/13

**Item "b" –
Resignations**

- Joseph D'Agostino, Teacher, Wilson, effective 12/20/13
- Laura Benavides, READY Program Tutor – 4.5 hrs., Hamilton, effective 1/14/14
- Susan Huerta, Teacher, effective 12/20/13
- Mildred Jackson, Substitute Alternative Education Program Aide, Babysitter,

Instructional Aide, READY Program Tutor, Special Education Aide and Yard Supervisor, effective 11/20/09

- Brittany McCormick, Yard Supervisor – 1.5 hrs., Monroe, effective 12/20/13
- Priscilla Sosa, Substitute Clerk Trainee and Yard Supervisor, effective 12/2/13

**Item "c" –
Promotion/Transfer**

- Shawn Carreiro, from Custodian II – 8.0 hrs., Kennedy to Lead Custodian – 8.0 hrs., Monroe, effective 12/16/13
- Maricia Cuevas, from Yard Supervisor – 1.25 hrs., Hamilton to Bus Driver – 4.5 hrs., Transportation/DSF, effective 12/16/13
- Veronica Grever, from Food Service Worker II – 2.0 hrs., Wilson to Food Service Utility Worker, Food Services – 3.5 hrs., effective 12/16/13

**Item "d" –
Temporary Out of
Class Assignment**

- Mark Alcala, from Custodian II – 8.0 hrs., Wilson to Lead Custodian – 8.0 hrs., Roosevelt, effective 12/16/13 to 4/28/14

**Item "e" –
More Hours**

- Genella Alvarez, Yard Supervisor, from 2.75 hrs. to 3.0 hrs., Hamilton, effective 12/16/13

**Item "f" –
Salary/Wage
Schedules for 2013-
2014**

- Classified Salary Schedule (revised)

**Item "g" –
Volunteers**

<u>Name</u>	<u>School</u>
Laurie Baltazar	Hamilton
Julie McCalister	Hamilton
Irma Dominguez	King
Amanda Henderson	Lincoln/Washington
Carlos Ramos	Lincoln
Alejandro Santillan	Lincoln
David Gutierrez	Monroe
Marlen Sanchez	Monroe
Julie Dugan	Roosevelt/Wilson Jr. High

FINANCIAL

**Resolution #7-14:
Statement of
Investment Policy**

Trustee Revious made motion to approve Resolution #7-14: Approving the Kings County Director of Finance's Statement of Investment Policy and Delegating Investment Authority to the Kings County Director of Finance. Trustee Garner seconded, motion carried 4-0:

Garner – yes
Hernandez – yes
Hill – absent
Jay – yes
Revious – yes

**Resolution #8-14:
2013-14 Budget
Revisions**

Trustee Garner made a motion to approve Resolution #8-14: Revision of the 2013-2014 Budget. Trustee Hernandez seconded, motion carried 4-0:

Garner – yes
Hernandez – yes
Hill – absent
Jay – yes
Revious – yes

**Piggyback bid for
Apple products by
Glendale Unified**

Trustee Revious made a motion to approve purchase of Apple products from Apple Inc.'s Education/State & Local Government Purchase Agreement via piggyback bid issued by Glendale Unified School District. Trustee Hernandez seconded, motion carried 4-0:

Garner – yes
Hernandez – yes
Hill – absent
Jay – yes
Revious – yes

Adjournment

There being no further business, President Revious adjourned the meeting at 6:23 p.m.

Respectfully submitted,

Paul J. Terry,
Secretary to the Board of Trustees

Approved:

James L. Jay III, President

Lupe Hernandez, Clerk

Inters - OUT

No	A/D	Sch Req'd	Home Sch	BD Date
O-125	A	Lemoore	Kennedy	2/12/14

Inters - IN

No	A/D	Sch Req'd	Home Sch	Date
I-086	D	Lincoln	Laton	2/12/2014
I-087	D	Lincoln	Laton	2/12/2014
I-088	A	Jefferson	Armona	2/12/2014

HANFORD ELEMENTARY SCHOOL DISTRICTAGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Anthony Carrillo

DATE: January 17, 2014

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: February 12, 2014

ITEM: Accept donation of \$250.00 from Paramount Citrus Association and Roll Giving to Roosevelt School.

PURPOSE: To be used for educational study trips.

FISCAL IMPACT (if any): Increase of \$250.00 to
Account#:0100-0000-0-1110-1000-571020-026-0000\

RECOMMENDATION (if any): Approve donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Kenneth Eggert

DATE: January 14, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: February 12, 2014

ITEM: Consider approval of donation of \$500.00 from Rollgiving - Paramount Farms Int Grants Program to Woodrow Wilson.

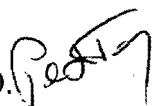
PURPOSE: Donation toward books, incentives, field trips, art supplies or new technology.

FISCAL IMPACT: Increase \$500.00
to Account #: 0100-0000-0-1110-1000-430001-031-0000

RECOMMENDATIONS: Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees
FROM: Paul J. Terry, Ed.D. 
DATE: February 3, 2014
FOR: ☒ Board Meeting
 ☐ Superintendent's Cabinet
FOR: ☒ Information
 ☐ Action

Date you wish to have your item considered: February 12, 2014

ITEM: Quarterly report (10/1/13 – 12/31/13) regarding Williams Uniform Complaints. The types of complaints covered in the Williams Uniform Complaint Procedures are:

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

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

For the second quarter of the 2013-14 school year there were no Williams Uniform Complaints filed.

FISCAL IMPACT: None.

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

District: HANFORD ELEMENTARY

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

Quarterly Report Submission Month/Quarter: ☐ 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: February 12, 2014

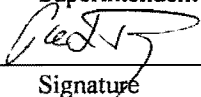
Please check the box that applies:

- ☒ 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

February 5, 2014

Date

Please submit to:

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

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: February 3, 2014
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: (X) Information
() Action

Date you wish to have your item considered: February 12, 2014

ITEM:

Receive information regarding pending Developer Fees increase.

PURPOSE:

The District levies Developer Fees on new residential and commercial/industrial development at the rates set by the State Allocation Board (SAB). The Government Code allows for an inflationary increase to these rates every other year. The SAB acted in January to approve an inflationary increase for the developer fee rates. A Resolution to adopt the increased rates will be presented to you at the March 12, 2014 Board Meeting.

FISCAL IMPACT:

The total fees per square foot for residential will increase from \$3.20 to \$3.36. Fees for commercial/industrial will increase from \$.51 to \$.54 per square foot. Hanford Elementary shares this fee with Hanford High. Hanford Elementary receives 60% of the fee and Hanford High receives 40%. Therefore, HESD's portion would be \$2.02 per square foot for residential and \$.32 per square foot for commercial (with the exception of rental self-storage, for which the fee will be \$.08 per square foot for HESD). This increase will generate an estimated \$9,000 in additional revenues to the District from developer fees.

RECOMMENDATION:

None. Information only.

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Paul Terry, Ed.D.

FROM: Lucy Gomez, Doug Carlton

DATE: January 28, 2014

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☒ Information
☐ Action

Date you wish to have your item considered: February 12, 2014

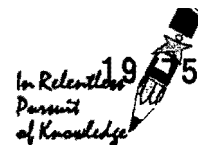
ITEM: Receive for information report from the District English Learner Advisory Committee (DELAC) October 30, 2013 meeting.

PURPOSE: The purpose of the DELAC is to advise the board on the district's annual needs assessment (Title I Evaluation); to advise the board on the district's programs and services for English learners (LEAP Addendum & School Plans); and to review and comment on written notifications required to be sent to parents and guardians (Parent Compact, Parent Involvement Policy)

FISCAL IMPACT: DELAC is required to receive State Economic Impact Aid

RECOMMENDATION: Approve the Consolidated Application for Funding Categorical Aid Programs

Hanford Elementary School District



Hanford Elementary School District (HESD) District English Language Advisory Committee Meeting & District Advisory Committee Meeting

Date of Meeting: October 30, 2013
Starting Time: 9:00 a.m.
Location: District Office Board Room, 714 N. White Street

1. Roles and Responsibilities

DELAC members were trained in their roles and responsibilities, which are to advise the district and the school board on topics related to English learners, particularly the specific needs of English learners and the programs and services that are provided to English Learners.

2. District Needs Assessment/Title I Evaluation

DELAC members received information regarding academic achievement both in terms of individual school site and the district as a whole.

The DELAC reviewed the Title I Evaluation (District Needs Assessment) and agrees with the findings: that student achievement continues to increase; that schools and the district did a good job of planning and implementing their plans; that areas for improvement include providing interventions for struggling students, providing instruction and support that is specific to English learners, and providing training for teachers, particularly in the area of English language development.

3. District Title I Parent Survey

DELAC members reviewed the Title I Parent Survey and agreed that it was clear and understandable. The committee suggested one revision to question #9: I have the opportunity to meet and communicate with my child's teacher/staff in my language when I have a question, need assistance, or feel it is necessary.

4. District LEAP and School Plans

DELAC members were briefed on the first three goals in the LEAP and in the school plans.

The DELAC supports these goals, especially the emphasis on improving the achievement of English Learners.

5. Parent Involvement Policy

The DELAC reviewed and supports BP 6020.

6. School-Family Compact

The DELAC reviewed the School-Family Compact. The DELAC suggested a revision to bullet #4 on page 5. The revised item will read: "to initiate regular communication with families about student progress."

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams DW

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☒ Information
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Receive the following revised Board Policy for information.

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

- BP 4161.3/4261.3/4361.3 – Leaves of Absence (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Consider for adoption at next regular board meeting.

All Personnel**BP 4161.3****4261.3****LEAVES OF ABSENCE****4361.3 (a)****A. Sabbatical Leave**

Sabbatical leaves for study and travel in accordance with Education Code sections 44966 through 44973 are not granted in the Hanford Elementary School District.

B. Unpaid Leaves of Absence

1. The Superintendent or designee shall grant leaves of absence to employees for any reason mandated by law or as specifically required by the collective bargaining agreement between the district and the employee's exclusive representative, if any.
2. The Superintendent or designee may grant leaves of absence without compensation for any reason specified in the collective bargaining agreement applicable to the employee, if any, or for such other reasons as may be in the best interest of the district's educational programs or operations.
 - a. An uncompensated leave for study and travel purposes shall be granted only to employees with permanent status in the district.
 - b. The time spent by a probationary employee on uncompensated leave shall not count toward the probationary service required for attainment of permanent status in the district, ~~but shall be disregarded for purposes of continuity of service.~~
 - c. Board approved leave of absence shall not be considered a break in service for purposes of seniority
3. Unpaid leaves of absence shall normally be for a period of not less than one semester and not more than one school year. An extension may be granted if deemed in the best interest of the district.
4. All unpaid leaves shall be reported to, and ratified by, the Board of Trustees at the next regularly scheduled Board meeting for which the item can be placed on the agenda.

C. Group Health Insurance Benefits and District Liability

1. The district's group health insurance benefit plans (excluding life insurance) may be continued during an unpaid leave of absence at the employee's own expense by timely payment of the required premiums in accordance with district regulations. The district assumes no liability for limitations and exclusions of health care services imposed by the rules of insurance carriers following a lapse in coverage during an unpaid leave of absence.

LEAVES OF ABSENCE (continued)

2. The Board and the district shall not be liable for the payment of any compensation or damages for the death or injury of an employee while the employee is on uncompensated leave of absence as provided herein.

D. Return from Leave of Absence

1. Certificated and classified employees on leave of absence shall provide written notice about their intent to return in accordance with the timelines established in their collective bargaining agreements.
2. Certificated administrators shall provide written notice of their intent to return not later than March 1 of the year during which they are on leave of absence. All other managers shall provide such written notice not later than April 15 of the year during which they are on leave of absence.
3. Except as noted under 4. below, an employee shall be returned to a position within his/her previous classification upon return from an uncompensated leave of absence, but shall have no right to an assignment in a specific position or grade level, or at a specific school site or department.
4. A leave of absence does not preclude non-reelection of an employee with probationary status, reassignment of a certificated administrator, or layoff in the event of a reduction in staff or discontinuance of a service in accordance with law.

Legal Reference:**EDUCATION CODE**

44963 Power to grant leaves of absence (certificated)

44966-44973 Leaves for study and travel

44974 Liability for death or injury during leave of absence

45190 Leaves of absence (classified)

45198 Effect of provisions authorizing leaves of absence

COLLECTIVE BARGAINING AGREEMENTS**CSEA/HESD Agreement:**

Article 16, Leaves

HESD/~~BHETA~~ Agreement:Article ~~XVI~~ 16, LeavesArticle ~~XVIII~~ 18, Employee group health and welfare insurance benefits**Policy**

adopted: November 7, 2001

revised: November 30, 2004


revised: _____, 2014

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams 

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☒ Information
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Receive the following revised Board Policy for information.

PURPOSE: The following Board Policy reflects changes (see underlined and strikeouts) that are necessary to align with current practices.

- BP 4331.5 – Professional Growth (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Consider for adoption at next regular board meeting.

Management, Supervisory, and Confidential Employees**BP 4331.5 (a)****PROFESSIONAL GROWTH****A. ~~Certificated Administrators~~**

1. ~~The State of California requires that, as a condition for renewal of their "professional clear" administrative services credentials, certificated administrators whose first clear administrative services credential was issued on or after July 1, 1994, complete individual professional growth programs consisting of 150 clock hours of activities, planned in consultation with a professional growth advisor, that contribute to competence, performance, and effectiveness in the profession of education.~~
2. ~~Advisors may be district employees or appropriate professionals from other educational agencies or institutions. The Superintendent or designee may assist holders of professional clear administrative services credentials in securing the services of a professional growth advisor. However, it is ultimately the responsibility of the credential holder to select an appropriate person.~~

BA. Confidential Employees

The Board of Trustees believes that college-level course work undertaken by confidential employees will not only strengthen their work-related skills and knowledge in such areas as language arts, social sciences, and business subjects but also improve career opportunities and income potential, and promote a better understanding of the world we live in,

In support of the Board's philosophy, confidential employees shall earn stipends for college level course work that is directly related to improvement of work-related skills and knowledge and/or leads to an associate or bachelor's degree in the arts or sciences.

1. Eligibility

Confidential employees ~~with permanent status in their position~~ who regularly work at least 6 hours per day (30 hours per week) shall be eligible to earn professional growth stipends for college course work that meets the following criteria.

2. Criteria

- a. Courses must be directly related to the employee's work or be part of the curriculum, including electives, for an associate or bachelor's degree.
- b. ~~College degrees and certificates required as part of the qualifications for the employee's position shall not be eligible for professional growth stipends.~~

PROFESSIONAL GROWTH (continued)

- e b. College courses in basic skills (e.g. typing, computer literacy, etc.) or knowledge required as part of the qualifications for the employee's position (e.g. typing, computer literacy, etc.) and remedial courses required for freshman standing shall not be eligible for professional growth credit unless they are part of the curriculum or electives for an associate or bachelor's degree.
- d c. Courses must be passed with a grade of C or better.
- e. ~~College courses that meet the above criteria but were completed prior to employment in the confidential position or during the employee's probationary period may be credited for professional growth stipends after the employee attained permanent status in his/her confidential position.~~
- f d. All college course work shall be supported by official transcripts.

3. Stipends

The following stipends shall be added to the employee's monthly salary effective the first of the month following verification of completion of the required number of semester units (or equivalent quarter units) in courses that meet the above criteria:

Only one stipend will be given for the highest level of accomplishment

<u>Stipend</u>	<u>Total Number of Semester Units Require</u>
\$ 25.00	15 semester units of acceptable college work
\$ 50.00	30 semester units of acceptable college work
\$ 75.00	45 semester units of acceptable college work
\$100.00	60 semester units of acceptable college work, or Associate Degree
\$125.00	75 semester units of acceptable college work
\$150.00	90 semester units of acceptable college work
\$175.00	105 semester units of acceptable college work
\$200.00	120 semester units of acceptable college work, or Bachelor's Degree
\$300.00	<u>Masters Degree</u>

- 4. This program shall become effective on the first day of the month following adoption of this policy by the Board of Trustees and shall replace the previous professional growth program for confidential employees.

Legal References: (on next page)

PROFESSIONAL GROWTH

Legal References

EDUCATION CODE

44277-44279 Requirements for professional growth

CODE OF REGULATIONS, TITLE 5

80554-80555 Elements of professional growth plan and professional growth record

80556 Professional growth advisors, and employing agencies.. roles and responsibilities

80558 Definition of professional growth activities

Management Resource:

CTC PUBLICATION: California Professional Growth Manual

Policy

adopted: March 4, 1992

revised: November 7, 2001

revised: _____, 2014

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams DW

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☒ Information
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Receive the following revised Board Policy for information.

PURPOSE: The following Board Policy reflects changes (see underlined) that are necessary to align with current practices.

- BP 4351.1 – Salary Step Placement and Advancement (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Consider for adoption at next regular board meeting.

Management, Supervisory, and Confidential Employees**BP 4351.1 (a)****SALARY STEP PLACEMENT AND ADVANCEMENT****A. Initial Placement**

1. Initial salary step placement of a new or promoted employee on the salary schedules for management, supervisory, and confidential employees shall normally be at Step 1 of the appropriate salary range. Previous in-district and verified outside experience in a similar capacity may be considered on a year for-year basis for advanced step placement up to and including Step 3) of the appropriate salary range if approved by the Superintendent or designee.
2. Initial step placement at Steps 2 through 5 of a candidate without experience, or at Steps 4 or 5 of a candidate with experience, shall be approved only under the following conditions:
 - a. To match the salary earned by a candidate in his/her current position if that is a condition of the candidate's acceptance of employment in the position offered by the district and no equally qualified candidate is available to fill the position at a lower salary. The Superintendent or designee shall verify that the current salary of the candidate exceeds Step 1 of the district's salary range for the position offered.
 - b. To meet the salary requirement of a qualified candidate for a position in a specialty for which there is a shortage of qualified applicants in the market and no equally qualified candidate is available to fill the position at a lower salary.
 - c. To provide a promotional candidate with a salary improvement above his/her current salary if that salary is lower than Step 5 of the promotional position salary range.
 - (1) An employee whose promotion is to be effective before one-half of the duty days assigned to the promotional position has elapsed (eligible for step advancement on July 1) shall, at the time of promotion, be placed on the Step that provides a 4% improvement over the salary he/she would have earned in his/her current position.
 - (2) An employee whose promotion is to be effective after one-half of the duty days assigned to the promotional position has elapsed (not eligible for step advancement on July 1) shall be placed on the Step that provides a 4% improvement over the salary he/she would have earned in his/her current position on July 1 of the ensuing fiscal year.

SALARY STEP PLACEMENT AND ADVANCEMENT (continued)

- (3) Comparisons of salaries shall be based on annual base salaries as reflected on the appropriate salary schedules without regard to number of work days, previous or future stipends, or potential salary increases due to cost-of-living adjustments (COLA) not yet approved by the Board at the time of the effective date of the promotion.

B. Step Advancement

A one-step advancement on the salary range shall be granted effective with the first work day of each fiscal year for employees who were hired or promoted during the previous fiscal year and were in paid status for more than one-half of the duty days assigned to their positions during the previous fiscal year.

C. Interns and Interim Appointments

1. Administrative Interns shall advance to the salary range of the appropriate position in accordance with the following schedule:
 - a. Effective at the beginning of the contracted work year if the credential requirements for the position have been met on or before September 12 of that year; or
 - b. Effective February 1 if the credential requirements for the position have been met by February 10.
2. Certificated employees appointed on an interim or substitute basis to an administrative position shall be paid at 95% of Step 1 of the appropriate range on the management salary schedule or at 105% of their regular position salary, whichever is higher.

D. Bilingual Stipend for Confidential Employees:

An employee who is required to use a second language from time to time in his/her regular assignment and who has demonstrated competency in the second language as established by the District shall receive a bilingual stipend of \$400 per year or the prorated amount for less than a year.

Policy
 adopted: March 5, 1997
 revised: November 7, 2001
 revised: August 20, 2008
 revised: _____, 2014

HANFORD ELEMENTARY SCHOOL DISTRICT
 Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Dr. Paul Terry

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: February 12, 2014

ITEM: Adopt School Accountability Report Cards for 2012-13.

PURPOSE: State and federal law requires schools annually to prepare report cards, for the previous school year, and disseminate them to the public in order to provide parents and community with important information about the condition and performance of each public school.

2012-13 School Accountability Report Cards (SARCs) are posted on the district's web page, on a California Department of Education SARC webpage, and copies are available to the public at school sites.

RECOMMENDATION: Adopt 2012-13 SARCs.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Gerry Mulligan *GM*

DATE: January 30, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: February 12, 2014

ITEM:

Consider approval to apply for the School Bus Incentives Program through the San Joaquin Valley Air Pollution Control District.

PURPOSE:

The purpose of this program is to fund the purchase of a new lower emission school bus for the replacement of an existing, in-use high-polluting school bus.

FISCAL IMPACT:

If awarded, the San Joaquin Valley Air Pollution Control District will pay up to 50% of the cost of a standard new school bus to replace eligible 1993 or older school buses.

RECOMMENDATION:

Approve application process for the District's School Bus Incentives Program through the San Joaquin Valley Air Pollution Control District.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Paul Terry, Ed.D.

FROM: Doug Carlton

DATE: January 27, 2014

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: February 12, 2014

ITEM: Approve Consolidated Application for Funding Categorical Aid Programs (Spring Release)

PURPOSE: The Consolidated Application is the document that is used to apply for, and report on several federal and state categorical aid programs including:

Title I	Low Income Students
Title II	Teacher Quality
Title III	English Learners
Economic Impact Aid	Low Income Students and English Learners

FISCAL IMPACT: Approximately \$4.5 million in categorical funding is requested through the Consolidated Application.

RECOMMENDATION: Approve the Consolidated Application for Funding Categorical Aid Programs

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Doug Carlton

DATE: January 27, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: February 12, 2014

ITEM: Consider approval of recommended revisions to BP 1431 ~ Waivers**PURPOSE:** The revised Board Policy reflects changes that are necessary to align with current practices and procedures as well as recommendations by CSBA.**FISCAL IMPACT:** None**RECOMMENDATIONS:** Adopt

Hanford ESD

Board Policy

Waivers

BP 1431

Community Relations

The Governing Board recognizes that strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to the SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 1220 - Citizen Advisory Committees)

In addition, the Superintendent or designee shall involve the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050)

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

To receive public testimony on each waiver request proposal, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing, may be printed in a newspaper of general circulation or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

When the district has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if the information contained on the request remains current. However, the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference:

EDUCATION CODE

305-311 Structured English immersion program; parental exception waivers
 5000-5033 Governing board elections
 8750-8754 Grants for conservation education
 10400-10407 Cooperative improvement programs
 17047.5 Facilities used by special education students
 17291 Portable school buildings
 33050-33053 General waiver authority
 37202 Equity length of time
 41000-41360 School finance
 41381 Minimum school day
 41600-41854 Computation of allowances
 41920-42842 Budget requirements; local taxation by school districts
 44520-44534 New Careers Program
 44666-44669 School-Based Management and Advanced Career Opportunities
 44681-44689 Administrator Training and Evaluation
 45108.7 Maximum number of senior management positions
 48660-48666 Community day schools
 48800 Attendance at community college
 49550-49560 Meals for needy students
 51224.5 Algebra instruction
 51745.6 Charter school independent study ratio
 51870-51874 Educational technology
 52080-52090 Class size reduction grade 9
 52122.6-52122.8 Class size reduction, impacted school sites
 52160-52178 Bilingual-Bicultural Education Act of 1976
 52180-52186 Bilingual teacher waiver
 52200-52212 Gifted and Talented Pupils Program
 52340-52346 Career Guidance Centers
 52522 Plans for adult education
 52850-52863 School-Based Program Coordination
 54000-54028 Disadvantaged Youth Program
 54100-54145 Miller-Unruh Basic Reading Program
 54407 Waiver for compensatory education programs
 56000-56867 Special education programs
 58407 Waiver related to individualized instruction program
 58900-58928 Restructuring demonstration programs
 60119 Public hearing on sufficiency of instructional materials
 60851 High school exit examination, waiver for student with disabilities

CODE OF REGULATIONS, TITLE 5

1032 Academic Performance Index
 3100 Resource specialist caseload waivers

3945 Cooperative programs
9531 Instructional materials funding
11960 Charter school attendance
11963.4 Charter school percentage funding
13017 Waivers, compensatory education New Careers in Education Program
13044 Waivers, compensatory education Professional Development and Program Improvement Programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
7115 Safe and Drug Free Schools, authorized activities

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

(10/98 7/05) 8/13

Revised: January 22, 2014

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Consider adoption of the following revised Administrative Regulation.

PURPOSE: The following Administrative Regulation reflects changes that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes. The current Administrative Regulation for all three employee groups is being consolidated into one Administrative Regulation.

- AR 4161.11/4261.11/4361.11 Industrial Accident/Illness Leave (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

THIS NEW AR REPLACES INDIVIDUAL AR'S FOR 4161.11, 4261.11 & 4361.11**All Personnel**

AR 4161.11(a)

4261.11

4361.11

INDUSTRIAL ACCIDENT/ILLNESS LEAVE

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her assigned duties. (Education Code 44984, 45192)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161/4261/4361 - Leaves)

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

To be eligible for industrial accident or illness leave, a classified employee shall have reached permanency in the district as defined in the Collective Bargaining Agreement.

Allowable industrial accident or illness leave shall not be accumulated from year to year. (Education Code 44984, 45192)

When an employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44043, 44044, 44984, 45192)

1. The leave shall start on the first day of absence.
2. During the period of absence, the employee shall be paid such portion of his/her wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed his/her normal wage or salary.
3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.
4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

During any paid leave of absence, the workers' compensation administrator shall send the district any workers' compensation checks received on account of an industrial accident or illness. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less any appropriate deductions, including, but not limited to, employee retirement contributions. (Education Code 44043)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within California unless the Governing Board authorizes travel outside the state. (Education Code 44984, 45192)

AR 4161.11(b)
4261.11
4361.11

INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

(cf. 4116 - Probationary/Permanent Status)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 4216 - Probationary/Permanent Status)

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

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

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary. (Education Code 44984, 45192)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

If a certificated employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed. (Education Code 45192)

(cf. 4217.3 - Layoff/Rehire)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

AR 4161.11(c)
4261.11
4361.11

INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Legal Reference:

EDUCATION CODE

44043 *Temporary disability*

44044 *Temporary disability checks; waiver of endorsement to district*

44977 *Salary deductions during absence from duties*

44978 *Provisions for certificated employee sick leave*

44978.1 *Inability of certificated employee to return to duty; placement in another position or on reemployment list*

44983 *Exception to sick leave*

44984 *Industrial accident and illness leave, certificated employees*

45191 *Personal illness and injury leave, classified employees*

45192 *Industrial accident and illness leave, classified employees*

LABOR CODE

3200-6002 *Workers' compensation*

Management Resources:

WEB SITES

Department of Industrial Relations: <http://www.dir.ca.gov>

Regulation
approved: ___/___/14

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Consider adoption of the following revised Administrative Regulation.

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

- AR 4161.8/4261.8/4361.8 Family Care and Medical Leave (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel

AR 4161.8(a)

4261.8

FAMILY CARE AND MEDICAL LEAVE

4361.8

The district shall not interfere with, restrain, or deny the exercise or attempted exercise by of any right provided to an eligible employee of his/her right to any family care and medical leave or pregnancy disability leave (PDL) provided through the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA), under the law. ~~nor~~ Also, the district shall it not discharge or discriminate or retaliate against any employee for opposing any practice made unlawful by, or because of, his/her involvement in any inquiry or proceeding related to any leave under any of these laws or his/her the family care and medical leave or pregnancy disability leave opposition to or challenge of any unlawful district practice in relation to any rights granted by any of these laws. (Government Code 12945, 12945.2; 29 USC 2615; ~~Government Code 12945.2~~)

(cf. 4030 – Nondiscrimination in Employment)

(cf. 4032 – Reasonable Accommodation)

(cf. 4033 – Location Accommodation)

A. Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified. For the purposes of leave administration under the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL), the following terms are defined as shown:

[Moved from below] *Child (son or daughter)* means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means an employee who has been employed with the district for at least 12 months of service with the district, and who has worked at least 1,250 hours of service with the district during the previous 12-month period (with the exception of PDL, whereas employee eligibility is immediate for a period of actual disability). Full-time teachers are deemed to meet the 1,250 hours of service requirement. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 29 USC 2611; 29 CFR 825.110)

Employee disabled by pregnancy means a woman who, in the opinion of her health care provider, is unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or other persons; or who is suffering from severe "morning sickness" or needs to take time off for any pregnancy-related condition including, but not limited to, prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss or end of pregnancy, or recovery from childbirth or loss or end of pregnancy. (2 CCR 7291.2)

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~~Full-time teacher means an employee whose principal function is to teach and instruct students in a class, a small group, or individual setting. (29 CFR 825.800)~~

~~Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2) [Moved up]~~

Parent means a biological, foster, or adoptive parent, a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 7297.0; USC 2611; 29 CFR 825.122)

~~Spouse means a partner in marriage as defined in Family Code 300 or 1 USC 7. In addition, for purposes of rights under the California Family Rights Act (CFRA), a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (29 CFR 825.122; Family Code 297.5; 2 CCR 7297.0)~~
[Moved below]

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either of the following: (Government Code 12945.2; 2 CCR 7297.0; 29 USC 2611; 29 CFR 825.113, 825.114, 825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - e. ~~For purposes of leave under the federal Family Medical Leave Act (FMLA) and California pregnancy disability leave (PDL), any period of incapacity of treatment due to pregnancy or for prenatal care~~
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective.
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider.

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Spouse means a partner in marriage as defined in Family Code 300 ~~or 1 USC 7~~. In addition, for purposes of ~~rights under the California Family Rights Act~~ CFRA, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5, 300; 2 CCR 7297.0; 29 CFR 825.122)

B. ~~Eligibility Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)~~

1. ~~Eligibility~~

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Family Code 297.5; Government Code 12945.2; 29 USC 2612, 29 CFR 825.112)

~~The Superintendent or designee shall grant leave under the provisions of the federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) to eligible employees for the following purposes: (29 USC 2612; Government Code 12945.2; Family Code 297.5)~~

a. _____

1. ~~The b~~Birth of a child of the employee's child or placement of a child with the employee in connection with the employee's adoption or foster care of the child ~~by the employee; or~~

b. _____

2. ~~To c~~Care for the employee's child, parent or spouse; and, under CFRA, registered domestic partner, or child of a registered domestic partner with a serious health condition (as allowed under 29 CFR 825.122; Family Code 297.5; 2 CCR 7297.0);
~~or~~

c. _____

3. ~~The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position. However, for purposes of leave under the California Family Rights Act (CFRA), this does not include leave taken for disability on account of pregnancy, childbirth, or related medical conditions (see Pregnancy Disability Leave section).~~

d. _____

4. ~~Because of A~~any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

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e. —

5. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent, or next of kin, as defined, of the servicemember.

In addition, the district shall grant any pregnant female employee PDL during pregnancy, when she is disabled by pregnancy, childbirth, or any related medical condition. (Government Code 12945; 2 CCR 7291.4)

2. —

C. Terms of Leave

~~Except in the case of leave to care for a covered servicemember, A~~an eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, ~~except in the case of leave to care for a covered servicemember as provided under “Military Caregiver Leave” below. which shall be calculated as a “rolling” 12-month period counted backward from the date the family care and medical leave is taken.~~ (Government Code 12945.2; 29 USC 2612). (29 CFR 825.200)

This 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

In addition, for each pregnancy, a female employee shall be entitled to PDL for the period of the disability not to exceed four months. (Government Code 12945; 2 CCR 7291.9)

PDL shall run concurrently with FMLA leave for disability caused by an employee’s pregnancy. At the end of the employee’s FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks for the reason of the birth of her child, if the child has been born by this date (e.g., baby bonding), whether or not she or the child has a serious health condition or disability. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945, 12945.2; 2 CCR 7291.13, 7297.6)

~~Leave taken pursuant to the state CFRA shall run concurrently with leave taken pursuant to the federal FMLA, except in the following circumstances:~~

- a. ~~Leave taken to care for a registered domestic partner or a child of a domestic partner. Such leave shall count as leave under the CFRA. (Family Code 297.5)~~

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- b. ~~Leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions (see Pregnancy Disability Leave section).~~

~~(cf. 4161.1/4361.1 Personal Illness/Injury Leave)~~
~~(cf. 4261.1 Personal Illness/Injury Leave)~~

Leave taken for the birth or placement purpose of ~~earing for or bonding with a newborn or an adopted child or foster child~~ must be concluded within ~~one year from the 12-month period beginning on the date of the birth or placement of the child event (the date of birth or placement of the child).~~ Such leave does not have need to be taken in one continuous period of time. The basic minimum duration of ~~the leave for the birth or placement of a child bonding~~ shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (2 CCR 7297.3; 29 USC 2612)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 weeks. This restriction shall apply whether or not the parents are married, not married, or registered domestic partners. (Government Code 12945.2; 2 CCR 7297.1; 29 USC 2612;)

~~C. PREGNANCY DISABILITY LEAVE (PDL)~~

~~Under the FMLA, pregnancy and pregnancy-related disabilities are considered "serious health conditions." The CFRA does not include an employee's pregnancy as a serious health condition because female employees in California have the right to pregnancy disability leave (PDL) under Government Code Section 12945.~~

~~1. Eligibility~~

~~The California Fair Employment and Housing Act (FEHA) contains provisions relating to Pregnancy Disability Leave (PDL); these provisions cover employers with five (5) or more employees.~~

~~The Superintendent or designee shall grant leave under the provisions of the California PDL law to eligible employees for the following purposes:~~

- a. ~~Disability due to pregnancy or pregnancy-related conditions~~

~~2. Terms of Leave~~

- a. ~~An employee disabled by pregnancy is entitled to up to four (4) months of leave for a disability relating to pregnancy or a pregnancy-related condition.~~

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- b. ~~Because pregnancy is a qualifying reason under the FMLA, the 12 workweeks of FMLA run concurrently with the first 12 weeks of the PDL.~~
- c. ~~CFRA leave does not run concurrently with PDL, because an employee's pregnancy is not a qualifying reason for CFRA leave. At the time that an employee is no longer disabled as a result of pregnancy or related medical conditions, but desires to remain on leave to care for or bond with their new child, or when the employee has exhausted their FMLA leave and all other available leaves but continues to be disabled as a result of their pregnancy, whichever event occurs first, the employee shall commence using the 12 workweeks of CFRA leave, which shall run concurrently with any remaining FMLA leave.~~
- d. ~~The maximum possible combined statutory leave entitlement for CFRA/FMLA employees for both pregnancy disability leave (under FMLA and Government Code Section 12945, subdivision (b) (2)) and CFRA leave for reason of the birth of a child is four months and 12 workweeks. This assumes that the employee is disabled by pregnancy for four months and then requests, and is eligible for, a 12-week CFRA leave for reason of caring for or bonding with her child.~~

D. Use/Substitution of Other Paid Leaves

~~During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. If the leave is because of the employee's own serious medical condition or pregnancy, the employee must use accrued sick leave pursuant to collective bargaining agreements and/or Board policy. (29 USC 2612; Government Code 12945.2)~~

An employee shall substitute his/her accrued vacation leave, other accrued time off, and any other paid or unpaid time off negotiated with the district for any FMLA or CFRA leave not involving his/her own serious health condition or pregnancy disability. For the employee's PDL or FMLA or CFRA leave due to his /her own serious health condition, the employee shall use accrued sick leave pursuant to the collective bargaining agreement and/or Board policy and may use accrued vacation leave and other paid or unpaid time off at his/her option. (Government Code 12945, 12945.2; 2 CCR 7291.11; 29 USC 2612)

If paid leaves, vacation, or compensatory time off are used for any portion of leave taken under this policy, the periods of leave shall run concurrently with FMLA, CFRA and/or PDL designated leave.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4161/4261/4361 - Leaves)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

FAMILY CARE AND MEDICAL LEAVE**E. Intermittent Leave/Reduced Leave Schedule**

1. PDL and family care and medical leave related to for the serious health condition of the an employee or his/her child, parent, spouse, or registered domestic partner may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious medical health condition. However, the district may limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave. (2 CCR 7291.9, 7297.3; 29 USC 2612)
2. The district may require If an employee to transfer temporarily to an available alternative position if the employee is pregnant and provides medical certification from her health care provider of the medical need for ~~needs~~ intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule that is foreseeable based on his/her planned medical treatment for the employee or that of a family member, the district may require the employee to transfer temporarily to an ~~available~~ This alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position, and the position must better accommodate recurring periods of leave than the employee's regular job. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 7291.8, 7297.3; 29 USC 2612)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

F. Request for Leave

An employee shall provide at least verbal notice sufficient to make the district aware ~~that he/she needs of the need to take PDL or family care and medical leave and the anticipated timing and duration of the leave.~~ (2 CCR 7291.17, 7297.4)

For family care and medical leave, ~~t~~The employee need not expressly assert or mention FMLA, CFRA ~~or PDL~~ to satisfy this requirement; however, he/she must state the reason the leave is needed (e.g. birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave ~~or pregnancy disability leave,~~ the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 7297.4)

Based on the information provided by the employee ~~or his/her spokesperson,~~ the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA, CFRA ~~and/or PDL~~ qualifying leave and shall give notice of such designation to the employee. (2 CCR 7297.4)

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When the need for the PDL or family care and medical leave is foreseeable ~~based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member,~~ the employee shall provide the district with at least 30 days advance notice before the leave. The employee shall consult with the district Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to the district operations. (Government Code 12945.2; 2 CCR 7291.17, 7297.4)

When the 30 days notice is not practicable because of a lack of knowledge of ~~approximately~~ when leave will be required to begin, a change in circumstances, ~~or~~ a medical emergency, or good cause, the employee shall provide the district with notice as soon as practicable. (2CCR 7297.17, 7297.4)

(cf. 4030—Nondiscrimination in Employment)

G. Certification of Health Condition

[Moved from below] Within five business days of A request by an employee's request for family care and medical leave for his/her own or his/her child's, parent's or spouse's serious health condition, or to care for a child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition, the Superintendent or designee shall request that the employee be supported by a statement or provide certification from the by a health care provider of the employee or such other person as applicable need for leave. Upon receiving tThe District's request, may require formal the employee shall provide certification from the health care provider of the employee or such other person as applicable. When requested, the certification shall include the following: within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (29 USC 2613; Government Code 12945.2; 2 CCR 7297.04; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 7297.0; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, spouse, or registered domestic partner, or child of a registered domestic partner with a serious health condition, the health care provider's certification must have both of the following:

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- a. Statement that the serious health condition warrants the participation of the employee to provide care during a period of the treatment or supervision of the child, parent, spouse, or registered domestic partner
- a. b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, spouse, or registered domestic partner, or child of the registered domestic partner
- b. ~~Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent, spouse, registered domestic partner, or child of a registered domestic partner~~
4. If the employee is requesting leave because of his/her own serious health condition, ~~the health care provider's certification must state a statement that due to the serious health condition, the employee he/she is unable to work at all or is unable to perform one or more essential functions of his/her job~~
5. If the employee is requesting leave for intermittent treatment or ~~is requesting leave on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave~~

In addition, at the employee's option, the certification may include a diagnosis identifying the serious health condition. (2 CCR 7297.0)

[Moved from below] When ~~the an~~ employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, and/or PDL-eligible, ~~the district shall notify the employee within five business days whether the leave is FMLA, CFRA and/or PDL-eligible~~ the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The ~~district~~ Superintendent or designee may also retroactively designate leave as FMLA/CFRA and/or PDL as long as there is no individualized harm to the employee. (29 CFR 825.301)

[Moved from below] If the district doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the district may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the district may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 29 USC 2613)

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?? For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 7291.17)

?? For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 7291.17)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because she is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 7291.17)

The Superintendent or designee shall not request any genetic information, as defined in 42 USC 2000ff, from any employee or his/her family member except as necessary to comply with a certification requirement for PDL or FMLA/CFRA leave purposes or with the prior written authorization of the employee. Any such genetic information received by the district shall be kept confidential in accordance with law. (42 USC 2000ff-1, 2000ff-1-5)

~~[Moved up] At the time of the employee's request for leave or within five business days, the Superintendent or designee shall request that the employee provide certification of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (29 CFR 825.305; 2 CCR 7297.4)~~

~~[Moved up] When the employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA, CFRA and/or PDL-eligible, the district shall notify the employee within five business days whether the leave is FMLA, CFRA and/or PDL-eligible. The district may also retroactively designate leave as FMLA, CFRA and/or PDL as long as there is no individualized harm to the employee. (29 CFR 825.301)~~

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[Moved up] ~~If the district doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the district may require the employee to obtain a second opinion from a district approved health care provider, at district expense. If the second opinion is contrary to the first, the district may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (29 USC 2613; Government Code 12945.2)~~

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in ~~items #1-5 above~~ for the leave. (Government Code 12945.2; 2 CCR 7291.17; 29 USC 2613)

H. **Fitness for Duty Certification/Release to Return to work**

Upon expiration of an employee's PDL or ~~Employees who take family care and medical leave taken for his/her their own serious health conditions, the employee shall present certification from their the health care provider to the effect that they are that he/she is able to resume work.~~

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

I. **Rights to Reinstatement and ~~Maintenance of Health and Welfare Benefits~~**

Upon granting an employee's request for pregnancy disability leave or family care and medical leave or pregnancy disability leave, the Superintendent or designee shall ~~agree~~ guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 7291.10; 29 USC 2614;)

However, ~~t~~The district may refuse to reinstate an employee returning from family care and medical leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of ~~these~~ district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.

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3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 – Personnel Reduction)

(cf. 4217.3 Layoff/Rehire)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 7291.10)

~~An employee who takes leave has no greater right to reinstatement or to other benefits and conditions of employment than if he/she had been continuously employed during the leave period. If an employee is laid off or was hired for a specific term or to perform work on a discrete project during the leave period, or if the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time or if the employee is terminated for reasons unrelated to the leave, he/she is not entitled to reinstatement or maintenance of group health plan benefits, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216; 2 CCR 7297.2)~~

~~*(cf. 4117.3/4317.3 – Personnel Reduction)*~~

~~*(cf. 4217.3 – Layoff/Rehire)*~~

J. Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on pregnancy disability leave or family care and medical leave ~~or pregnancy disability leave~~, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 20 ~~29~~ USC 2614) ~~Unpaid leave period(s), however, shall not count for purposes of leave or vacation accrual, or to meet the requirement for probationary service of certificated employees if the leave(s) reduce active service to less than 75% of the student days in a school year.~~

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~~While an employee is taking leave under FMLA and/or CFRA, whether or not the leave is paid or unpaid, For up to a maximum of four months for PDL or 12 work weeks for other family care and medical leave, the district shall maintain district-paid~~ continue to provide an eligible employee the group health and welfare benefits plan coverage that was in place before he/she took the leave for employees covered by such benefits, provided that coverage was in place before he/she took the leave, for a period of up to 12 work weeks. The employee is responsible to continue paying their employee portion of the insurance premiums (if applicable) to maintain such benefits shall reimburse the district for premiums paid during the leave is he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control (Government Code 12945.2; 2 CCR 7291.11; 29 USC 2614; 29 CFR 825.213).

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

~~If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence, or onset of a serious health condition, other circumstances beyond his/her control, or returns to work and fails to either work for 30 days or retires, the employee shall reimburse the district for premiums paid during the family care and medical leave. (20 USC 2614; Government Code 12954.2; 29 CFR 800.213)~~

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

~~In addition, d~~During the period when an employee is on pregnancy disability leave or family care and medical leave, or pregnancy disability leave, he/she the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not be required to make plan payments for an employee during the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 7291.11)

JK. Military Caregiver Family Leave Resulting from Qualifying Exigencies

[Moved from below] An eligible employee may take up to 12 work weeks of unpaid leave during the 12-month period established by the district while a covered military member is on covered active duty or call to covered active duty status for one or more qualifying exigencies. (29 CFR 825.126)

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[Moved from below] ~~Covered Mmilitary member~~ means the an employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status. (29 CFR 825.126)

[Moved from below] Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

~~A veteran who, within the five years preceding his/her undergoing of medical treatment, recuperation, or therapy for a serious injury or illness, was a member of the Armed Forces, including the National Guard or Reserves.~~

~~Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age. (29 CFR 825.127)~~

~~Parent of a covered servicemember means the covered servicemember's biological, adopted, step or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)~~

~~Next of kin means the nearest blood relative to that individual, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)~~

~~Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)~~ —

~~Serious injury or illness means for a member of the Armed Forces, an injury or illness incurred or aggravated by the member's service in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. (29 USC 2611; 29 CFR 825.127)~~

~~For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran.~~

~~The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.~~

AR 4161.8(o)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

~~An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.~~

~~The leave may be taken intermittently or on a reduced schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period.~~

~~When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)~~

~~During the period of military caregiver leave, the district's rule specified in "Terms of Leave" above regarding an employee's use of his/her accrued vacation leave, and other accrued paid or unpaid time off, shall apply.~~

Qualifying Exigencies include time needed to: (29 CFR 825.126)

[Moved up] ~~An eligible employee may take up to 12 work weeks of unpaid leave during the 12-month period established by the district while a covered military member is on covered active duty or call to active duty status for one or more qualifying exigencies. (29 CFR 825.126)~~

[Moved up] ~~Covered military member means the employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status. (29 CFR 825.126)~~
~~Covered active duty~~

[Moved up] ~~during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or order to active duty. (29 USC 2611)~~

1. Address issues arising from short notice deployment (up to seven calendar days from the date of receipt of call or order of short notice deployment)
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty; such as status
3. Arrange childcare or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

AR 4161.8(p)

4261.8

4361.8

FAMILY CARE AND MEDICAL LEAVE

4. Make or update financial and legal arrangements to address a ~~covered~~ military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to ~~5~~ 15 days of leave per instance) [**Ours Says 5 Days?**] with a ~~covered~~ military member who is on short-term, temporary, Rest and Recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Address any other event that the employee and district agree is a qualifying exigency

~~{Moved above and numbered} Qualifying exigencies include time needed to (1) address issues arising from short notice deployment (up to seven calendar days from the date of receipt of call or order of short notice deployment); (2) attend military events and related activities, such as any official ceremony or family assistance program related to the active duty or call to active duty, such as status; (3) arrange childcare or attend school activities arising from the active duty or call to active duty, such as arranging for alternative childcare, enrolling or transferring a child to a new school, or attending meetings; (4) make or update financial and legal arrangements to address a covered military member's absence; (5) attend counseling provided by someone other than a health care provider; (6) spend time (up to five days of leave per instance) with a covered military member who is on short-term temporary rest and recuperation leave during deployment; (7) attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings; and (8) address any other event that the employee and district agree is a qualifying exigency. (29 CFR 825.126)~~

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting such leave for the first time shall provide the Superintendent or designee with a copy of the ~~covered~~ military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The Certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

FAMILY CARE AND MEDICAL LEAVE

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave of Other Leaves" above, shall apply.

L. Military Caregiver Leave

The district shall grant up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date of leave taken, to an eligible employee to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, an employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the up to 12 work weeks of leave that may be taken for other FMLA qualifying reasons, ~~but rather is inclusive of such 12 weeks.~~ (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember means may be: (29 CFR 825.127)

1. Aa current member, or member who is on the temporary disability retired list, of the Armed Forces, including a member of the National Guard or Reserves, who ~~has a serious injury or illness incurred in the line of duty while on active duty for which he/she~~ is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for that injury or illness. (29 USC 2611, 2612; 29 CFR 825.127)
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis, ~~and who is of any age.~~ (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to ~~that individual~~ the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

AR 4161.8(r)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. Ffor a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was or aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. (29 USC 2611; 29 CFR 825.127)

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:.

- a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating
- b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

FAMILY CARE AND MEDICAL LEAVE

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

M. Notifications

The Superintendent or designee shall provide the following notifications about state and federal law related to PDL or FMLA/CFRA leave:

1. **General Notice:** Information explaining the provisions of the FEHA and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, ~~explaining the provisions of the FMLA/CFRA and information about employee rights and obligations~~ and shall be included in employee handbooks. (2 CCR 7291.16, 7297.9; 29 USC 2619;)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the leave, when the need for the leave is reasonably foreseeable. (2 CCR 7291.17, 7297.4)

(cf. 4112.9/4212.9/4312.9 – *Employee Notifications*)

2. **Eligibility Notice:** When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification, ~~within five business days~~, to the employee of his/her eligibility to take such leave (~~i.e., whether the employee has met the months of employment, hours of service, and worksite requirements~~). (2 CCR 7291.16; 29 CFR 825.300)
3. **Rights and Responsibilities Notice:** Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as appropriate: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

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4261.8

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FAMILY CARE AND MEDICAL LEAVE

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to substitute paid leave, whether the district will require substitution of paid leave, conditions related to any substitution, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
- d. Any requirements for the employee to make any premium payments to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. If applicable, the employee's status as a "key employee," potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial
- f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a ~~Rights and Responsibilities Notice~~ written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. **Designation Notice:** When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification, ~~within five business days~~, designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

If the district requires paid leave to be substituted for unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a fitness-for-duty certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement.

Any time the information provided in the Designation Notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

MN. Records

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-I; 29 CFR 825.500)

Legal Reference (see next page)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

Legal Reference

44965 Granting of leaves of absence for pregnancy and childbirth

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

300 Validity of marriage

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

UNITED STATES CODE, TITLE 1

7 Definition of marriage, spouse

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

UNITED STATES CODE, TITLE 29

~~2601-2654 Family and Medical Leave Act of 1993, as amended~~

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

COURT DECISIONS

United States v. Windsor, (2013) 699 F.3d 169

Re Marriage Cases, (2008) 43 Cal.4th 757

Faust v. California Portland Cement Company, (2007) 150 Cal.App. 4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

FEDERAL REGISTER

Final Rule and Supplementary Information, November 17, 2008. Vol. 73, No. 222, pages 67934-68133

The Family and Medical Leave Act; Final Rule; February 6, 2013. Vol. 78, No. 25, pages 8903-8947

U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Labor, FMLA: <http://www.dol.gov/esa/whd/fmla>

Regulation

approved: January 5, 1999

revised: November 7, 2001

revised: December 13, 2006

revised: September 2, 2009

revised: November 19, 2010

revised: _____, 2014

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: February 3, 2014

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Consider adoption of the following revised Board Policy.

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

- BP 4354 – Health and Welfare Benefits – management, supervisory, and confidential employees (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

Management, Supervisory, and Confidential Employees

BP 4354(a)

HEALTH AND WELFARE BENEFITS**A. Employee Benefits**

1. For each management, supervisory, professional specialist, and confidential employee who is employed for at least 6 hours per day (or 30 hours per week), the district shall provide the following health and welfare benefits to the employee and his/her dependents:
 - a. A medical plan, including prescription drug and mental health benefits, covering reasonable and customary fees after a deductible and a co-insurance or co-payment have been met;
 - b. A dental plan featuring a scale of 70-100% payment of reasonable and customary fees for covered services of a preferred provider after a co-payment
 - c. A vision plan paying for annual eye examinations, standard lenses and frames after a co-payment;
 - d. A district-paid level-term life insurance plan for \$100,000; and
 - e. A district-paid long-term disability insurance plan.
2. The following provisions shall regulate such coverage:
 - a. Coverage by the benefit plans listed above shall begin on the first day of the month following employment in a management, supervisory, or confidential position subject to timely submission of enrollment forms.
 - b. 12-month employees who complete the standard work year established for their positions shall be provided with coverage under the above benefit plans (1.a. – c.), until June 30th of each year, regardless of the commencement of the work year.

 10 and 11 month certificated employees who complete the standard work year established for their positions, shall be provided with coverage under the above benefit plans (1.a. – c.), until August 31st of each year, regardless of the commencement of the work year.

 10 and 11 month classified employees who complete the standard work year established for their positions, shall be provided with coverage under the above benefit plans (1.a. – c.), until June 30th of each year, regardless of the commencement of the work year.

HEALTH AND WELFARE BENEFITS (continued)

All employees who do not complete the standard work year established for their positions (due to resignation, termination, etc.) shall be provided with coverage under the above benefit plans (1.a. – c.), until the last day of the month in which termination of their employment occurs. The benefit plans listed in items 1.d. & 1.e. above shall end the same day that employment is terminated.

- c. The district shall pay the premium costs for the benefit plans listed above up to the established cap.

B. Physicals

1. Management, supervisory, and confidential employees shall be offered the opportunity to obtain a physical examination at designated intervals, depending on the age of the employee, covering examinations and tests recommended by the medical community for the gender and age group of the employee.
2. Medical charges associated with such physical examinations and tests that are not covered by the district's group medical insurance plan shall be reimbursed to the employee by the district, in full or in part based on a graduated schedule depending on the recommended exams and tests for the employee's age group and gender, to a maximum of five hundred dollars (\$500).

C. District-Paid Retiree Health Insurance Benefit Continuation

The California Public Employees' Pension Reform Act of 2013 (PEPRA) prohibits a public retirement system from providing a retirement health benefit vesting schedule to a manager or employee excluded from collective bargaining that is more advantageous than that provided to other public employees. The California PEPRA clarifies that these provisions do not require an employer to change the vesting schedule of any employee who began employment before January 1, 2013.

The district shall contribute an amount equal to that paid for active employees toward the cost of the district's group medical and dental insurance for retirees and their eligible dependents until such time as the retiree reaches age sixty-five, provided the retiree meets the eligibility criteria specified below:

1. The retiree shall have reached age fifty-five (55).
2. The retiree who worked for the district prior to January 1, 2013, shall have served in the district during the five (5) years immediately prior to retirement and must have served full-time a total of at least ten (10) years in the district. ~~Board approved leaves totaling two years or less shall count toward the service requirement.~~

HEALTH AND WELFARE BENEFITS (continued)

3. Management, supervisory and confidential employees who began employment with the district on January 1, 2013, or thereafter, will have the same retiree vesting schedule as employees in Hanford Elementary School District's collective bargaining groups. All parties must work 13 years to receive District-paid retiree benefits.
34. Should an active or retired employee die, the surviving spouse or domestic partner of the employee, who met the eligibility criteria, will be allowed to continue in the medical and dental insurance at their own expense under the same time limits as the employee would have enjoyed (10 years or to age 65).
45. Upon reaching age 65, the retiree's dependent must enroll in Medicare Part B (medical insurance) and pay the required premium, and must enroll in Medicare Part A (hospital insurance) if eligible without cost to the retiree or his/her dependent.

D. Retiree-Paid Health Insurance Benefit Continuation

1. Retirees over age 65, and retirees under age 65 who do not qualify for district-paid health insurance benefit continuation, shall be offered the option to continue coverage under the district's health insurance benefit plans at their own expense by paying the full monthly premiums prior to the due dates established by the district. Failure to make timely premium payments shall result in cancellation of insurance coverage.
2. District Health Insurance Benefits Plan coverage shall also be available at their own expense to any surviving spouse/domestic partner of a former management, professional specialist or confidential employee who retired from the District or was, at the time of death, employed by the District.
3. In order to continue such coverage beyond the retiree's and his/her dependent's 65th birthday, the retiree and/or dependent shall enroll in Medicare Part A and Part B and pay the required premiums.

E. Group Insurance Coverage During Unpaid Leaves of Absence

1. Employees may continue coverage under the district's group health insurance plans during approved unpaid leaves of absence.
 - a. For leaves qualifying under the Family Care and Medical Leave Act (FMLA), the district shall maintain district contributions to premiums for a total of 12 weeks per year, whether the leave is paid or unpaid.

(cf. 4161.8/42161.8/4361.8 - Family Care and Medical Leave)

HEALTH AND WELFARE BENEFITS (continued)

- b. For FMLA leaves exceeding 12 weeks a year and for all other unpaid leaves, the employee may continue group insurance coverage at his/her own expense by paying the monthly premiums on or before the dates established by the district. Failure to make timely premium payments may result in cancellation of the insurance(s).
- 2. ~~Employees who elect to discontinue group medical insurance during an unpaid leave of absence may be subject to exclusions or limitations of benefits imposed by insurers when they resume membership in the district's group medical insurance plan(s). The district assumes no liability for expenses not covered by its group insurance plans as a result of such lapse in coverage.~~

F. Group Insurance Continuation under COBRA

Eligible employees and their dependents may continue coverage under the district's group health insurance plans at their own expense in accordance with the provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

(cf. 4154/4254/4354 - Continuation of Health Insurance Coverage)

G. Confidentiality

The Superintendent or designee shall maintain the confidentiality of employee health records in accordance with law.

Policy
 adopted: June 11, 1997
 revised: November 7, 2001
 revised: October 16, 2002
 revised: January 12, 2005
 revised: December 13, 2006
 revised: August 22, 2007
 revised: September 7, 2011
 revised: _____, 2014

HANFORD ELEMENTARY SCHOOL DISTRICT
 Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: February 3, 2014

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

FOR: () Information
(X) Action

Date you wish to have your item considered: February 12, 2014

ITEM:

Consider acceptance of District Audit for the Fiscal Year ended June 30, 2013.

PURPOSE:

Our District Audit for the year ended June 30, 2013, has been submitted to the State by our auditors Vavrinek, Trine, Day & Co., LLP. The report was submitted in conformance with the reporting standards required by the State Controller's Office. Bill Williams, partner from the audit firm, will be at the Board meeting to present the audit to the Board.

FISCAL IMPACT:

None.

RECOMMENDATION:

Accept the District Audit for the Fiscal Year ended June 30, 2013.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: February 3, 2014

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

FOR: () Information
(X) Action

Date you wish to have your item considered: February 12, 2014

ITEM:

Consider declaration of surplus property.

PURPOSE:

The following property is beyond its useful life and no longer can be of use to the District.

<u>PROPERTY</u>	<u>VALUE</u>
1 Floor Scrubber	\$25.00
1 High Speed Floor Buffer	\$25.00
1 Power Floor Vacuum	\$50.00
4 Power Floor Scrubbers	\$50.00 each

Education Code 17546 allows that if the Board Members attending a meeting unanimously agree that the property is worth no more than \$2,500, the Board may designate any District employee to sell the property without advertising. We will attempt to find a buyer(s) for the property listed above.

The same Education Code also allows that if no buyer is found, the property may be donated to a charitable organization or may be disposed of by dumping or for scrap.

FISCAL IMPACT:

Any funds generated from the sale or from scrap will be deposited as income to the appropriate District Fund.

RECOMMENDATION:

Declare the property as surplus and approve disposition by sale, donation to charitable organization, scrap or dumping.

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Diane Williams
DATE: February 3, 2014
RE: (X) Board Meeting
 () Superintendent's Cabinet
 () Information
 (X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **February 12, 2014**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Certificated

- Lacey Myers, Teacher, Probationary 1, Simas, effective 1/28/14

Temporary Employees/Substitutes/Yard Supervisors

- Yvette Alvarez, Short-term Yard Supervisor – 1.5 hrs., Kennedy, effective 2/3/14 to 4/11/14
- Oscar Barron, Short-term Health Care Assistant – 6.0 hrs., Simas, effective 1/21/14 to 3/5/14
- Yessenia Chacon, Short-term Bilingual Clerk Typist I – 8.0 hrs., Richmond, effective 1/13/14 to 4/11/14
- Alana Delgado, Substitute Yard Supervisor, effective 1/28/14; Short-term Yard Supervisor – 3.0 hrs., Simas, effective 1/28/14 to 4/11/14
- Stacie Garcia, Substitute Yard Supervisor, effective 1/14/14; Short-term Yard Supervisor – 1.0 hr., Monroe, effective 1/14/14 to 4/11/14
- Andraya Hernandez, Short-term Yard Supervisor – 3.0 hrs., Simas, effective 1/21/14 to 4/11/14
- Bertha Martin, Substitute Bilingual Clerk Typist I; Clerk Typist I; Translator: Oral Interpreter and Written Translator, effective 1/28/14
- Suzanne Silva, Substitute Yard Supervisor and Clerk Typist I, effective 1/31/14
- Melina Temores, Substitute READY Program Tutor, effective 1/14/14

b. Resignations

- Karen Abendroth, Teacher, King, effective 2/14/14
- Hilda Andrade-Lloyd, Substitute Bilingual Clerk Typist II, Clerk Typist II, Translator: Oral Interpreter and Written Translator, effective 12/12/13
- LaNita Ayach, Teacher, Roosevelt, effective 6/6/14

b. Resignations (cont.)

- Catherine Godfrey, Teacher on LOA, effective 1/28/14
- Roselan Dodge, Yard Supervisor – 3.25 hrs., Simas, effective 1/17/14
- Justin Gonzales, Substitute Custodian I, effective 11/15/13
- Danette Parra, Teacher on LOA, effective 1/28/14

c. Promotion/Transfer

- Kristi Ochoa, from READY Program Tutor – 4.5 hrs., Lincoln to Lead READY Program Tutor – 5.0 hrs., Simas, effective 1/28/14
- Susan Tavares, from Food Service Worker I – 3.5 hrs., Monroe to Custodian II – 8.0 hrs., Kennedy, effective 2/3/14

d. Temporary Out of Class Assignment

- Maribel Aguilera, from Bilingual Clerk Typist II – 8.0 hrs., to School Operations Officer – 8.0 hrs., Richmond, effective 1/13/14 to 4/11/14
- Don Gonzales, from Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 1/27/14 to 2/14/14
- Manuel Silveira, from Irrigation Specialist – 8.0 hrs., Grounds/DSF to Maintenance Worker II – 8.0 hrs., Maintenance/DSF, effective 1/27/14 to 2/14/14

e. Temporary Out of Class Assignment/Transfer

- Kristi Ochoa, from READY Program Tutor – 4.5 hrs., Lincoln to Lead READY Program Tutor – 5.0 hrs., Simas, effective 1/13/14 to 1/31/14

f. More Hours

- Chantel Andresen, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Simas, effective 1/21/14
- Veronica Leach, Yard Supervisor, from 2.25 hrs. to 3.0 hrs., Hamilton, effective 1/14/14

g. Consider approval of Service Agreement with California State University, Fresno's Nursing Program

Authorize agreement between Hanford Elementary School District and California State University, Fresno to provide the Institution's Nursing Program students field experience at HESD facilities.

h. Volunteers

<u>Name</u>	<u>School</u>
Stephanie Miranda	Jefferson
Dezeraye Danell	Jefferson
Michael Azevedo	Monroe
Hildelisa Chavez	Monroe/Simas
Dorila "Dora" Rodríguez de Ruíz	Roosevelt
Nikki Gibbons	Simas
Claudia Scoggin	Simas
Brenda Limon	Washington

RECOMMENDATION: Approve.

A G R E E M E N T

BETWEEN

CALIFORNIA STATE UNIVERSITY, FRESNO
CHHS/DEPARTMENT OF NURSING

AND

HANFORD ELEMENTARY SCHOOL DISTRICT

THIS AGREEMENT, made and entered into **DECEMBER 9, 2013**, pursuant to Education Code 89036, by and between the TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, hereinafter called the "Trustees", on behalf of CALIFORNIA STATE UNIVERSITY, FRESNO, hereinafter called the "Institution", and **HANFORD ELEMENTARY SCHOOL DISTRICT** hereinafter called the "Agency".

W I T N E S S E T H:

WHEREAS, the Trustees have approved a Nursing Program for the Institution and such program requires clinical nursing experience and the use of clinical facilities; and

WHEREAS, the State Board of Nursing Education and Nurse Registration has heretofore accredited the Institution as a School of Nursing under the Nursing Practice Act; and

WHEREAS, it is to the mutual benefit of the parties hereto that students of the Institution's Nursing Program use the facilities of the Agency for their field experience.

NOW, THEREFORE, in consideration of the covenants, conditions, and stipulations hereinafter expressed and in consideration of the mutual benefits to be derived there from, the parties hereto agree as follows:

I. AGENCY SHALL:

- A. Permit each student who is designated by the Institution pursuant to Paragraph II.A below to receive clinical experience at the Agency and shall furnish and permit such students and Institution's instructors free access to appropriate clinical facilities for such clinical experience;
- B. Furnish appropriate facilities, in such a manner that there will be no conflicts in the use thereof between the Institution's students and students from other educational institutions, if any.
- C. Maintain the Agency facilities used for the clinical experience in such a manner that said facilities shall conform to all requirements of applicable State Board(s), and/or Business and Professions Codes.
- D. Assure that staff is adequate in number and quality to insure safe and continuous management of the student program in cooperation with the field coordinator.
- E. Provide instructors and students taking part in the field experience, whenever possible, the following:

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DEPARTMENT OF NURSING & HANFORD ELEMENTARY SCHOOL DISTRICT**

1. A conference-type space suitably furnished for small groups.
 2. A storage area for instructional materials
 3. Access for each instructor to the medical library.
 4. A lecture room equipped with desks and chairs.
 5. Field transportation, if appropriate.
 6. Lockers for each instructor.
 7. Other incidentals that may be mutually agreeable
- F. Provide emergency first aid for any student who becomes sick or injured by conditions arising out of or in the course of said student's participation in the clinical experience at the Agency. Provide medical examinations or other protective measures that may be required by the Agency in addition to the health examination provided by the Institution.
- G. Permit and encourage members of the resident staff and attending medical staff of the Agency to participate in the instructional phase of the clinical experience.
- H. Permit the Agency's designated personnel to attend meetings of the Institution's Faculty, or any committee thereof, to coordinate the clinical experience program provided for under this agreement.
- I. The Agency may, if it desires, require the Institution's instructors and students to conform with Agency's policies of keeping an accurate record of the time reporting in and leaving the Agency daily.
- J. Have the right, after consultation with the Institution, to refuse to accept for further clinical experience any of the Institution's students who in the Agency's judgment, are not participating satisfactorily.
- K. Notify the Institution's clinical instructors, in advance, of any change in the Agency's appointments.
- L. As trainees, and solely for the purposes provided in this section, the students shall be considered members of the Agency's "workforce" as defined by the HIPAA regulations of 45 CFR Section 160.103, and shall be subject to Agency's policies protecting the confidentiality of personal health information, as well as any other confidential information that may arise out of performance of this agreement. Agency shall provide the students with substantially the same training that it provides to its employees for such purposes.

II. TRUSTEES, THROUGH THE INSTITUTION SHALL:

- A. Designate the students who are enrolled in the Program of the Institution to be assigned for clinical experience at the Agency, in such numbers as are mutually agreed to by both parties.
- B. Establish a rotational plan for the clinical experience by mutual agreement between the Agency's Superintendent and the Institution's Coordinator or their duly authorized representative(s).

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- C. Supervise all instruction and clinical experience given at the Agency to the assigned students and provide the necessary instructors for the clinical experience program provided for under this agreement.
- D. Keep all attendance and academic records of students participating in said program.
- E. Certify to Agency at the time each student first reports at Agency to participate in said program that said student will comply with the Health Plan for Students.
- F. Advise students to be professional in conduct and activities while at the Agency. Require every student to conform to all applicable Agency policies, procedures, and regulations, and all requirements and restrictions specified jointly by representatives of the Institution and Agency.
- G. Require Institution's instructors to notify Agency's in advance of:
 - 1. Student schedules
 - 2. Placement of students in clinical assignments.
 - 3. Changes in clinical assignments.
- H. In consultation and coordination with the Agency's representatives, plan for the clinical experience to be provided to students under this agreement.
- I. In consultation and coordination with the Agency's staff arrange for periodic conferences between appropriate representatives of the Institution and Agency to evaluate the clinical experience of the program.
- J. Provide and be responsible for the care and control of the Institution's education supplies, materials, and equipment used for instruction during said program.
- K. Distribute to each student, a statement which explains the hazards of drug abuse in the profession.
- L. Provide Worker's Compensation Insurance coverage to students for injury or disease arising out of the Agency's facility while participating in the Institution's Nursing Program.
- M. Provide the student with general and professional liability insurance in the amount of \$1,000,000 per occurrence, \$3,000,000 general aggregate. This insurance only applies if both parties have signed this Agreement. Proof of such coverage will be provided upon request to the Agency.

III. GENERAL PROVISIONS

- A. This agreement shall become effective on the date of countersignature and shall continue for a period of three (3) years provided; however, it may be terminated by either party after giving the other party sixty (60) days advance written notice of its intentions to so terminate.
- B. Institution shall be responsible for damages caused by the negligence of its officers, agents and employees occurring in the performance of this agreement. Agency shall be responsible for damages caused by the negligence of its officers, agents and employees occurring in the

