

REGULAR BOARD MEETING AGENDA

Wednesday, March 25, 2015

HESD District Office Board Room
714 N. White Street, Hanford, CA

OPEN SESSION

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

CLOSED SESSION

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

Administrative Panel Recommendations and Readmissions

Case# 15-09 – Wilson

Case #15-11 – Kennedy

Case #15-14 – Richmond

Case #15-15 – Wilson

Case #15-16 – Kennedy

Case #15-17 – King

OPEN SESSION

- Take action on Student Discipline

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 March 6, 2015; and March 13, 2015.
- b) Approve minutes of Regular Board Meeting March 11, 2015.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of \$350.00 from Washington PTC to Washington School.
(Rubalcava)
- e) Approve donation of \$28.88 from Target to Lee Richmond Elementary School. (Calvillo)
- f) Approve donation of \$6,900.00 from Monroe Parent Club to Monroe School.
(Pulis)

- Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Superintendent's Office located at 714 N. White Street, Hanford, CA during regular business hours.
- Any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent in writing.

3. INFORMATION ITEMS

- a) Receive for information the following revised Board Policy: (Terry)
 - BP 5131.2 - Bullying
- b) Receive for information the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 5145.3 – Nondiscrimination/Harassment
- c) Receive for information the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 5145.7 – Sexual Harassment
- d) Receive for information the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 6158 – Independent Study
- e) Receive for information the following revised Administrative Regulation: (Simas)
 - AR 6173 – Education for Homeless Children

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider for adoption the proposed 2015-16 school calendar. (Simas)
- b) Consider approval of consultant contract with Sinclair Research Group. (Gabler)
- c) Consider approval of out-of-state travel for Director of Information Systems to attend Interop Conference and Professional Development in Las Vegas, Nevada. (Goldsmith)
- d) Consider for approval the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 1312.3 – Uniform Complaint Procedures
- e) Consider for approval the following revised Administrative Regulation: (Terry)
 - 1312.4 – Williams Uniform Complaint Procedures
- f) Consider for approval the following revised Board Policy and Administrative Regulation:
 - BP/AR 5144.1 – Suspension and Expulsion/Due Process
- g) Consider approval of the following revised Exhibit to Board Policy and Administrative Regulation: (White)
 - BP/AR 3553 – Free and Reduced Price Meals
- h) Consider approval of Preconstruction Services Agreement with David A. Bush, Inc. for the Band Room Remodel at Woodrow Wilson Jr. High School. (White)
- i) Consider approval of Architectural Services Agreement with Mangini Associates, Inc. – for the exterior painting of Richmond and Monroe schools. (Mulligan)
- j) Consider authorization to solicit bids for the exterior painting of Monroe and Richmond schools. (Mulligan)

5. PERSONNEL (Martinez)**a) Employment***Temporary Employees/Substitutes/Yard Supervisors*

- Margaret Blasko, Substitute Clerk Trainee and Yard Supervisor, effective 3/6/15
- Sindal Burkett, Short-term Yard Supervisor – 1.5 hrs., King, effective 4/7/15 to 6/5/15
- Sadie Escalera, Short-term Yard Supervisor – 3.0 hrs., Simas, effective 4/7/15 to 6/5/15
- Savina Guzman, Short-term Yard Supervisor – 2.25 hrs., King, effective 4/7/15 to 6/5/15
- Sarah Henshaw, Substitute READY Program Tutor, Special Circumstance Aide, Special Education Aide and Yard Supervisor, effective 3/9/15; Short-term Yard Supervisor – 1.0 hr., (M,T,Th,F), Washington, effective 3/10/15 to 5/29/15
- Anna Lopez, Yard Supervisor – 1.5 hrs., Roosevelt, effective 4/7/15
- Diana Lugo, Short-term Yard Supervisor – 1.0 hr., Jefferson, effective 4/7/15 to 6/5/15
- Kathleen Luis, Substitute Clerk Typist I and School Operations Officer, effective 3/3/15
- Katelin Mello, Yard Supervisor – 1.75 hrs., Kennedy, effective 4/7/15
- Marisol Ayala Navarro, Substitute READY Program Tutor, Translator: Oral Interpreter and Written Translator, effective 3/3/15
- Memory Oebel, Substitute Yard Supervisor, effective 3/11/15
- Melanie Pimentel, Short-term Yard Supervisor – 2.25 hrs., Washington, effective 4/7/15 to 6/5/15
- Felimena Reynolds, Short-term Yard Supervisor – 1.25 hrs., Monroe, effective 4/7/15 to 6/5/15
- Rosa Sedano, Substitute Babysitter, Clerk Typist I, READY Program Tutor and Yard Supervisor, effective 3/6/15
- Sylvia Soto, Short-term Yard Supervisor - 1.5 hrs., Kennedy, effective 4/7/15 to 6/5/15
- Khethmany Tibbetts, Substitute READY Program Tutor, effective 2/27/15

b) Resignations

- Michael Corder, Custodian II – 8.0 hrs, Hamilton, effective 3/20/15
- Kaylea Davis, Teacher, King, effective 6/5/15
- Jane Dirkes, Teacher, King, effective 6/5/15
- Amy Glandon, Teacher, Kennedy, effective 6/5/15
- Lisa Morales, Substitute Bilingual Clerk Typist I, Clerk Typist I, Translator: Oral Interpreter and Written Translator, effective 1/21/15
- Sarah Semple, Media Service Aide – 5.5 hrs., King, effective 6/12/15
- Kierra Thomas, Yard Supervisor 3.0 hrs., Lincoln, effective 6/5/15

c) Retirement

- Debbie Wilson, Fiscal Services Specialist – 8.0 hrs., Fiscal Services/DO, effective 8/5/15
- Anita Yager, Bilingual Clerk Typist – 8.0 hrs., Washington, effective 6/12/15

d) Leave of Absence

- Renee Barker, Yard Supervisor – 1.5 hrs., Monroe, effective 3/3/15 to 3/27/15, medical

e) Volunteers

<u>Name</u>	<u>School</u>
Pamela Adams	Hamilton
Rosa Sedano	Hamilton
Ana Solorzano (HESD Employee)	Jefferson
Susan Perez	Kennedy
Denise Rodriguez	King
Deborah Hubble	Monroe
Laura Lackey	Monroe
Alfred Trovato	Monroe
Herlinda Alvarez	Richmond
Lidia Cervantez (HESD Employee)	Richmond
Katherine Brasel	Simas
Richard Mendez	Simas

6. FINANCIAL (White)

- a) Consider Certification of Second Interim Report for 2014-15.
- b) Consider approval of Resolution #13-15: Resolution of the Board of Trustees of the Hanford Elementary School District Approving Plans and Specifications, Approving a Guaranteed Maximum Price and Authorizing Execution and Delivery of the Site Lease and Facilities Lease Relating to the Kitchen Remodel at Woodrow Wilson Jr. High School.

ADJOURN MEETING

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: March 12, 2015

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

Date you wish to have your item considered: March 25, 2015

ITEM: Readmissions and Administrative Panel Recommendations

PURPOSE:

Case# 15-09 - Wilson
Case# 15-11 - Kennedy
Case# 15-14 - Richmond
Case# 15-15 - Wilson
Case# 15-16 - Kennedy
Case# 15-17 - King

Inters - IN

No	A/D	Sch Req'd	Home Sch	Date
I-138	A	Kennedy	Kings River	3/16/2015
I-139	A	Hamilton	Lakeside	3/16/2015
I-140	A	Kennedy	Lakeside	3/16/2015

No Inters-OUT

**Hanford Elementary School District
Minutes of the Regular Board Meeting
March 11, 2015**

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on March 11, 2015, at the District Office Board Room, 714 N. White Street, Hanford, CA.

Call to Order President Garner called the meeting to order at 5:30 p.m. Trustees Garcia, Garner, Hernandez, and Revious were present. Trustee Hill arrived at 5:55 p.m. and joined the meeting in progress.

Closed Session Trustees immediately adjourned to closed session for the purposes of:

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

Trustees returned to open session at 5:47 p.m.

HESD Managers Present Dr. Paul J. Terry, Superintendent, and the following administrators were present: Donnie Arakelian, Lindsey Calvillo, Doug Carlton, Ramiro Flores, Joy Gabler, David Goldsmith, Lucy Gomez, Jaime Martinez, Karen McConnell, Gerry Mulligan, Jennifer Pitkin, Jill Rubalcava, Liz Simas, Jason Strickland, and Nancy White.

Public Comments None.

Board and Staff Comments Superintendent Dr. Terry stated an addition to the agenda arose after the agenda was published. Addition under Board Policies and Administration – Item “e” to read: “Consider approval of vendor selection for Year 2015-16 E-Rate Applications.” Trustee Garcia moved to add Item 4e to the agenda as proposed. Trustee Revious seconded; motion carried 4-0:

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

Requests to Address the Board at future meetings None.

Dates to Remember President Garner reviewed Dates to Remember: JFK Varsity Baseball and Softball Tournaments Saturday March 14, KCSBA Dinner Monday March 16 6:00 p.m. at Sierra Pacific High School, next regular Board meeting March 25.

INFORMATION ITEMS

DELAC report Lucy Gomez, Director of Curriculum, and Doug Carlton, Director of Categorical Programs, presented for information a report from the District English Learner Advisory Committee (DELAC) October 22, 2014 meeting.

- BP/AR 1312.3** Superintendent Dr. Terry presented for information the following revised Board Policy and Administrative Regulation:
- BP/AR 1312.3 – Uniform Complaint Procedures
- AR 1312.4** Superintendent Dr. Terry presented for information the following revised Administrative Regulation:
- AR 1312.4 – Williams Uniform Complaint Procedures
- BP/AR 5144.1** Liz Simas, Coordinator Child Welfare and Attendance, presented for information the following revised Board Policy and Administrative Regulation:
- BP/AR 5144.1 – Suspension and Expulsion/Due Process
- BP/AR 3553** Nancy White, Chief Business Official, presented for information the following revised Exhibit to Board Policy and Administrative Regulation:
- BP/AR 3553 – Free and Reduced Price Meals
- 2015-16 LCAP and Budget Calendar** Nancy White, Chief Business Official, presented for information the 2015-16 Local Control Accountability Plan and Budget Calendar.

CONSENT ITEMS

Trustee Garcia made a motion to take consent items "a" through "h" together. Trustee Hernandez seconded, motion carried 4-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – absent
Revious – yes

Trustee Garcia then made a motion to approve consent items "a" through "h". Trustee Hernandez seconded, motion carried 4-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – absent
Revious – yes

The items approved as follows:

- a) Warrant listings dated February 20, 2015; and February 27, 2015.
- b) Minutes of regular Board Meeting February 25, 2015.
- c) Interdistrict transfers as recommended.
- d) Donation of \$52.41 from Target to Lincoln School.
- e) Donation of \$49.85 from Target to Washington School.
- f) Donation of \$193.50 from Washington PTC to Washington School.
- g) Donation of \$2,706.00 from Jefferson Parent Teacher Club to Jefferson Charter Academy.
- h) Donation of \$345.90 from Jefferson Parent Teacher Club to Jefferson Charter Academy.

President Garner acknowledged and thanked all donors for their donations in support of Hanford Elementary schools.

BOARD POLICIES AND ADMINISTRATION

Resolution #11-15 Trustee Revious made a motion to adopt Resolution #11-15: Regarding Absent Board Member Compensation. Trustee Hernandez seconded; motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

Consultant Contract Trustee Hernandez made a motion to approve consultant contract with T.W.B. Inspections for providing construction inspection for the Woodrow Wilson Jr. High Kitchen Remodel. Trustee Garcia seconded; motion carried 5-0.

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

Consultant Contract Trustee Revious made a motion to approve consultant contract with Randel McGee “McGee Productions” presentations at nine (9) READY After School Program sites. Trustee Hill seconded; motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

AR 4354
BP 4154, 4254, 4354 Trustee Hill made a motion to approve revised Board Policy and Administrative Regulation AR 4354 – Health and Welfare Benefits (revised and changed to an Administrative Regulation) and BP 4154, 4254 and 4354 – Health and Welfare Benefits (new). Trustee Hernandez seconded; motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

Selection of E-Rate Vendors Trustee Hill made a motion to approve vendor selection for Year 2015-16 E-rate applicatons. Trustee Garcia seconded; motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious –yes

PERSONNEL

Jaime Martinez stated that a slight correction should be noted: under item "f" Volunteers it should indicate Jessica Valdez approved for Roosevelt not Simas.

As corrected, Trustee Garcia made a motion to take Personnel items "a" through "f" together. Trustee Hernandez seconded and motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

Then Trustee Garcia made a motion to approve Personnel items "a" through "f". Trustee Hernandez seconded, and the motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

The following items were approved:

Item "a" – Employment

Temporary Employees/Substitutes/Yard Supervisors

- Colleen Carter, Substitute Food Service Worker I, effective 2/18/15
- Kacey Cawley, Substitute READY Program Tutor, Special Circumstance Aide and Special Education Aide, effective 2/25/15
- Javantae Farmah, 4-6 Girls Track Coach – 2 units, Washington, effective 3/2/15 and 4/25/15
- Selena Flores, Yard Supervisor – 2.5 hrs., Lincoln, effective 4/7/15
- Portia Harley, Substitute Special Circumstance Aide, Special Education Aide, and Yard Supervisor, effective 2/18/15
- Christina Jenkins, Substitute Yard Supervisor, effective 2/27/15; Short-term Yard Supervisor – 2.5 hrs., Simas, effective 3/2/15 to 6/5/15
- Felimena Reynolds, Substitute Special Circumstance Aide, Special Education Aide and Yard Supervisor, effective 2/17/15
- Jessica Valdez, Substitute Yard Supervisor, effective 2/27/15

Item "b" – Resignations

- Judy Chavez, Teacher on LOA, effective 2/25/15
- Davian Figueroa, Teacher, Hamilton, effective 6/5/15
- Melissa Lockhart, Teacher, King, effective 6/5/15
- Jennifer Peterson, Teacher, Washington, effective 6/5/15
- Yesenia Rodriguez-Medina, Teacher, Roosevelt, effective 6/5/15
- Kristen Ruby, Teacher, Kennedy, effective 6/5/15
- Erin Schultz, Educational Tutor K-6 – 3.5 hrs., Washington, effective 3/27/15
- Nadira Sutton, Teacher, King, effective 6/5/15
- effective 12/10/14

**Item "c" –
Termination due to
Failure to Respond to
Annual Notification**

- Connie Armerding, Substitute Student Specialist, effective 12/19/13
- Mary Grubb, Substitute Clerk Typist II, Instructional Aide, Media Services Aide and Special Education Aide, effective 4/13/12
- Jacob Martinez, Substitute Custodian I, effective 5/6/14
- Anna Orson, Substitute READY Program Tutor, effective 10/11/13
- Vanessa Rosas, Substitute Yard Supervisor, effective 6/6/14
- Erin Yanez, Substitute Babysitter, Food Service Worker II and Yard Supervisor, effective 9/17/13

**Item "d" –
Promotion/Transfer**

- Suzanne Silva, from Yard Supervisor – 3.0 hrs., Simas to Food Service Worker II – 2.0 hrs., Kennedy, effective 2/23/15

**Item "e" –
Leave of Absence**

- Diane Dias, Teacher on LOA, effective 2015-16 school year, child rearing
- Melanie Gallaher, School Psychologist, Special Services, effective 4/1/15 to 5/29/15, baby bonding
- Jamie Stout, Teacher on LOA, effective 2015-16 school year, study

**Item "f" –
Volunteers**

<u>Name</u>	<u>School</u>
Peggy Holmes	Hamilton
Gloria Perico	Hamilton
Vanessa Romero (HESD Employee)	Hamilton
Blanca Buller (HESD Employee)	Jefferson
Aaron Brieno	Jefferson
Margarita Maldonado	King
Christina Santillan	Lincoln
Sarah Barba	Monroe
Michael Golden-Lund	Monroe
Denise Martin	Monroe
David Meza	Monroe
Brandy Tolliner	Monroe
Peter Young	Monroe
Juanita Arroyo	Roosevelt
Lynn Avila	Roosevelt
Juanita Gonzales	Roosevelt
Veronica Gonzalez	Roosevelt
Jessica Valdez	Roosevelt
Allen Parra	Simas
Tia Saechao	Simas
Valentina Amaro	Washington
Denise Brabant	Washington
Anna Childress	Washington
Anthony Gallegos	Washington
Ericca Gonzales	Washington
Ruperto Martinez Jr.	Washington
Alexandria Medrano	Washington
Richard Sawyer	Washington
Maria Siguenza	Washington
Serina Trevino	Washington
Michael Contreras	Wilson

FINANCIAL

Resolution #12-15. Trustee Revious made a motion to approve Resolution #12-15: Revision of the 2014-15 Budget. Trustee Hill seconded; motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

Authorization to close County Treasury Funds Trustee Revious made a motion to authorize closing County Treasury Funds. Trustee Hernandez seconded; motion carried 5-0:

Garcia – yes
Garner – yes
Hernandez – yes
Hill – yes
Revious – yes

Adjournment There being no further business, President Garner adjourned the meeting at 6:15 p.m.

Respectfully submitted,

Paul J. Terry,
Secretary to the Board of Trustees

Approved:

Jeff Garner, President

Lupe Hernandez, Clerk

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry
FROM: Jill Rubalcava
DATE: 3/9/15

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 3/25/15

ITEM: Donation of \$350.00 from Washington PTC to HESD

PURPOSE: Student Incentives

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

RECOMMENDATIONS: Accept Donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Lindsey Calvillo

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015

ITEM: Consider acceptance of donation of \$28.88 from Target to Lee Richmond Elementary School.

PURPOSE: To be used for purchase of instructional supplies or study trip expenses

FISCAL IMPACT: 0100-0000-0-1110-1000-430001-025-0000

RECOMMENDATION: Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICTAGENDA REQUEST FORM

TO: Paul Terry

FROM: Julie Pulis 

DATE: March 10, 2015

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

Date you wish to have your item considered: March 25, 2015

ITEM: Donation of \$6,900.00 from Monroe Parent ClubPURPOSE: Accept donation of \$6,900.00 from Monroe Parent ClubStudent Incentives: \$875.65
0100-0000-0-1110-1000-430006-024-0000End of Year Awards/Trophies: \$1909.79
0100-0000-0-1110-1000-430006-024-0000Author Visit: \$1200.00
0100-0000-0-1110-1000-430006-024-0000Instructional Consultant: \$975.00
0100-0000-0-1110-1000-580009-024-0000Sports Equipment/Uniforms: \$1439.56
0100-0000-0-1110-1000-430006-024-0000Food Services: \$500.00
0100-0000-0-1110-1000-575030-024-0000FISCAL IMPACT (if any): \$6,900 .00RECOMMENDATION (if any): Action.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: March 25, 2015

ITEM: Consider approval of the following revised Board Policy:
• BP 5131.2 – Bullying

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

FISCAL IMPACT: None.

RECOMMENDATION: For information only. This item will be submitted for approval at a future board meeting.

Hanford Elementary SD

Board Policy

Students

BP 5131.2

Bullying

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

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

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.2 - Freedom of Speech/Expression)

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

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

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

(cf. 5137 - Positive School Climate)

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

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

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

~~School staff~~ (cf. 6163.4 - Student Use of Technology)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. -In addition, the Superintendent or designee shall develop means for

students to report threats or incidents confidentially and anonymously.

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

~~As~~When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. ~~He/she also~~ and may involve school counselors, mental health counselors, ~~and/or~~contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Complaints and Investigation

~~Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider~~Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

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

(cf. 1312.3 - Uniform Complaint Procedures)

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

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

If the ~~When a student is using~~ a social networking site or service to bully or harass another student, the Superintendent or designee ~~also may file a request with the~~ networking site or service to suspend the privileges of the student and to have the material removed.

Discipline

AnyWhen a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who engages in bullying on school premises, or is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

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

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.3 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

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

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

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

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

Management Resources:

CSBA PUBLICATIONS

Addressing Final Guidance: AB 1266, Transgender and Gender Nonconforming Students,

Privacy, Programs, Activities & Facilities. Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-
Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children:
Focus on Bullying, Governance Brief, December 2012

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

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community
Engagement, 2009

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

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

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

National School Boards Association Common Sense Media:

<http://www.nsbacommonsensemedia.org>

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

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

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

Policy

adopted: August 22, 2012

revised: June 12, 2013

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: March 25, 2015.

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

- BP/AR 5145.3 – Nondiscrimination/Harassment

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

FISCAL IMPACT: None.

RECOMMENDATION: For information only. This item will be considered for approval at a future board meeting.

Hanford Elementary SD

Board Policy

Students

BP 5145.3

Nondiscrimination/Harassment

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

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
 (cf. 5131 - Conduct)
 (cf. 5131.2 - Bullying)
 (cf. 5137 - Positive School Climate)
 (cf. 5145.9 - Hate-Motivated Behavior)
 (cf. 5146 - Married/Pregnant/Parenting Students)
 (cf. 6164.6 - Identification and Education Under Section 504)

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

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any student individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
 (cf. 1330 - Use of Facilities)
 (cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)
 (cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)
 (cf. 6164.2 - Guidance/Counseling Services)

~~Students who engage in discrimination, harassment, intimidation, bullying, or retaliation~~
Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
 (cf. 4119.21/4219.21/4319.21 - Professional Standards)
 (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
 (cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
 48900.3 Suspension or expulsion for act of hate violence
 48900.4 Suspension or expulsion for threats or harassment
 48904 Liability of parent/guardian for willful student misconduct
 48907 Student exercise of free expression
 48950 Freedom of speech
 48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

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

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

~~Interim~~Final Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013March 2014

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

FIRST AMENDMENT CENTER PUBLICATIONS

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

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

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

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>California Safe Schools Coalition: <http://www.casafeschools.org>First Amendment Center: <http://www.firstamendmentcenter.org>National School Boards Association: <http://www.nsba.org>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy

HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: June 16, 2010

Hanford, California

revised: August 22, 2012

revised: June 12, 2013

revised: September 10, 2014

revised:

Hanford Elementary SD

Administrative Regulation

Students

AR 5145.3

Nondiscrimination/Harassment

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Special Services
714 N. White Street
Hanford, CA 93230
(559) 585-3617

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

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

2. Provide to students a handbook that contains age-appropriate information that clearly

describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

(cf. 5145.6 - Parental Notifications)

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (**Note: Item #6 below is required pursuant to Education Code 234.1)~~

~~3. Annually notify all students and parents/guardians of the district's nondiscrimination~~

~~policy and of the opportunity to inform the Coordinator whenever recommended as a student's participation in a sex-segregated school program or activity together with another student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the Coordinator shall meet with the student and/or parent/guardian to determine how best to accommodate the student practice by OCR. ***~~

(cf. 5145.6 - Parental Notifications)

4. ~~Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)~~

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District Sponsored Social Media)

5. ~~When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms for use in the complaint process into that other language. (Education Code 234.1, 48985)~~

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate accommodation(s) assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially ~~harassing, intimidating, or discriminatory~~ behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records,

communicating the school's response to students, parents/guardians, and the community

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

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

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

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

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination, harassment, intimidation, described above or bullying should in district policy is strongly encouraged to immediately contact the Coordinator, the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident should is strongly encouraged to report the incident to the Coordinator, compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall immediately report the incident to the Coordinator, compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the

~~Coordinator~~the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3—~~Uniform Complaint Procedures.~~

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

~~Gender identity means a person's~~Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the ~~person's~~student's physiology or assigned sex at birth.

Gender expression means a ~~person's~~student's gender-related appearance and behavior, whether or not stereotypically associated with the ~~person's~~student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming
4. Taunting a student because he/she participates in an athletic activity more typically

avored by a student of the other sex

5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information

6. Use of gender-specific slurs

7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

~~Gender nonconforming student means a student whose gender expression differs from stereotypical expectations.~~

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the Coordinator for Nondiscrimination compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to law or district policy this procedure, and shall inform the student that it honoring the student's request may be impossible limit the district's ability to accommodate meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the Coordinator compliance officer, the employee shall do so within three school days.

~~As appropriate, the Coordinator shall discuss~~ As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall

be based on the student's best interest. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The ~~Coordinator~~compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the ~~Coordinator~~compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. Addressing a Student's Transition Needs: The ~~Coordinator~~compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the ~~Coordinator~~compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-segregated~~Segregated~~ Facilities, Programs, and Activities: The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. ~~However, a student's~~ right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

Regulation

approved: August 13, 2014

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: March 25, 2015.

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

- BP/AR 5145.7 – Sexual Harassment

PURPOSE: This these revisions reflect recommendations by CSBA with regard to reporting and complaint investigation and resolution processes in connection with state and federal laws and regulations prohibiting sexual harassment in the educational setting.

FISCAL IMPACT: None.

RECOMMENDATION: For information only. This item will be considered for approval at a future board meeting.

Hanford Elementary SD

Board Policy

Students

BP 5145.7

Sexual Harassment

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at a school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint, or testifies, about, or otherwise participates supports a complainant in the complaint processes alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information (cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment, under any circumstance
3. --Encouragement to report observed ~~instances~~ incidents of sexual harassment, even where the alleged victim of the harassment has not complained .
4. 4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, if applicable

Complaint Process

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

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

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

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

Disciplinary Action

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to

disciplinary action. For students in grades 4 through 8-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Confidentiality and Record-Keeping

~~All complaints and allegations of sexual harassment shall be kept confidential. Except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)~~

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

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

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

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

Record-Keeping

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

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

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

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

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

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

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

Policy

adopted: May 16, 2001

revised: August 22, 2012

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

Hanford Elementary SD Administrative Regulation

Students

AR 5145.7

Sexual Harassment

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent, Special Services
P.O. Box 1067
714 N. White Street
Hanford, CA 93232
(559) 585-3600

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. —Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

School Level Reporting Process and Complaint Process/grievance Procedures Investigation and Resolution

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

1. ~~Notice and Receipt of Complaint:~~ Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment ~~may file a complaint with any~~ is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within 24 hours ~~one school day~~ of receiving such a ~~complaint report~~, the school employee shall forward the report ~~it~~ to the District Coordinator/~~Principal~~ principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes ~~any~~ an incident of sexual harassment involving a student shall, within 24 hours ~~one school day~~, report ~~this~~ his/her observation to the Coordinator/~~Principal~~ principal or a district compliance officer. The employee shall take these

actions, whether or not the alleged victim files a complaint.

———In any case of sexual harassment involving the Coordinator/~~Principal~~ principal, compliance officer, or any other person to whom the ~~complaint~~ incident would ordinarily be ~~made~~ reported or filed, the employee who receives the student's report or who observes the incident shall may instead report ~~to be submitted~~ the Superintendent or designee.

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

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

3. ~~Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.~~

4. ~~Investigation Process: The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)~~

———~~The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.~~

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. ~~Interim Measures:~~ When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

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

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary during and pending the results of the investigation, such as: The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing students/the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

6. ~~Optional Mediation: In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.~~

(cf. 5138—Conflict Resolution)

7. ~~Factors in Reaching a Determination: In reaching a decision about the complaint, the Coordinator/Principal may take into account:~~

- a. ~~Statements made by the persons identified above~~
- b. ~~The details and consistency of each person's account~~
- c. ~~Evidence of how the complaining student reacted to the incident~~
- d. ~~Evidence of any past instances of harassment by the alleged harasser~~
- e. ~~Evidence of any past harassment complaints that were found to be untrue~~

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

- a. ~~How the misconduct affected one or more students' education~~
- b. ~~The type, frequency, and duration of the misconduct~~
- c. ~~The identity, age, and sex of the harasser and the student who complained, and the relationship between them~~
- d. ~~The number of persons engaged in the harassing conduct and at whom the harassment was directed~~
- e. ~~The size of the school, location of the incidents, and context in which they occurred~~
- f. ~~Other incidents at the school involving different students~~

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

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

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

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

Enforcement

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

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

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

(cf. 1113 - District and School Web Sites)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Regulation

approved: May 16, 2001

revised: August 22, 2012

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: March 3, 2015

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

Date you wish to have your item considered: March 25, 2015

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

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

- BP/AR 6158 - Independent Study

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Review for Information

Hanford ESD

Board Policy

Independent Study

BP 6158

Instruction

The Governing Board~~The Board of Trustees~~ authorizes independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve and enabling students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning to reach curriculum objectives and fulfill graduation requirements. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

(cf. 5147 - Dropout Prevention~~0420.4 - Charter Schools~~)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6200 - Adult Education)

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, a home-based format, and an online course.

(cf. 0420.4 - Charter School Authorization)

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

(cf. 6200 - Adult Education)

A student's participation in independent study shall be voluntary. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom setting.

***Note: Pursuant to Education Code 46300, the attendance of students participating in independent study for five or more consecutive school days will be included in computing average daily attendance for apportionment purposes. The following optional paragraph is for use by districts that wish to limit independent study to periods of five or more consecutive school days. ***

The minimum period of time for any independent study option shall be five consecutive school days.

Written Agreements

The Superintendent or designee shall ensure that a written master agreement and, as appropriate, a learning agreement for students participating in course-based independent study exist for each participating student as independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747, 51749.5)

~~The master~~The written agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than ten school days for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student misses five assignments, unless the student's written agreement specifies may specify a lower or higher number of missed assignments that will trigger an evaluation when the Superintendent or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

Student-Teacher Conferences

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Teachers are expected to monitor student progress and work closely with each student to determine the amount and type of contact needed for the student to be successful in the program Except in unusual circumstances, it is expected that the supervising teacher will meet, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.

(cf. 5147—Dropout Prevention)

Missing appointments with the supervising teacher without valid reasons ~~also may trigger an evaluation to determine whether the student should remain in independent study.~~

Legal Reference:

EDUCATION CODE

17289 Exemption for facilities

41976.2 Independent study programs; adult education funding

42238 Revenue limits

42238.05 Local control funding formula; average daily attendance

44865 Qualifications for home teachers and teachers in special classes and schools

46200-46208 Instructional day and year

46300-46307.1 Methods of computing average daily attendance

47612.5 Independent study in charter schools

48204 Residency-based on parent employment

48206.3 Home or hospital instruction; students with temporary disabilities

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48916.1 Educational program requirements for expelled students

48917 Suspension of expulsion order

49011 Student fees

51225.3 Requirements for high school graduation

51745-51749.63 Independent study programs

52206 Gifted and talented education; use of independent study to augment program

52522 Adult education alternative instructional delivery

52523 Adult education as supplement to high school curriculum; criteria

56026 Individuals with exceptional needs

58500-58512 Alternative schools and programs of choice

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

19819 State audit compliance

UNITED STATES CODE, TITLE 20

6301 Highly qualified teachers

COURT DECISIONS

Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

EDUCATION AUDIT APPEALS PANEL DECISIONS

Lucerne Valley Unified School District, Case No. 03-02 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Independent Study Operations Manual, 2000 Edition

Elements of Exemplary Independent Study

Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for

Independent Study in Secondary Schools, January 28, 2010

WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

(3/05 7/10) 12/14

Policy ~~HANFORD ELEMENTARY SCHOOL DISTRICT~~

adopted: ~~March 16, 2011 Hanford, California~~

Hanford ESD

Administrative Regulation

Independent Study

AR 6158
Instruction

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to:
(Education Code 51745)

When ~~requested~~A request by ~~at~~the parent/guardian due to an emergency, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary ~~timeframe~~~~time frame~~. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

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

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians.
(Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the ~~program~~school is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. Students must demonstrate good attendance at school. For an elementary student, the Superintendent or designee may

consider the parent/guardian's level of commitment to assist the student. Requests for Independent Study may be approved during the California Assessment of Student Performance and Progress testing only in the case of an emergency as determined by the school Principal.

A student participating in independent study must be a resident of the county or an adjacent county.

Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

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

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

Master Agreement

Written Agreements

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but not be limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments, by grade level and type of program, which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year~~semester or one-half year if the school is on a year-round calendar~~
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement that independent study is an optional educational alternative in which no student may be required to participate
8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

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

9. ~~Signatures of~~shall be signed and dated by the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. ~~(Education Code 51747; 5 CCR 11702)~~

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

The signed, dated agreement may be maintained on file electronically. (Education Code 51747)

Monitoring Student Progress

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

~~Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.~~

However, the independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian

2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in the written agreement as ~~requiring~~precipitating an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to ~~the~~a regular classroom program or other alternativeschool program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation.
(Education Code 51747)

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to~~shall be~~
to:

1. ~~Recommending~~Ensure that the district's independent study option is operated in accordance with law, Board policy, and administrative regulation and is substantially equal in quality and quantity to the classroom instruction
2. ~~Obtain and maintain current information and skills required for the operation of an independent study program that meets established standards for the district's educational programs~~
3. ~~Develop and manage the budget for independent study~~
4. ~~Authorize the selection of certificated staff to be assigned as independent study teachers and supervising~~
5. ~~Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator~~
2. ~~Approving~~Approve or deny~~deny~~ the participation of students requesting independent study
3. ~~Facilitating~~Facilitate the completion of written independent study agreements

4. ~~Ensuring~~^{8.} — Assure a smooth transition for students into and out of the independent study mode of instruction
5. ~~Approving~~^{9.} — Approve all credits earned through independent study and forward the information to the appropriate staff so that the information becomes part of the student's record
6. ~~Completing~~^{10.} Complete or ~~coordinating~~^{coordinate} the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs at the applicable grade span in the district, unless a new higher or lower grade span ratio for all other educational programs offered within the grade span is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative grade span ratio in the district. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited~~be~~ to:

1. ~~Completing~~^{Complete} designated portions of the written independent study agreement and ~~add additional information to the written agreement when appropriate~~
2. ~~Supervising~~^{Supervise} and ~~approving~~^{approve} coursework
3. ~~Design lesson plans and make assignments~~
3. ~~Maintaining~~^{4. Maintain} records of student assignments showing the date the assignment is given and the date the assignment is due
4. ~~Maintaining~~^{5. Provide direct instruction and counsel as necessary for individual student success}
6. ~~Regularly meet with the student to discuss the student's progress~~
7. ~~Judge the time value of assigned work or work products completed and submitted by the student~~
8. ~~Assess student work and determine and assign grades or other approved measures of achievement~~

9. ~~Select and save representative samples of the student's completed and evaluated assignments for each subject, signed or initialed and dated in accordance with item #3 in the section on "Records" below~~

10. ~~Maintain a daily or hourly attendance register in accordance with item #4 in the section on "Records" below~~

5. Providing direct instruction and counsel as necessary for individual student success

6. Regularly meeting with the student to discuss the student's progress

7. Determining the time value of assigned work or work products completed and submitted by the student

8. Assessing student work and assigning grades or other approved measures of achievement

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

(cf. 4131 - Staff Development)

11. ~~Maintain any other required records and files on a current basis~~

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study.

2. ~~A separate listing of the students, by grade level, program, and school, who have participated in independent study, along with the. This listing shall identify units of the curriculum attempted and units of the curriculum completed by students in grades K-8.~~

3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's ~~signed or initialed and dated~~ notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher.

4. ~~A daily or hourly attendance register, as appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, and maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons.~~

(cf. 3580 - District Records)

~~The above records shall be maintained for three years, excluding the current fiscal year.~~

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

~~(3/05 7/10) 12/14~~ Each school shall maintain records for the students at that school.

~~A written record of the findings of any evaluation conducted after the student has missed the number of assignments specified in Board policy shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)~~

(cf. 5125 - Student Records)

~~Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT
approved: March 16, 2011 Hanford, California~~

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: March 12, 2015

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

Date you wish to have your item considered: March 25, 2015

ITEM: Review for information the following revised Administrative Regulation:

- AR 6173 - Education for Homeless Children

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

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Review for Information

Hanford ESD

Administrative Regulation

Education For Homeless Children

AR 6173

Instruction

Definitions

Homeless students means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11434a)

1. Students ~~Children and youths~~ who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement
2. Students ~~Children and youths~~ who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Students ~~Children and youths~~ who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above
5. Unaccompanied youth who are not in the physical custody of a parent or guardian

School of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

~~Unaccompanied youth means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))~~

District Liaison

The Superintendent or designee designates the following staff person as the district liaison for homeless students (42 USC 11432):

Liz Simas, Coordinator Program Manager
Child Welfare and Attendance
P.O. Box 1067
Hanford, CA 93232
559-585-3641

The district's liaison for homeless students shall ensure that: (42 USC 11432)

1. Ensure that Hhomeless students are identified by school personnel and through coordination activities with other entities and agencies

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 3553 - Free and Reduced-Price Meals)
(cf. 5141.6 - Student Health and Social Services)
2. Ensure that Hhomeless students enroll in, and have a full and equal opportunity to succeed in, district schools
3. Ensure that Hhomeless families and students receive educational services for which they are eligible
4. Inform Pparents/guardians are informed of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children
5. Disseminate Nnotice of the educational rights of homeless students in district schools that provide services to homeless children and at places where children they receive services, such as schools, family shelters, and hunger relief agencies (soup kitchens)
6. Mediate Eenrollment disputes are mediated in accordance with law, Board of Trustees policy, and administrative regulation
7. Fully inform Pparents/guardians are fully informed of all transportation services

(cf. 3250 - Transportation Fees)
(cf. 3541 - Transportation Routes and Services)
8. When notified pursuant to Educiaton Code 48918.1, assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion.
9. When notified pursuant to Education Code 48915.5, participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

10. Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of district schools, including immunization, medical, and academic records.

Enrollment

The district shall make Pplacement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness or, if the student moves into permanent housing, until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice of to the student of his/her appeal rights. (42 USC 11432)

When making a placement decision for a homeless student, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere (42 USC 11432)

~~The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing. (42 USC 11432)~~

~~In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice of the student of his/her appeal rights.~~

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.31 - Immunizations)

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian

to the district liaison for homeless students liaison. The district liaison shall assist the parent/guardian or the student if he/she is an unaccompanied youth, in obtaining the necessary immunizations or records for the student. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by the his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Resolving Enrollment Disputes

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute, to the school in which enrollment is sought. (42 USC 11432)

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison. (42 USC 11432) The written explanation which shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the district liaison, a description of the district's decision notice of the right to enroll in the school of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education, and if the dispute remains unresolved, to the California Department of Education. The written explanation shall include:

1. The district liaison's contact information
2. A description of the district's placement decision
3. Notice of the student's right to enroll in the school of choice pending resolution of the dispute, including the right to fully participate in all school activities.
4. Notice of the parent/guardian's right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education

The district liaison shall work to resolve an enrollment dispute as expeditiously as possible after receiving notice of the dispute (42 USC 11432) carry out the dispute resolution process provided by the state as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

In working with a student's parents/guardians to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position

2. Inform them that they may seek assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process.
4. Provide them a copy of the dispute form they submit for their records
5. Provide them the outcome of the dispute for their records

~~The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.~~

If the parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian wish chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

(cf. 1312.3 - Uniform Complaint Procedures)

~~Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~Approved: — September 3, 2003 — Hanford, California~~

~~Revised: — November 5, 2004~~

~~Revised: — September 2005~~

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: March 16, 2015

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

Date you wish to have your item considered: March 25, 2015

ITEM: For possible adoption: 2015-2016 school calendar.

PURPOSE: This school calendar reflects the starting and ending dates agreed upon by HESD administration and HETA. The calendar also includes student non-school days, minimum days and holidays.

FISCAL IMPACT (if any): none

RECOMMENDATION (if any): adopt 2015-16 school calendar.

Hanford Elementary School District
2015-16 School Calendar

67/141

Draft #2 (PD Day Oct. 23)

MONTH	M	T	W	Th	F	Reg. Mo.	Days Taught	Significant Dates	EXPLANATION
AUGUST	3	4	5	6	7			Aug 10	Teacher work day: Prof. Dev.
				<13	14			Aug 11	Teacher work day – site mtg
	17	18	(19)	20	21	1	17	Aug 12	Teacher work day - prep
	24	25	(26)	27	28			Aug 13	1 st Day of School
SEPTEMBER	31	1	(2)	3	4				
	7	8	(9)	10	11			Sept 7	Labor Day Holiday
	14	15	(16)	17	18				
	21	22	(23)	24	25	2	19		
OCTOBER	28	29	(30)	1	2				
	5	6	(7)	8	9				
	12	13	(14)	15	16				
	19	20	(21)	22		3	19	Oct 23	Teacher Workday – Prof. Dev.
NOVEMBER	26	27	(28)	29	30				
	2	3	(4)	5	6			Nov 6	End of 1 st Trimester
	9	10	11	12	13			Nov 11	Holiday – Veteran's Day
	16	17	(18)	19	20	4	14	Nov 23-24	No School Parent Conferences
	23	24	25	26	27			Nov 25	No School
DECEMBER	30	1	(2)	3	4			Nov 26-27	Holiday - Thanksgiving
	7	8	(9)	10	11				
	14	15	(16)	17	18			Dec 18	Minimum Day
	21	22	23	24	25	5	20	Dec 21 - Jan 8	Winter Break
JANUARY	28	29	30	31	1				Winter Holiday: 12/24 & 12/25
	4	5	6	7	8				Winter Holiday: 12/31 & 1/1
	11	12	(13)	14	15				
	18	19	(20)	21	22			Jan 18	Holiday – Martin Luther King Jr.
	25	26	(27)	28	29				
FEBRUARY	1	2	(3)	4	5	6	19		
	8	9	(10)	11	12				
	19	16	(17)	18	19			Feb 15	Holiday – President's Day
	22	23	(24)	25	26				
MARCH	29	1	(2)	3	4	7	19	March 4	End of 2 nd Trimester
	7	8	(9)	10	11				
	14	15	(16)	17	18			March 18	Minimum Day
	21	22	23	24	25			March 21-28	Spring Break
APRIL	28	29	(30)	31	1	8	14		Spring Holiday: 3/25 & 3/28
	4	5	(6)	7	8				
	11	12	(13)	14	15				
	18	19	(20)	21	22				
MAY	25	26	(27)	28	29	9	20		
	2	3	(4)	5	6				
	9	10	(11)	12	13			May 13	Minimum Day – Jr. High Only
	16	17	(18)	19	20			May 27	Minimum Day
	23	24	(25)	26	27	10	19	May 30	Holiday – Memorial Day
JUNE	30	31	(1)	2	3			June 3	Last Day of School – End 3 rd Trimester – Minimum Day
	6	7	8	9	10				
	13	14	15	16	17				
	20	21	22	23	24				
JULY	27	28	29	30	1				

Teacher Work Day

No school; Certificated and classified (10/11 month only) non-work day

No school; 10-month Classified non-work day

Every Wednesday is a minimum day – Collaboration (except one Wednesday in May for Employee Recognition)

Minimum Day before holiday

No school; non work day – all employees

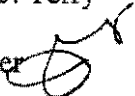
Adopted:

Revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Joy Gabler 

DATE: 03/09/15

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 03/25/15

ITEM: Consider approval of a consultant contract with the Sinclair Research Group.

PURPOSE: The Sinclair Research Group will provide the HESD Induction Program a complete program evaluation for the General Education Teacher Induction program for the 2014-2015 academic year. All of the services provided support and align with the Commission on Teacher Credentialing (CTC) Accreditation process. The services include, but are not limited to, online surveys regarding program performance which are completed by Induction Participating Teachers, Support Providers and Site Administrators. All of the tools used by the Sinclair Research Group are all aligned to the state Common Standards for Induction and the HESD Program Standards for Induction.

FISCAL IMPACT: \$6,000.00 to be paid from Title II

Account Number: 0100-4035-0-1110-2140-520000-005-0000

RECOMMENDATIONS: Approve

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: David Goldsmith
DATE: March 18, 2015

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015

ITEM: Out-of-state travel for Interop Conference and Professional Development

PURPOSE: The annual Interop Conference is the leading independent technology conference and expo, providing world-class IT education and training on the latest infrastructure and networking innovations. With current and impending technology infrastructure upgrades coming to the District, having up-to-date knowledge of the latest advancements in networking and datacenter solutions would be key to ensuring that District technology expenditures are properly aligned with the needs and goals of the organization.

The Interop Conference takes place on April 27-30, and is located in Las Vegas, Nevada.

FISCAL IMPACT: \$1800 from HESDnet training budget

RECOMMENDATION: Approve attendance for David Goldsmith

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015

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

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

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

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Hanford Elementary SD

Board Policy

Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

~~The Board of Trustees~~ The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. ~~The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures~~ The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing
~~(ef. 0410 Nondiscrimination in District Programs and Activities)~~
~~(ef. 4030 Nondiscrimination in Employment)~~
~~(ef. 4031 Complaints Concerning Discrimination in Employment)~~
~~(ef. 5131.2 Bullying)~~
~~(ef. 5145.3 Nondiscrimination/Harassment)~~
~~(ef. 5145.7 Sexual Harassment)~~

~~Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR 4610)~~

(cf. 0450 - Comprehensive Safety Plan)
 (cf. 1312.1 - Complaints Concerning District Employees)
 (cf. 1312.2 - Complaints Concerning Instructional Materials)
 (cf. 3260 - Fees and Charges)
 (cf. 3320 - Claims and Actions Against the District)
 (cf. 3553 - Free and Reduced Price Meals)
 (cf. 3555 - Nutrition Program Compliance)
 (cf. 5141.4 - Child Abuse Prevention and Reporting)
 (cf. 5148 - Child Care and Development)
 (cf. 6159 - Individualized Education Program)
 (cf. 6171 - Title I Programs)
 (cf. 6174 - Education for English Language Learners)
 (cf. 6175 - Migrant Education Program)
 (cf. 6178 - Career Technical Education)
 (cf. 6178.1 - Work-Based Learning)
 (cf. 6178.2 - Regional Occupational Center/Program)
 (cf. 6200 - Adult Education)

2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
 (cf. 4030 - Nondiscrimination in Employment)
 (cf. 4031 - Complaints Concerning Discrimination in Employment)
 (cf. 5145.3 - Nondiscrimination/Harassment)

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

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

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics

(cf. 5131.2 - Bullying)

4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

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

5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

7. Any other complaint as specified in a district policy

The Board recognizes that a neutral mediator can often suggest a compromise alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall initiate that process not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the results are use of ADR is consistent with state and federal laws and regulations.

In filing and investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected, as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, harassment, intimidation, or bullying, the Superintendent or designee may shall keep confidential the identity of a the complainant confidential to the extent that and/or the investigations subject of the complaint, if he/she is not obstructed different from the complainant, as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

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

The When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and

knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. ~~Sufficiency~~ ~~sufficiency~~ of textbooks or instructional materials
2. ~~Emergency~~, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)
3. ~~Teacher vacancies and misassignments~~
4. ~~Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination~~

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

~~37254 Intensive instruction and services for students who have not passed exit exam~~~~41500-41513 Categorical education block grants~~

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52060-52077 Local control and accountability plan, especially52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

~~54000-54028 Economic impact aid programs~~~~54100-54145 Miller-Unruh Basic Reading Act~~

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws1232g Family Educational Rights and Privacy Act1681-1688 Title IX of the Education Amendments of 1972

6301-6577 Title I basic programs

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

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

7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Sexual Violence, April 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>
 California Department of Education: <http://www.cde.ca.gov>
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy

adopted: May 16, 2001
 revised : April 5, 2006
 revised: January 23, 2013
 revised: October 23, 2013
 revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT
 Hanford, California

Hanford Elementary SD

Administrative Regulation

Community Relations

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board of Trustees may otherwise specifically provide in other Board district policies, ~~these general~~ uniform complaint procedures (UCP) shall be used only to investigate and resolve ~~complaints alleging violations of federal or state laws or regulations concerning specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as only the complaints specified in accompanying Board policy BP 1312.3.~~

(cf. 1312.1 - Complaints Concerning District ~~Employee~~ Employees)
 (cf. 1312.2 - Complaints Concerning Instructional Materials)
 (cf. 1312.4 - Williams Uniform Complaint Procedures)
 (cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 5145.6 - Parental Notifications)

Compliance Officers

~~The following compliance officer shall receive and investigate complaints and shall ensure district compliance with law:~~

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
 (cf. 5145.7 - Sexual Harassment)

Superintendent
 P.O. Box 1067

Hanford, CA 93230
(559) 585-3600

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees designated to investigate complaints receive training and are knowledgeable about the laws and programs for which they are responsible assigned to investigate. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating complaints, including those involving alleged discrimination, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures UCP to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination.
4. Include statements that:
 - a. — The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complainant complaint alleging retaliation, unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

(cf. 0460 - Local Control and Accountability Plan)

f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

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

h. Copies of the district's ~~uniform complaint procedures~~ UCP are available free of charge.

Procedures

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint; unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

~~Compliance officers~~ The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed, ~~when a complaint meeting or hearing is scheduled,~~ and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, or bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Step 1: Filing of Complaint

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

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

for up to 90 calendar days. (5 CCR 4630)

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

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

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code 49013, 52075)
3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three business days of receiving the complaint, after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of a sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5-CCR-4634) If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Step 3: Investigation of Complaint

Within 10 calendar business days of receiving after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

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

Step 4: Response

~~Within 30 calendar days of receiving the complaint~~ The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

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

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

Step 5: Final Written Decision

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

~~The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.~~ In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct
- e. Past instances of similar conduct by any alleged offenders
- f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

5. Corrective actions, if any are warranted

For complaints of retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed

- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
- b. Individual remedies offered or provided to the subject of the complaint
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any The decision concerning a may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or and bullying complaint, based on state law, the decision shall also include a notice thatto the complainant must wait untilthat:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days have elapsed fromafter the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint results is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies, training for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline to were related to the treatment the victim received and described in the complaint

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on a student or an employee, the decision shall simply state that effective action was taken and that the offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary success team

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, including discriminatory harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

If a complainantcomplaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to them-affected students and parents/guardians. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

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

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision and the appeal. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation

approved: March 16, 1998

revised: May 16, 2001

revised: April 5, 2006

revised: January 23, 2013

revised: October 23, 2013

revised: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015.

ITEM: Receive for information the following revised Administrative Regulation:
• AR 1312.4 – Williams Uniform Complaint Procedures

PURPOSE: This revised Administrative Regulation updates procedures for filing complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, condition of school facilities.

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

Hanford ESD

Administrative Regulation

Williams Uniform Complaint Procedures

AR 1312.4

Community Relations

Types of Complaints

The district shall use the following procedures described in this administrative regulation only to investigate and resolve complaints ~~when the complainant alleges that any of the following has occurred:~~ (Education Code 35186; 5 CCR ~~4681, 4682, 4680-4683~~)

1.—~~Textbooks~~ Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

a.—~~A pupil~~student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

b.—~~A pupil~~student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

c.—~~Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.~~

d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

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

2.—~~Teacher~~ Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:

a.—~~A semester begins and a teacher vacancy exists.~~

b.—~~A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils~~learners in the class.

(cf. 4112.22 - Staff Teaching ~~Students of Limited English Proficiency~~Language Learners)

c.—~~A teacher is assigned to teach a class for which the teacher lacks subject matter competency.~~

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the ~~pupils~~students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day ~~pupils~~students attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3.—Facilities Complaints regarding the condition of school facilities, including any complaint alleging that:

_____ a.— A condition poses an emergency or urgent threat to the health or safety of ~~pupils~~students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of ~~pupils~~students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to ~~pupils~~students or staff; ~~or structural damage creating a hazardous or uninhabitable condition: or any other condition deemed appropriate.~~ (Education Code 17592.72)

_____ b.— A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

_____ Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, ~~and~~or paper towels or functional hand dryers. (Education Code 35292.5)

_____ Open restroom means, ~~except as necessary for pupil safety or to make repairs,~~ the school has kept all restrooms open during school hours when ~~pupils~~students are not in classes and has kept a sufficient number of restrooms open during school hours when ~~pupils~~students are in classes. This does not apply when the temporary closing of the restroom is necessary for

student safety or to make repairs. (Education Code 35292.5)

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

Filing of Complaint

A complaint alleging any condition(s) specified in ~~items #1-3~~ the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. ~~If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form.~~ At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board of Trustees at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of ~~pupils~~ students or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

Forms and Notices

The Superintendent or designee shall ~~report summarized data on~~ ensure a Williams complaint form is available at each school. ~~However, complainants need not use the nature and resolution of all complaints~~ district's complaint form in order to the Board and the County Superintendent of Schools on a quarterly basis. ~~The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on~~ file a quarterly basis at a regularly scheduled Board meeting complaint. (Education Code 35186; 5 CCR 46864680)

~~Forms and Notices~~

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. ~~However, complainants need not use the district's Williams complaint form in order to file a complaint.~~ (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure procedures

35292.5 Restrooms, maintenance and cleanliness

~~37254 Supplemental instruction based on failure to pass exit exam by end of grade 12~~

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4687 4670 Uniform complaint procedures, especially:

4680-4687 Williams complaints uniform complaint procedures

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association:

<http://www.eesaccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Regulation ~~— HANFORD ELEMENTARY SCHOOL DISTRICT~~

approved: ~~February 9, 2005 Hanford, California~~

revised: ~~June 13, 2007~~

revised: ~~September 5, 2007~~

revised: ~~May 7, 2008~~ (11/07 11/10) 8/14

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Liz Simas
DATE: March 12, 2015

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

Date you wish to have your item considered: March 25, 2015

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

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

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

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): Adopt

Hanford ESD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

The Board of Trustees

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

~~To correct~~The grounds for suspension and expulsion and the behavior of any student who is subject to discipline, the Superintendent procedures for considering, recommending, and/or designee implementing suspension and expulsion shall, to the extent allowed by law, first use alternative disciplinary strategies be only those specified in AR 5144—Discipline. (law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

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

(cf. 5112.5 - Open/Closed Campus)

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

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

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

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-8" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

Alternatives

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension or expulsion also shall be used with.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Authority to Expel

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

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or others at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

~~The grounds for suspension and expulsion and the procedures for considering, recommending, and~~
~~2. Selling or implementing suspension and expulsion shall be those specified otherwise~~
furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in law~~Health~~ and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, under "Grounds for Suspension and Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

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

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law.- The-

Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

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

~~Removal from Class by a Teacher~~Maintenance and Parental Attendance

~~When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher~~Monitoring of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)Outcome Data

~~Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.~~

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

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

(cf. 5145.6 - Parental Notifications)

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

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

~~When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.~~

(cf. 5125 - Student Records)

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

Decision Not to Enforce Expulsion Order

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

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

80 Ops. Cal. Atty. Gen. 348 (1997)

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

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

Management Resources:

CSBA PUBLICATIONS

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

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

Civil Rights Data Collection Summary, March 2012

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

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

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

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

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

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

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

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

~~Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT~~

~~approved: April 24, 2013 — Hanford, California (11/12 4/14) 12/14~~

Hanford ESD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1

Students

Definitions

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

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

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

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

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

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

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

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

Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-8

Any Acts for which a student, including a student with disabilities, may be subject to suspension, suspended or expulsion when it is determined that he/she expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

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

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

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

Code 48900(d))

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

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

~~11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))~~

~~(cf. 5131.4 Student Disturbances)~~

~~1211. Knowingly received stolen school property or private property -(Education Code 48900(l))~~

~~1312. Possessed an imitation firearm (Education Code 48900(m))~~

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

~~1413. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 -(Education Code 48900(n))~~

~~1514. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness -(Education Code 48900(o))~~

1615. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

1716. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

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

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

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (~~items #20-22- below~~), and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-8," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.- A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

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

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

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

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-8

Any student in grades 4-8 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

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

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

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

(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 5145.9 - Hate-Motivated Behavior)

~~223.~~ Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

~~A student Suspension from Class by a Teacher~~

~~2. While going to or coming from school~~

(cf. ~~5131.1~~ Bus Conduct)

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

(cf. ~~5112.5~~ Open/Closed Campus)

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

~~Removal from Class by a Teacher and Parental Attendance~~

A teacher may ~~remove any~~suspend a student, including a grade K-3 student, from his/her class for the remainder of the day and the following day for any act listed in disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-8" above. (Education Code 48910)

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

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

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

A student ~~removed~~suspended from class shall not be placed in another regular class during the period of ~~removal~~suspension. However, if a student is assigned to more than one class per day,

~~he/she may be placed in any~~continue to attend other regular classes except those held at the same time as the class from which ~~the student~~he/she was removed~~suspended~~. (Education Code 48910)

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

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

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

~~This notice shall also:~~

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

Suspension by Superintendent, Principal, or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent, principal, or designee may suspend impose a suspension for a first offense if he/she determines that the student ~~for~~ violated any of the acts items #1-5 listed in under "Grounds for Suspension and Expulsion: Grades K-8" above. A or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

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

(cf. 5125 - Student Records)

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

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

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

Length of Suspension

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

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

(cf. 6184 — Continuation Education)

for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in

any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be ~~initiated according to~~imposed in accordance with the following procedures:

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

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

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

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

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

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

4. **Parent/Guardian Conference:-** Whenever a student is suspended, school officials may

~~meet~~request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

~~Although~~If school officials request to meet with the parent/guardian ~~is required, the~~ notice may state that the law requires the parent/guardian to respond to such requests without delay ~~to a request for a conference about his/her child's behavior.~~ However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied ~~readmission~~reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

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

~~Any.~~ The extension of the original period of suspension ~~shall be~~ preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. ~~Extension of the suspension may be made only if the~~

b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

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

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed ~~in~~under "Grounds for Suspension and

Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8" above and within the limits specified ~~in~~under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

Supervised On-Campus Suspension Classroom

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

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

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

Superintendent or Principal's Authority to Expel

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

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

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

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

Mandatory Recommendation for Expulsion

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

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

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

Mandatory Recommendation and Mandatory Expulsion

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

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

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

~~2. Brandishing a knife as defined in Education Code 48915(g) at another person~~

~~3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058~~

~~4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4~~

~~5. Possessing an explosive as defined in 18 USC 921~~

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

Student's Right to Expulsion Hearing

Student's Right to Expulsion Hearing

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

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

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

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess

shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. -Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

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

Stipulated Expulsion

After a determination that ~~one of the grounds listed above under "Grounds for Suspension and Expulsion"~~ a student has occurred committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion, ~~or to a suspension of the expulsion under certain conditions~~. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

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

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from

personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment.—

_____ This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

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

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

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

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

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

~~At least 10 days prior to a~~

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee may provide the same notification. The notice shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. ~~Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public unless another student to the extent that privacy rights would be of other students are not violated. (Education Code 48918(e))~~

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

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

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

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

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

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

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" ~~above~~: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8" above. (Education Code 48918(h))

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

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

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

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be

presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. -Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. -In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. -Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

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

(3) The person conducting the hearing may:

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

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

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

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

(Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. -If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with the parent/guardian and district staff, including the student's teachers, and with the student's parent/guardian regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

~~If the Board conducts the hearing and reaches a~~ The Board's decision is final. If the decision is to not to expel, this decision shall be final and the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated immediately under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. -For a student expelled for any act listed under

"Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last

day of the semester following the semester in which the expulsion occurred.- If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-8" or "Additional Grounds for Suspension and Expulsion: Grades 4-8" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education- (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

| Decision ~~Not to Enforce~~Suspend Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. - However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-8" or "Additional Grounds for Suspension and Expulsion: Grades 4-8" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/~~her~~ status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Post-Placement During Expulsion-Placements

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

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

(cf. 6158 - Independent Study)
(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion: Grades K-8" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-8" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

~~Readmission procedures shall be as follows:~~

~~1. On~~

~~Prior to the date set by the Board when it ordered the expulsion, for the district shall consider student's readmission of the student. (Education Code 48916);~~

21. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

32. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session ~~if information would be disclosed in violation of Education Code 49073-49079.~~ If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

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

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

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

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

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

Maintenance of Records

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

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

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

~~Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT~~
~~approved: April 24, 2013 — Hanford, California~~

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015

ITEM:

Receive the following revised Exhibit to Board Policy and Administrative Regulation for information: BP/AR 3553 – Free and Reduced Price Meals

PURPOSE:

As per the direction of the National School Lunch Program rules, the prices for standard and adult full pay lunches are proposed for an increase as follows:

	<u>Current</u>	<u>Proposed</u>
Student Lunch	\$1.30	\$1.35
Adult Lunch	\$2.30	\$2.40

These increases are proposed at this time due to a directive from the National School Lunch program that requires us to gradually increase the paid lunch price until the revenue per lunch matches the difference between the cost of the meal and the federal reimbursement rate. The increased price would go into effect July 1, 2015.

FISCAL IMPACT:

The paid lunch price increase will generate approximately \$6,000 in additional revenue to the Cafeteria Fund.

RECOMMENDATION:

Review for information.

Business and Non-instructional Operations

E3553

CAFETERIA PRICES

The prices for cafeteria meals, by Board adoption, shall be as follows:

Lunch Program (Effective ~~February 1, 2015~~ July 1, 2015)

Student Lunch <u>(including milk)</u>	\$1.30 <u>1.35</u>
Reduced Price Lunch <u>(including milk)</u>	0.00
Student Milk Only	\$.30
Adult Lunch without Milk	\$2.30 <u>2.40</u>
Adult Milk Only	\$.30

Breakfast Program (Effective February 1, 2015)

Student Breakfast <u>(including milk)</u>	\$.60
Reduced Price Breakfast <u>(including milk)</u>	0.00
Adult Breakfast	\$1.10

Exhibit

HANFORD ELEMENTARY SCHOOL DISTRICT

Version: June 15, 2011

Hanford, CA

Revised: April 25, 2012

Revised: April 10, 2013

Revised: March 17, 2014

Revised: January 14, 2015

Revised: / /

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: March 16, 2015
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: () Information
(X) Action

Date you wish to have your item considered: March 25, 2015

ITEM:

Consider approval of Preconstruction Services Agreement with David A. Bush, Inc. for the Band Room Remodel at Woodrow Wilson Jr. High School.

PURPOSE:

Our Architect's have completed Preliminary Plans for the remodel of the Band Room at Woodrow Wilson Jr. High School.

We are now ready to proceed with securing a construction contract for this Project. We recommend using the Lease – Leaseback method of bidding for contracting for the work. The first step in this process is to enter into a Preconstruction Services Agreement with a Contractor to review the project plans and specifications, establish a bid package and provide the District with a Guaranteed Maximum Price for the Project. We recommend contracting with David A. Bush, Inc. for this project since his company will already be on the Wilson site working on the Kitchen Remodel.

This Lease-Leaseback method has been reviewed with and approved by our legal counsel.

FISCAL IMPACT:

The lease – leaseback method allows the District to negotiate the price with the Contractor.

The cost of this Project will be paid for from Fund 4000 – Capital Facilities.

RECOMMENDATION:

Approve Preconstruction Services Agreement with David A. Bush, Inc. for the Band Room Remodel at Woodrow Wilson Jr. High School.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Gerry Mulligan GM

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015

ITEM:

Consider approval of Architectural Services Agreement with Mangini Associates, Inc. – for the exterior painting of Richmond and Monroe schools.

PURPOSE:

Mangini Associates, Inc. to provide the District with architectural services for the exterior painting of Richmond and Monroe schools.

FISCAL IMPACT:

The estimated architect's fee for this project is \$15,000 per school. This project will be paid from the Deferred Maintenance Fund.

RECOMMENDATION:

Approve Architectural Services Agreement with Mangini Associates, Inc. - TPM for the exterior painting of Richmond and Monroe schools.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Gerry Mulligan *GM*

DATE: March 16, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 25, 2015

ITEM:

Consider authorization to solicit bids for the exterior painting of Monroe and Richmond schools.

PURPOSE:

The project will require the solicitation of bids. Once a bid is awarded, we expect to start the project on June 8th. The entire project will be required to be completed before July 31st.

FISCAL IMPACT:

The total estimated cost for labor and materials on this project is \$200,000. The funding will come from the Deferred Maintenance Fund.


RECOMMENDATION:

Authorize the solicitation of bids for the exterior painting of Monroe and Richmond schools.

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Jaime Martinez 

DATE: March 16, 2015

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

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **March 25, 2015**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Temporary Employees/Substitutes/Yard Supervisors

- Margaret Blasko, Substitute Clerk Trainee and Yard Supervisor, effective 3/6/15
- Sindal Burkett, Short-term Yard Supervisor – 1.5 hrs., King, effective 4/7/15 to 6/5/15
- Sadie Escalera, Short-term Yard Supervisor – 3.0 hrs., Simas, effective 4/7/15 to 6/5/15
- Savina Guzman, Short-term Yard Supervisor – 2.25 hrs., King, effective 4/7/15 to 6/5/15
- Sarah Henshaw, Substitute READY Program Tutor, Special Circumstance Aide, Special Education Aide and Yard Supervisor, effective 3/9/15; Short-term Yard Supervisor – 1.0 hr. (M,T,Th,F), Washington, effective 3/10/15 to 5/29/15
- Anna Lopez, Yard Supervisor – 1.5 hrs., Roosevelt, effective 4/7/15
- Diana Lugo, Short-term Yard Supervisor – 1.0 hr., Jefferson, effective 4/7/15 to 6/5/15
- Kathleen Luis, Substitute Clerk Typist I and School Operations Officer, effective 3/3/15
- Katelin Mello, Yard Supervisor – 1.75 hrs., Kennedy, effective 4/7/15
- Marisol Ayala Navarro, Substitute READY Program Tutor, Translator: Oral Interpreter and Written Translator, effective 3/3/15
- Memory Oebel, Substitute Yard Supervisor, effective 3/11/15
- Melanie Pimentel, Short-term Yard Supervisor – 2.25 hrs., Washington, effective 4/7/15 to 6/5/15

Temporary Employees/Substitutes/Yard Supervisors (continued)

- Felimena Reynolds, Short-term Yard Supervisor – 1.25 hrs., Monroe, effective 4/7/15 to 6/5/15
- Rosa Sedano, Substitute Babysitter, Clerk Typist I, READY Program Tutor and Yard Supervisor, effective 3/6/15
- Sylvia Soto, Short-term Yard Supervisor – 1.5 hrs., Kennedy, effective 4/7/15 to 6/5/15
- Khethmany Tibbetts, Substitute READY Program Tutor, effective 2/27/15

b. Resignations

- Michael Corder, Custodian II – 8.0 hrs., Hamilton, effective 3/20/15
- Kaylea Davis, Teacher, King, effective 6/5/15
- Jane Dirkes, Teacher, King, effective 6/5/15
- Amy Glandon, Teacher, Kennedy, effective 6/5/15
- Lisa Morales, Substitute Bilingual Clerk Typist I, Clerk Typist I, Translator: Oral Interpreter and Written Translator, effective 1/21/15
- Sarah Semple, Media Services Aide – 5.5 hrs., King, effective 6/12/15
- Kierra Thomas, Yard Supervisor – 3.0 hrs., Lincoln, effective 6/5/15

c. Retirement

- Debbie Wilson, Fiscal Services Specialist – 8.0 hrs., Fiscal Services/DO, effective 8/5/15
- Anita Yager, Bilingual Clerk Typist II – 8.0 hrs., Washington, effective 6/12/15

d. Leave of Absence

- Renee Barker, Yard Supervisor – 1.5 hrs., Monroe, effective 3/3/15 to 3/27/15, medical

e. Volunteers

<u>Name</u>	<u>School</u>
Pamela Adams	Hamilton
Rosa Sedano	Hamilton
Ana Solorzano (HESD Employee)	Jefferson
Susan Perez	Kennedy
Denise Rodriguez	King
Deborah Hubble	Monroe
Laura Lackey	Monroe
Alfred Trovato	Monroe
Herlinda Alvarez	Richmond
Lidia Cervantez (HESD Employee)	Richmond
Katherine Brasel	Simas
Richard Mendez	Simas

RECOMMENDATION: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: March 15, 2015

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

FOR: () Information
(X) Action

Date you wish to have your item considered: March 25, 2015

ITEM:

Consider Certification of Second Interim Report for 2014-15

PURPOSE:

Provisions of AB 2861 require the School District Superintendent to submit two Interim Reports each year to the District Governing Board indication whether or not the school district will be able to meet its financial obligations. This is the second of such reports for this fiscal year. The school district must certify whether or not the school district will be able to meet its financial obligation for the remainder of the school year.

FISCAL IMPACT:

None.

RECOMMENDATION:

We recommend a positive certification that the District will be able to meet its financial obligations for the remainder of the current fiscal year and subsequent two fiscal years.

2014-15 Second Interim
General Fund
Summary - Unrestricted/Restricted
Revenues, Expenditures, and Changes in Fund Balance

135/141
1983877 000000
Form 011

Description	Resource Codes	Object Codes	Original Budget (A)	Board Approved Operating Budget (B)	Actuals To Date (C)	Projected Year Totals (D)	Difference (Col B & D) (E)	% Diff (E/B) (F)
A. REVENUES								
1) LCFF Sources		6010-8099	42,472,974.00	40,901,136.00	23,741,320.75	40,901,136.00	0.00	0.0%
2) Federal Revenue		8100-8299	2,771,420.00	3,351,533.00	1,024,105.27	3,351,533.00	0.00	0.0%
3) Other State Revenue		8300-8599	3,601,563.00	4,342,613.00	2,671,294.12	4,342,613.00	0.00	0.0%
4) Other Local Revenue		8600-8799	1,889,691.00	2,018,713.00	952,744.14	2,018,713.00	0.00	0.0%
5) TOTAL REVENUES			50,835,648.00	50,613,995.00	28,389,464.28	50,613,995.00		
B. EXPENDITURES								
1) Certificated Salaries		1000-1999	24,124,000.00	22,861,890.00	12,229,112.84	22,861,890.00	0.00	0.0%
2) Classified Salaries		2000-2999	8,354,048.00	8,696,269.00	4,830,192.70	8,696,269.00	0.00	0.0%
3) Employee Benefits		3000-3999	10,314,431.00	10,530,633.00	5,471,685.46	10,530,633.00	0.00	0.0%
4) Books and Supplies		4000-4999	3,726,476.00	3,109,144.00	1,687,044.01	3,109,144.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	3,639,679.00	3,367,786.00	1,787,621.84	3,367,786.00	0.00	0.0%
6) Capital Outlay		6000-6999	175,439.00	516,168.00	301,525.27	516,168.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299						
		7400-7499	580,462.00	689,462.00	245,045.74	689,462.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	(175,208.00)	(361,023.00)	0.00	(361,023.00)	0.00	0.0%
9) TOTAL EXPENDITURES			50,738,327.00	49,432,329.00	26,562,207.66	49,432,329.00		
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)								
			99,321.00	1,181,666.00	1,837,256.42	1,181,666.00		
D. OTHER FINANCING SOURCES/USES								
1) Interfund Transfers								
a) Transfers In		8900-8929	0.00	0.00	0.00	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	501,000.00	0.00	501,000.00	0.00	0.0%
2) Other Sources/Uses								
a) Sources		8930-8979	0.00	0.00	0.00	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.00	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.00	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	(501,000.00)	0.00	(501,000.00)		

136/141

Hanford Elementary
Kings County2014-15 Second Interim
General Fund
Summary - Unrestricted/Restricted
Revenues, Expenditures, and Changes in Fund Balance16 63917 0000000
Form 011

Description	Resource Codes	Object Codes	Original Budget (A)	Board Approved Operating Budget (B)	Actuals To Date (C)	Projected Year Totals (D)	Difference (Col B & D) (E)	% Diff (E/B) (F)
E. NET INCREASE (DECREASE) IN FUND								
BALANCE (C + D4)			99,321.00	680,666.00	1,837,256.42	680,666.00		
F. FUND BALANCE, RESERVES								
1) Beginning Fund Balance								
a) As of July 1 - Unaudited		9791	6,845,303.00	6,607,951.00		5,607,951.00	0.00	0.0%
b) Audit Adjustments		9793	0.00	0.00		0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			6,845,303.00	6,607,951.00		6,607,951.00		
d) Other Restatements		9795	0.00	0.00		0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			6,845,303.00	6,607,951.00		6,607,951.00		
2) Ending Balance, June 30 (E + F1e)			6,944,624.00	7,288,617.00		7,288,617.00		
Components of Ending Fund Balance								
a) Nonspendable								
Revolving Cash		9711	5,050.00	5,050.00		5,050.00		
Stores		9712	108,188.00	108,188.00		108,188.00		
Prepaid Expenditures		9713	0.00	0.00		0.00		
All Others		9719	0.00	0.00		0.00		
b) Restricted		9740	1,217,816.00	1,708,915.00		1,709,915.00		
c) Committed								
Stabilization Arrangements		9750	0.00	0.00		0.00		
Other Commitments		9760	0.00	0.00		0.00		
d) Assigned								
Other Assignments		9780	0.00	0.00		0.00		
e) Unassigned/Unappropriated								
Reserve for Economic Uncertainties		9789	3,290,000.00	3,500,000.00		3,500,000.00		
Unassigned/Unappropriated Amount		9790	2,323,570.00	1,985,464.00		1,985,464.00		

HANFORD ELEMENTARY SCHOOL DISTRICT
Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: March 16, 2015
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: () Information
(X) Action

Date you wish to have your item considered: March 25, 2015

ITEM:

Consider approval of Resolution #13-15: Resolution of the Board of Trustees of the Hanford Elementary School District Approving Plans and Specifications, Approving a Guaranteed Maximum Price and Authorizing Execution and Delivery of a Site Lease and Facilities Lease Relating to the Kitchen Remodel at Woodrow Wilson Jr. High School Project

PURPOSE:

We entered into a Preconstruction Services Agreement with David A. Bush, Inc. (Contractor) for the Kitchen Remodel at Woodrow Wilson Jr. High School (Project). Under that agreement, the Contractor reviewed the project plans and specifications, established a bid package and is finalizing the bids that will constitute the Guaranteed Maximum Price (GMP) for the Project. The GMP is projected to be within the range of the Architect's estimated cost for the Project. This Lease-Leaseback method of contracting has been reviewed with and approved by our legal counsel.

FISCAL IMPACT:

The Contractor is working on finalizing the GMP. The amount will be presented at the Board Meeting. Based on the CDE – Nutrition Services Division approval of the Project, approximately 70% of the Project may be paid for from the Cafeteria Fund. The remaining 30% will be paid for from Fund 4000 – Capital Facilities.

RECOMMENDATION:

Approve Resolution #13-15: Resolution of the Board of Trustees of the Hanford Elementary School District Approving Plans and Specifications, Approving a Guaranteed Maximum Price and Authorizing Execution and Delivery of a Site Lease and Facilities Lease Relating to the Kitchen Remodel at Woodrow Wilson Jr. High School Project.

Resolution No. 13-15

RESOLUTION OF THE BOARD OF TRUSTEES OF THE HANFORD
ELEMENTARY SCHOOL DISTRICT APPROVING PLANS AND
SPECIFICATIONS, APPROVING A GUARANTEED MAXIMUM PRICE
AND AUTHORIZATION EXECUTION AND DELIVERY OF A SITE LEASE
AND SUBLEASE RELATING TO THE KITCHEN REMODEL AT
WOODROW WILSON JR. HIGH SCHOOL PROJECT

WHEREAS, the Hanford Elementary School District ("District") desires to construct a Kitchen Remodel at Woodrow Wilson Jr. High School, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Site"), as a lease-leaseback project ("Project") whereby the District will lease the Site which the District owns to David A. Bush, Inc. ("Contractor"), who will construct the Project thereon and lease the Project and underlying Site back to the District; and

WHEREAS, pursuant to Section 17402 of the Education Code, the plans and specifications for the Project ("Plans and Specifications") must be prepared and adopted prior to entering into Site Lease and the Sublease agreement for the Project; and

WHEREAS, pursuant to Education Code Sections 17280 *et seq.*, the District has obtained the Division of the State Architect ("DSA") final or preliminarily approved Plans and Specifications for the Project ; and

WHEREAS, District staff has negotiated a guaranteed maximum price for the Project in the amount of _____ (\$_____) which figure shall be a "not to exceed" figure related to construction of the Project pursuant to the terms of the Construction Provisions for the Project ("Guaranteed Maximum Price"); and

WHEREAS, the Board has examined and approved the following:

1) the form of agreements entitled "Site Lease" and "Facilities Lease" (with Construction Provisions attached thereto as Exhibit "D"), each presented to the Board and each to be entered into by and between the District and Contractor which together provide generally for (i) the lease by the District of the Site to Contractor, (ii) the sublease of the Site and the lease of the Project by Contractor to the District, and (iii) the payment of certain lease payments by the District under the Facilities Lease in an amount equal to the aggregate construction costs for the Project as set forth in the Construction Provisions, subject to any revisions which are acceptable to both District's Superintendent and District's legal counsel;

2) the lease-leaseback process pursuant to Education Code section 17406;

3) a delegation of authority to the District Superintendent, or the designee of the District Superintendent, to execute and deliver the Site Lease and Facilities Lease documents, execute and deliver documents and/or negotiate documents with Contractor, and to do any and all things necessary, in consultation with the staff, that they may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution, including the filing of a validation action, all subject to ratification of the Board of Trustees, if necessary; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transaction authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transaction for the purpose, in the manner, and upon the terms herein provided.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE HANFORD ELEMENTARY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals. All of the recitals herein contained are true and correct.

Section 2. Site Lease and Facilities Lease for Project. The form of agreement entitled "Site Lease" and the form of agreement entitled "Facilities Lease" (with Construction Provisions attached thereto as Exhibit "D") presented at this meeting and to be entered into by and between the District and Contractor which together provide generally for (i) the lease by the District of the Site to Contractor, (ii) the sublease of the Site and the lease of the Project by Contractor to the District, and (iii) the payment of certain lease payments by the District under the Facilities Lease in an amount equal to the aggregate construction costs for the Project as set forth in the Construction Provisions are hereby approved subject to any revisions which are acceptable to both District's Superintendent ("Superintendent") and District's legal counsel. The Superintendent or their designee is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver to Contractor such agreements and pursue the filing of a validation action, all pursuant to the delegation of authority provided for hereby.

Section 3. Guaranteed Maximum Price. The Governing Board hereby approves of the Guaranteed Maximum Price amount of \$_____, which figure shall be a "not to exceed" figure related to construction of the Project pursuant to the terms of the Construction Provisions.

Section 4. Plans and Specifications. The Governing Board hereby approves of the final DSA approved or DSA preliminarily approved Plans and Specifications and/or other approved Plans and Specifications for the Project, and hereby approves a delegation of authority and appoints the District Superintendent, or the designee of the District Superintendent, to approve any and all required revisions to the Plans and Specifications.

Section 5. Other Acts; Delegation. The District's Governing Board hereby approves a delegation of authority and appoints the District Superintendent, or the designee of the District Superintendent, who is/are hereby authorized and directed, to execute and deliver the Site Lease and Facilities Lease documents (and Construction Provisions attached thereto) documents for the Project as provided by Section 2 above, execute and deliver documents and/or negotiate documents with Contractor, approve any minor revisions to the Plans and Specifications that may be required pursuant to California law, and to do any and all things necessary, including the filing of a validation action, in consultation with the staff, that they may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution, all subject to ratification of the Board of Trustees, if necessary. Said delegation shall be valid during the construction of the Project, or until otherwise rescinded by the Governing Board.

Section 6. Effective Date. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 25th day of March, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

I, _____, President of the Hanford Elementary School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

President of the Board of Trustees
Hanford Elementary School District

I, _____, Clerk of the Board of Trustees of the Hanford Elementary School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Trustees of the Hanford Elementary School District at a regularly scheduled meeting thereof held on the 25th day of March, 2015, by the foregoing vote.

Clerk of the Board of Trustees
Hanford Elementary School District

EXHIBIT "A"

DESCRIPTION OF SITE

Woodrow Wilson Jr. High School, 610 W. Florinda Street, Hanford, California 93230

Kitchen remodel at existing Cafeteria Building "E", remodel of existing staff and student toilets in Building "E" and upgrade of Building "E" fire alarm system