

Hanford Elementary School District

1/109

REGULAR BOARD MEETING AGENDA

Wednesday, March 11, 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

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

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

OPEN SESSION

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

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

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

2. CONSENT ITEMS

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

- a) Accept warrant listings dated February 20, 2015; and February 27, 2015.
- b) Approve minutes of Regular Board Meeting February 25, 2015.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of \$52.41 from Target to Lincoln School. (Pitkin)
- e) Approve donation of \$49.85 from Target to Washington School.
(Rubalcava)
- f) Approve donation of \$193.50 from Washington PTC to Washington School.
(Rubalcava)
- g) Approve donation of \$2706.00 from Jefferson Parent Teacher Club to Jefferson Charter Academy. (Espindola)
- h) Approve donation of \$345.90 from Jefferson Parent Teacher Club to Jefferson Charter Academy. (Espindola)

- *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 a report from the District English Learner Advisory Committee (DELAC) October 22, 2014 meeting. (Gomez, Carlton)
- b) Receive for information the following revised Board Policy and Administrative Regulation: (Terry)
 - BP/AR 1312.3 – Uniform Complaint Procedures
- c) Receive for information the following revised Administrative Regulation: (Terry)
 - AR 1312.4 – Williams Uniform Complaint Procedures
- d) Receive for information the following revised Board Policy and Administrative Regulation: (Simas)
 - BP/AR 5144.1 – Suspension and Expulsion/Due Process
- e) Receive the following revised Exhibit to Board Policy and Administrative Regulation for information: (White)
 - BP/AR 3553 – Free and Reduced Price Meals
- f) Receive revised 2015-16 Budget and Local Control Accountability Plan (LCAP) calendar. (White)

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider adopting Resolution #11-15: Regarding Absent Board Member Compensation. (Terry)
- b) Consider approval of consultant contract with T.W.B. Inspections for providing construction inspection for the Woodrow Wilson Jr. High School Kitchen Remodel. (Mulligan)
- c) Consider approval of consultant contract with Randel McGee "McGee Productions" presentations at nine (9) READY After School Program sites. (McConnell)
- d) Consider approve of the following revised Board Policy and Administrative Regulation:
 - AR 4354 – Health and Welfare Benefits (revised and changed to an Administrative Regulation)
 - BP 4154, 4254 and 4354 – Health and Welfare Benefits (new)

5. PERSONNEL (Martinez)**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

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

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

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

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

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 Tollner	Monroe
Peter Young	Monroe
Juanita Arroyo	Roosevelt
Lynn Avila	Roosevelt
Juanita Gonzales	Roosevelt
Veronica Gonzalez	Roosevelt
Jessica Valdez	Simas
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
Serina Trevino
Michael Contreras

Washington
Washington
Wilson

6. FINANCIAL (White)

- a) Consider approval of Resolution #12-15: Revision of the 2014-15 Budget.
- b) Consider authorization to close County Treasury Funds.

ADJOURN MEETING

Hanford Elementary School District
Minutes of the Regular Board Meeting
February 25, 2015

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on February 25, 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, Hernandez, and Hill were present. Trustee Revious was absent.

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

- Student Discipline pursuant to Education Code section 48918;

Trustees returned to open session at 6:07 p.m.

HESD Managers Present Dr. Paul J. Terry, Superintendent, and the following administrators were present: Donnie Arakelian, Lindsey Calvillo, Anthony Carrillo, Kenny Eggert, Ramiro Flores, Joy Gabler, David Goldsmith, Lucy Gomez, Jaime Martinez, Karen McConnell, Julie Pulis, Liz Simas, and Nancy White.

Expulsion #15-13 Trustee Hernandez made a motion to accept the Findings of Fact and expel Case #15-13 for the remainder of the 2014-15 school year for violation of Education Code 48900 as determined by the Administrative Panel at a Hearing held February 23, 2015. Trustee Garcia seconded; motion carried 4-0:

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

Public Comments None.

Board and Staff Comments Superintendent Terry stated Trustees are invited to attend the upcoming KCSBA Dinner Monday March 16, 2015 at 6:00 p.m. at Sierra Pacific High School. Responses are needed by Friday in order to submit timely registration.

Trustee Garcia stated that board members last week attended the CTA School Board Appreciation Dinner in Visalia. He said it was a nice event, members were introduced and it was an opportunity to "break bread" with one another and bargaining unit leaders.

Requests to Address the Board at future meetings None.

Dates to Remember President Garner reviewed Dates to Remember: Grades 4-6 Boys and Girls All-Star Hoops on February 27 at Woodrow Wilson Gym starting at 4:00 p.m.; March 11 next regular Board Meeting at 5:30 p.m.; JFK Varsity Baseball & Softball Tournament March 14 at 9:00 a.m.; regular board

meeting 5:30 p.m. March 25.

INFORMATION ITEMS

AR 4354

BP 4154, 4254, 4354

Jaime Martinez, Assistant Superintendent Human Resources presented for information new Board Policy 4154, 4254, and 4354; and revised Administrative Regulation 4354. The item will be returned for action at a future board meeting.

CONSENT ITEM

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

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

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

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

The items approved as follows:

- a) Warrant listings dated February 6, 2015; and February 13, 2015.
- b) Minutes of regular Board Meeting February 11, 2015.
- c) Interdistrict transfers as recommended.
- d) Donation of \$1,796.00 from Hamilton PTC to Hamilton School.
- e) Donation of \$101.49 from Washington PTC to Washington School.
- f) Donation of \$1,102.00 from Lee Richmond PTC to Lee Richmond School.
- g) Donation of \$1,000.00 from RollGiving to Lee Richmond School.

President Garner acknowledged and thanked Hamilton PTC, Washington PTC, Lee Richmond PTC and RollGiving for their donations in support of HESD schools.

**PUBLIC HEARING:
Rezoning attendance
boundaries for
Hamilton and Monroe
2015-16 school year**

At 6:13 p.m. President Garner opened the Public Hearing: To Consider Proposed Changes to the Hamilton and Monroe School Attendance Boundaries. Liz Simas, Child Welfare and Attendance Coordinator, presented a recommended rezone considering projected enrollment of 6015 students in the district overall during 2015-2016. The rezone entails assigning a small section of Hamilton students in the middle of town to Monroe and Lee Richmond Schools which are actually the schools more nearby those students than Hamilton School where they are currently

assigned. Interdistrict transfer procedures exist to accommodate the requests of families who may desire to remain at Hamilton School. There were no questions or comments from the public. President Garner closed the hearing at 6:16 p.m.

BOARD POLICIES AND ADMINISTRATION

Hamilton and Monroe rezoning

Trustee Garcia made a motion to approve rezoning a section of Hamilton and Monroe School's attendance boundary. Trustee Hill seconded; motion carried 4-0:

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

PERSONNEL

Trustee Hernandez made a motion to take Personnel items "a" through "f" together. Trustee Garcia seconded and motion carried 4-0:

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

Then Trustee Hernandez made a motion to approve Personnel items "a" through "f". Trustee Garcia seconded, and the motion carried 4-0:

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

The following items were approved:

Item "a" – Employment

Classified

- Danielle Fernandez, READY Program Tutor – 4.5 hrs., Simas, effective 2/4/15

Temporary Employees/Substitutes/Yard Supervisors

- Tatiana Alcala, Substitute READY Program Tutor – 4.5 hrs., Lincoln, effective 2/2/15 to 4/10/15
- Dylan Bourque, 7-8 Boys Baseball Coach – 6 units, Wilson, effective 2/10/15 to 4/6/15
- Sindal Burkett, Short-term Yard Supervisor – 1.5 hrs., King, effective 2/17/15 to 3/27/15
- Sadie Escalera, Short-term Yard Supervisor – 1.25 hrs., Monroe, effective 2/10/15 to 3/27/15
- Teresita Espinoza, Short-term Bilingual Clerk Typist II – 8.0 hrs., Lincoln, effective 2/17/15 to 3/27/15 and 4/7/15 to 4/10/15

**Item "a" –
Employment (con't.)**

- Gabriella Gomez, Substitute READY Program Tutor, effective 2/10/15
- Jose Grijalva, Substitute Groundskeeper II, effective 2/9/15
- Cherii Martin, Substitute Yard Supervisor, effective 2/10/15
- George Puente, Substitute Groundskeeper I and Warehouse/Reprographic and Mail Services Technician, effective 2/10/15
- Menchu Rosaroso, Short-term Yard Supervisor – 3.0 hrs., (1.5 hrs. Monroe and 1.5 hrs. Simas), effective 2/10/15 to 6/5/15
- Alexis Villa, Substitute Yard Supervisor, effective 2/2/15
- Lesley Walker-Flores, Short-term Educational Tutor K-6 – 3.5 hrs. and Yard Supervisor – 1.0 hr., Washington, effective 2/12/15 to 5/7/15.

**Item "b" –
Resignations**

- Amy Farris, Substitute Personnel Assistant and Personnel Specialist, effective 11/22/13
- Stacey Eckert, Teacher, Hamilton, effective 6/5/15
- Brittini Gingras, Educational Tutor K-6 – 3.5 hrs., Washington, effective 2/13/15
- Debra Lewis, Teacher, Washington, effective 6/5/15
- Alvarina Medrano, Yard Supervisor – 1.5 hrs., Roosevelt, effective 2/13/15
- Brooke Miller, Teacher, Hamilton, effective 6/5/15
- Megan Smith, Teacher, Hamilton, effective 6/5/15
- Kory Wait, Substitute Babysitter, Custodian I and Yard Supervisor, effective 4/19/13
- Jennifer Yang, Substitute READY Program Tutor and Yard Supervisor, effective 2/17/15 to 3/27/15

**Item "c" –
Retirement**

- Margie Campbell, Health Care Assistant – 6.0 hrs., Kennedy, effective 6/5/15

**Item "d" –
More Hours**

- Savina Guzman, Short-term Yard Supervisor, from 2.0 to 2.25 hrs., King, effective 2/17/15 to 3/27/15

**Item "e" –
Leave of Absence**

- Jacqueline Huerta, Teacher, Lincoln, effective 2/23/15 to 5/22/15, personal
- Patricia Rodriguez, Teacher, Simas, effective 2/9/15 to 5/15/15, baby bonding

**Item "f" –
Volunteers**

<u>Name</u>	<u>School</u>
Rickie Ames	Hamilton
Josie Chavez	Hamilton
Tracy Gray	Hamilton
Katrina Morshead	Hamilton
Monica Vera	Hamilton
Norma Vera (HESD employee)	Hamilton
Erika Puga	Jefferson
Rose Hernandez	Monroe
Daren Matteson	Monroe
Rachel Salgado	Monroe
Sharen Yost	Monroe
Jessica Flores	Richmond
Angel Galvan	Richmond
Jamie Carroll	Roosevelt
Olga Diaz	Roosevelt
Veronica Herrera	Roosevelt
Maria Huerta	Roosevelt

Item "f" –
Volunteers (con't.)

Maria Ibarra-Gomez
Sandra Pintor
Tammy Brown
Sheila Burke
Rosanna Gaona
Maria Ruvalcaba
Ramon Ruvalcaba
Lori Sanchez
Kassie Santiago
Steven Santiago JR
Adriana Rodriguez
Amanda Smith

Roosevelt
Roosevelt
Simas
Simas
Simas
Simas
Simas
Simas
Simas
Simas
Washington
Washington

FINANCIAL

None.

Adjournment

There being no further business, President Garner adjourned the meeting
at 6:22 p.m.

Respectfully submitted,

Paul J. Terry,
Secretary to the Board of Trustees

Approved:

Jeff Garner, President

Lupe Hernandez, Clerk

Inters - IN

No	A/D	Sch Req'd	Home Sch	Date
I-135	A	JFK	Lemoore	3/02/2015
I-136	A	Simas	Pioneer	3/02/2015
I-137	D	King	Pioneer	3/02/2015

Inters -OUT

None

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Jen Pitkin 

DATE: 2/20/15

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☒ Action

Date you wish to have your item considered: 3/11/15

ITEM: Donation from Target**PURPOSE:** Promote education.**FISCAL IMPACT:** Increase to the General Budget, 0100-0000-0-1110-1000-430001-023-0000 of \$52.41**RECOMMENDATIONS:** Accept donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Jill Rubalcava

DATE: 2/20/15

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 3/11/15

ITEM: Consider approval of donation of \$49.85 from Target to Washington School

PURPOSE: To purchase instructional materials or supplies


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

RECOMMENDATIONS: Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Jill Rubalcava 

DATE: 2/25/15

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 3/11/15

ITEM: Donation of \$193.50 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: Javier Espindola

DATE: March 3, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 11, 2015

ITEM: Donation of \$2,706.00 from Jefferson Parent Teacher Club to Jefferson Charter Academy.

PURPOSE: To be used to for study trip expenses.

FISCAL IMPACT: Increase to accounts as follows:

0100-0000-0-1110-1000-571020-021-0000	\$1970.00
0100-0000-0-1110-1000-430006-021-0000	\$735.00

RECOMMENDATIONS: Accept Donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Javier Espindola

DATE: March 3, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 11, 2015

ITEM: Consider acceptance of donation of \$345.90 from Jefferson PTC to Jefferson Charter Academy.

PURPOSE: To be used for expenditures for attendance incentives.

FISCAL IMPACT: Increase of \$345.90 to Account #0100-0000-0-1110-1000-575030-021-0000

RECOMMENDATIONS: Accept donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Paul Terry, Ed.D.

FROM: Lucy Gomez, Doug Carlton

DATE: February 25, 2015

For: ☒ Board Meeting
☐ Superintendent's Cabinet

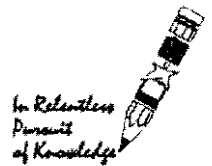
For: ☒ Information
☐ Action

Date you wish to have your item considered: March 11, 2015

ITEM: Receive for information a report from the District English Learner Advisory Committee (DELAC) October 22, 2014 Meeting.

PURPOSE: The DELAC advises the board on the educational programs and services for English learners, the Single Plan for Student Achievement, and the district's annual needs assessment.

FISCAL IMPACT: DELAC is a requirement of the Local Control Funding Formula



Hanford Elementary School District

Hanford Elementary School District (HESD)
District English Language Advisory Committee Meeting &
District Advisory Committee Meeting #1
Report to the Board of Trustees

Date of Meeting: October 22, 2014
Starting Time: 9:00 a.m.
Location: District Office Board Room, 714 N. White Street

1. Purpose of the Meeting

DELAC members affirmed the purpose of this meeting, which is to train members in their roles and responsibilities; to advise the governing board on the development of a district master plan for educational programs and services for English learners that takes into consideration the Single Plan for Student Achievement; to advise the governing board on the district's annual needs assessment.

The DELAC received information on the following topics:

- Training in their roles and responsibilities as DELAC members
- Local Control Accountability Plan (LCAP)
 - District Goals
 - LCAP Implementation for 2014-2015
 - The Superintendent's written response (per ed. code 52062) to DELAC member's question
- Title III Action Plan for English Learners
 - Interventions and supports for EL students
 - Outreach, involvement, and training for parents of EL students

2. The DELAC provided the following recommendations:

- Continue to provide English language training for parents
- Expand this training where possible and prioritize parent enrollment
- Provide parents with information/training relating to the Common Core Standards in mathematics and in the newly adopted mathematics curricula

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed. D.

DATE: March 4, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: March 11, 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: For information only. This item will be considered for approval at a future board meeting.

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
~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~
~~(cf. 4030—Nondiscrimination in Employment)~~
~~(cf. 4031—Complaints Concerning Discrimination in Employment)~~
~~(cf. 5131.2—Bullying)~~
~~(cf. 5145.3—Nondiscrimination/Harassment)~~
~~(cf. 5145.7—Sexual Harassment)~~

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

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 from after 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 complainant complaint 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 4, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: March 11, 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: For information only. This item will be considered for approval at a future board meeting.

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 pupilsstudents 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 pupilsstudents 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 pupilsstudents 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 pupilsstudents 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 pupilsstudents 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~~ 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 pupilsstudents are not in classes and has kept a sufficient number of restrooms open during school hours when pupilsstudents 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.eesacesa.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: February 24, 2015

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

Date you wish to have your item considered: March 11, 2015

ITEM: Review for information 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): Review for Information

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 (c))

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))

~~4615.~~ Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

~~4716.~~ 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)

_____Anya. The extension of the original period of suspension ~~shall be~~is 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(e))

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, 266e, 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's 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~~a 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 ~~site~~any of these
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 #20-2212 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 3, 2015
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: (X) Information
() Action

Date you wish to have your item considered: March 11, 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.

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 2, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: March 11, 2015

ITEM:

Receive Revised 2015-16 Budget and Local Control Accountability Plan (LCAP) Calendar.

PURPOSE:

Attached for your information is the revised timeline we will follow for the preparation of the District Budget for 2015-16.

FISCAL IMPACT:**RECOMMENDATION:**

Hanford Elementary School District

2014-15 TIMELINE**For the Formulation of the 2015-16 BUDGET & Local Control Accountability Plan (LCAP)**

2014		
December	10	• Budget and Local Control Accountability Plan (LCAP) calendar presented to Board of Trustees (White)
2015		
January	TBD	• LCFF/LCAP consultations with interested stakeholders at school sites (Terry/White/Carlton)
	TBD	• Parent and Staff Surveys – Student Education Priorities
	TBD	• Student Leadership Academy (5 th and 6 th grade students) to be held at Jr. Highs. The Academy will include LCAP discussion. These students will receive surveys.
	12	• LCAP consultation at HETA Meet & Consult (Terry)
	16	• Site Allocation Planning. Determine School/Department planning figures for 15-16 Personnel and Supply allocations (Terry/White)
	21	• Parent Advisory Committee meeting (including LCAP consultation)
	23	• Categorical personnel percentage split discussed at Annual Staff Planning - Meeting #1
	26	• LCAP consultation at CSEA Meet & Consult (Terry)
February	2	• LCAP Consultation at HETA Meet & Consult (Terry)
	4	• Send 15-16 Classified Allocation History to S.O.O./Managers/HR
	11	• DELAC committee meeting (including LCAP consultation)
	23	• LCAP consultation at CSEA Meet & Consult (Terry)
	27	• Distribute budget materials to Schools and Departments
March	2-27	• Principals/Department Heads develop budgets
	2	• LCAP consultation at HETA Meet & Consult (Terry)
	4	• Parent Advisory Committee Meeting (including LCAP Consultation)
	6	• ADA/enrollment projections for calculation of income (Terry/White)
	9-27	• Superintendent to review Department budgets with managers at briefings
	16	• LCAP consultation at CSEA Meet & Consult (Terry)
	17/25	• 15-16 Annual Staffing - Certificated
	18	• DELAC meeting (including LCAP consultation)
	23	• Review Personnel - Categorical percentage splits – during Exec. Council
	27	• 15-16 General Purpose and Special Ed budgets due to Fiscal Services
April	TBD	• Release Draft of LCAP for public review and comment
	7	• Establish Budget Committee
	13	• Submit Draft LCAP to KCOE for review
	13	• LCAP consultation at HETA Meet & Consult including review of Draft 2015-16 LCAP (Terry)
	21	• Parent Advisory Committee Meeting including presentations of Draft LCAP for review and comment. The Superintendent will respond in writing to any comments received.

Hanford Elementary School District

2014-15 TIMELINE**For the Formulation of the 2015-16 BUDGET & Local Control Accountability Plan (LCAP)**

	22	<ul style="list-style-type: none"> • HESD Board sets dates for Public hearings for proposed 2015-16 LCAP and Budget. Superintendent notifies members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP
	24	<ul style="list-style-type: none"> • Review 15-16 proposed income and expenditures. Make any necessary adjustments to balance (Terry/White)
	24	<ul style="list-style-type: none"> • 15-16 Categorical & Cafeteria Budgets due to Fiscal Services
	24	<ul style="list-style-type: none"> • Categorical personnel percentage splits memo to Dept. Heads/HR (White/Carlton)
	27	<ul style="list-style-type: none"> • LCAP consultation at CSEA Meet & Consult including review of the Draft 2015-16 LCAP (Terry)
	28	<ul style="list-style-type: none"> • 15-16 Annual Staff Planning - Classified
	29	<ul style="list-style-type: none"> • DELAC meeting including presentation of Draft LCAP for review and comment. The Superintendent will respond in writing to any comments received.
	29	<ul style="list-style-type: none"> • Public Notice on LCAP/Budget Public Hearings to be sent to KCOE for submission to Hanford Sentinel for publication on May 13
May	TBD	<ul style="list-style-type: none"> • Superintendent review of school plans (EC 64001) to ensure that the specific actions included in the LCAP are consistent with strategies included in the school plans
	4	<ul style="list-style-type: none"> • LCAP consultation at HETA Meet & Consult (Terry)
	11	<ul style="list-style-type: none"> • Budget Committee meets 3:30 p.m. Conference Room C
	13	<ul style="list-style-type: none"> • Parent Advisory Committee Meeting (including LCAP consultation)
	13	<ul style="list-style-type: none"> • Public Notice re: Public Hearing: 2015-16 LCAP and Budget (14 days prior to hearing)
	18	<ul style="list-style-type: none"> • LCAP consultation at CSEA Meet & Consult (Terry)
	20	<ul style="list-style-type: none"> • DELAC meeting (including LCAP consultation)
	27	<ul style="list-style-type: none"> • Public Hearings at the Board meeting to solicit recommendations and comments of members of the public regarding the 15-16 LCAP/Budget
June	10	<ul style="list-style-type: none"> • Board Meeting – ADOPT 15-16 LCAP and Budget
July		<ul style="list-style-type: none"> • Post LCAP on District's website
August	1 (or sooner)	<ul style="list-style-type: none"> • 2015-16 Deadline for KCOE to approve Adopted Budget
	15 (deadline may be later)	<ul style="list-style-type: none"> • Adopt, within 45 days after the Governor signs the budget, revisions to reflect changes in income or expenditures stemming from the State budget legislation
September	15	<ul style="list-style-type: none"> • Compute 15-16 Gann Limit. Place on Board Agenda for adoption
October	8 (or sooner)	<ul style="list-style-type: none"> • Deadline for KCOE to approve 2015-16 LCAP

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Paul J. Terry, Ed.D.

DATE: March 2, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 11, 2015

ITEM: Consider adopting Resolution #11-15: Regarding Absent Board Member Compensation

PURPOSE: Education Code section 35120(c) provides that a board member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting (1) her or she is performing services outside the meeting for the school district or districts, (2) he or she was ill or on jury duty, (3) or the absence was due to a hardship deemed acceptable by the board. Trustee Revious was unable to attend the February 25, 2015 meeting due to hardship.

FISCAL IMPACT: Not to exceed \$240.

RECOMMENDATION: Adopt Resolution #11-15.

**HANFORD ELEMENTARY SCHOOL DISTRICT
RESOLUTION # 11-15
Board of Trustees
Hanford Elementary School District**

**RESOLUTION REGARDING ABSENT BOARD MEMBER COMPENSATION
(Education Code § 35120(c))**

WHEREAS, Education Code section 35120(c) provides that a board member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting: 1) he or she is performing services outside the meeting for the school district or districts, (2) he or she was ill or on jury duty, (3) or the absence was due to a hardship deemed acceptable by the board.

NOW, THEREFORE BE IT RESOLVED that the Hanford Elementary School District Board of Trustees determines as follows:

1. Board Member Tim Revious was absent from the Hanford Elementary School District's regular board meeting held February 25, 2015 due to:
☐ performing services outside the meeting for the school district
☐ illness
☐ jury duty
☐ hardship deemed acceptable by the board
2. Said Board Members shall be paid for the meeting.

PASSED AND ADOPTED THIS 11th day of March 2015 at a regular meeting, by the following vote:

AYES:

NOES:

ABSTAIN

ABSENT:

Jeff Garner, President

Lupe Hernandez, Clerk

**HANFORD ELEMENTARY SCHOOL DISTRICT
Board Member Service Certification**

Date: March 12, 2015 (Monthly Timecard due date)
(Due to Fiscal Services on the 13th of each month for the preceding month.)

The following Board Members were actively serving as Board Members of the HESD Board of Trustees during the month of February 2015. They are eligible to receive the full monthly stipend of \$240 on the March 2015 payroll, unless there is an exception listed in the section below.

BOARD MEMBER NAMES

Jeff Garner

Lupe Hernandez

Dennis Hill

Bobby Garcia

Tim Revious

Exceptions: The following Board Member(s) did not attend one or more meetings during the month of February 2015 and the reason for the absence is not permissible under EC 35120(c).

Board Member Name(s)	Meeting Date(s) of Absence Exception	Two (2) Meetings Held During the Month of February 2015

(Any member who does not attend meetings held in any month and the absence was not acceptable under EC35120(c) may receive, as compensation for his or her services, an amount not greater than the maximum amount allowed by this subdivision divided by the number of meetings held and multiplied by the number of meetings actually attended.)

Certification:

Superintendent or Designee

Date

HANFORD ELEMENTARY SCHOOL DISTRICT***Board Member Absence Verification***

In accordance with Board Bylaw 9250, if a member of the Board of Trustees does not attend all Board meetings during the month, he/she is eligible to receive a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. Board members may be paid for meetings they missed when the Board of Trustees finds that they were performing designated services for the district at the time of the meeting or that they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

I was absent from the Board meeting conducted on February 25, 2015.

☐ I am not requesting compensation for the meeting.

☐ I am requesting compensation for the meeting since I was absent from the meeting for the following reason (*check one*):

☐ Performing designated service for the district.

☐ Illness.

☐ Jury Duty.

☐ Hardship (please specify) _____

Board Member Name: Tim Revious

Board Member Signature: _____ Date: _____

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Gerry Mulligan GM

DATE: March 2, 2015

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

FOR: () Information
(X) Action

Date you wish to have your item considered: March 11, 2015

ITEM:

Consider approval of consultant contract with T.W. B. Inspections for providing construction inspection for the Woodrow Wilson Jr. High School Kitchen Remodel.

PURPOSE:

Inspection services are required by DSA for the Woodrow Wilson Jr. High School Kitchen Remodel. T.W.B. Inspections has provided inspection services for the District in the past.

FISCAL IMPACT:

Inspection costs for this project are estimated to be \$16,500 and will be paid from the Special Reserve Fund – Capital Outlay.

RECOMMENDATION:

Approve consultant contract with T.W. B. Inspections for providing construction inspection for the Woodrow Wilson Jr. High School Kitchen Remodel.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul J. Terry

FROM: Karen McConnell *KM*

DATE: February 19, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: *March 11, 2015*


ITEM: Consultant Contract with Randel McGee "McGee Productions"

PURPOSE: To provide presentations to all 9 READY Afterschool Program sites. Each event is designed to promote student attendance in school and at the afterschool program, while providing a positive message regarding strong character traits and conflict resolution.

FISCAL IMPACT: \$2,475.00 - Funded by ASES Grant - READY Afterschool Program**RECOMMENDATIONS:** Approve

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Dr. Paul Terry

FROM: Jaime Martinez 

DATE: March 2, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **March 11, 2015**

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

PURPOSE: The current Board Policy 4354 for Management, Supervisory and Confidential employees will be changed to an Administrative Regulation to 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 mandates and Education Code changes. We are also proposing a new Board Policy to cover all employee groups as recommended by CSBA.

- AR 4354 – Health and Welfare Benefits (revised and changed to an Administrative Regulation)
- BP 4154, 4254 and 4354 – Health and Welfare Benefits (new)

FISCAL IMPACT: None.

RECOMMENDATION: Approve.

CHANGE BOARD POLICY TO ADMINISTRATIVE REGULATION**Management, Supervisory, and Confidential Employees**

BP AR 4354(a)

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

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

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

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

HEALTH AND WELFARE BENEFITS (continued)

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

c. The benefit plans listed in items 1.d. & 1.e. above shall end the same day that employment is terminated.

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

B. Physicals

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

C. District-Paid Retiree Health Insurance Benefit Continuation

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

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

1. The retiree shall have reached age fifty-five (55).
2. The retiree who worked for the district prior to January 1, 2013, shall have served in the district during the five (5) years immediately prior to retirement and must have served full-time a total of at least ten (10) years in the district.

BP AR 4354(c)

HEALTH AND WELFARE BENEFITS (continued)

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

D. Retiree-Paid Health Insurance Benefit Continuation

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

E. Retiree-Paid Level Term Life Insurance

1. Retiree's under age 65 that qualify for district-paid health insurance benefit continuation shall be offered the option to continue the level term life insurance plan at their own expense by paying the full premium prior to the due dates established by the district. Failure to make timely premium payment shall result in cancellation of coverage. If the retiree opts to continue life insurance coverage, it will end at age 65.

HEALTH AND WELFARE BENEFITS (continued)**E.F. Group Insurance Coverage During Unpaid Leaves of Absence**

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

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

- b. For FMLA leaves exceeding 12 weeks a year and for all other unpaid leaves, the employee may continue group insurance coverage at his/her own expense by paying the monthly premiums on or before the dates established by the district. Failure to make timely premium payments may result in cancellation of the insurance(s).

FG. Group Insurance Continuation under Consolidated Omnibus Budget Reconciliation Act (COBRA)

Covered district ~~Eligible~~ employees and their qualified dependents ~~may continue coverage under the district's group health insurance plans at their own expense in accordance with the provisions of the federal,~~ shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B; 26 CFR 54.4980B-4)

1. Death of the covered employee
2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct

(cf. 4117.4 Dismissal)

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

3. Divorce or legal separation of a covered employee or final judgment of dissolution or nullity of the domestic partnership
4. Covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent of a covered employee

HEALTH AND WELFARE BENEFITS (continued)

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)

H. Notification Requirements

1. The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2 or 4 above, within 30 days of the event. A covered employee or a qualified dependent shall notify the service plan administrator of a qualifying event listed in item #3, or 5 above within 60 days of the event or of the date that the dependent would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163)

Continuation coverage shall be terminated in accordance with the district's insurance plan and in accordance with federal and state law (26 USC 4980B and 26 CFR 54.4980B.6; Health and Safety Code 1373.261; Insurance Code 10116.5).

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

The Superintendent or designee shall notify covered employees and qualified dependents of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)

I. Benefits

The benefits provided under continuation health coverage shall be the same as provided to other employees and their dependents under the group benefit plan.

J. Benefit Continuation Period

1. Eligibility for continued coverage under the district's group health insurance plans shall be for:
 - a. 18 months for employees whose coverage would have ended due to termination of employment or reduction in assigned hours per day, or until the employee obtains coverage under another group health plan, becomes eligible for Medicare coverage, or ceases to make timely premium payments, whichever occurs sooner;

HEALTH AND WELFARE BENEFITS (continued)

- b. 36 months for the spouse/domestic partner who lost coverage due to divorce or legal separation, or the death of the employee, or until the spouse obtains coverage under another group health plan, becomes eligible for Medicare coverage, or ceases to make timely premium payments, whichever occurs sooner; and
- c. 36 months for the former dependent child, or until he/she obtains coverage under another group health insurance plan or ceases to make timely premium payments, whichever occurs sooner.

K. Disability Due to a Violent Act While Working

- 1. When disabled by an injury resulting from a violent act sustained while performing his/her job duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

GL. Confidentiality

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

Policy
 adopted: June 11, 1997
 revised: November 7, 2001
 revised: October 16, 2002
 revised: January 12, 2005
 revised: December 13, 2006
 revised: August 22, 2007
 revised: September 7, 2011
 revised: February 12, 2014
 revised: _____, 2015

HANFORD ELEMENTARY SCHOOL DISTRICT
 Hanford, California

NEW BOARD POLICY**All Employees**

BP 4154, 4254, 4354(a)

HEALTH AND WELFARE BENEFITS

The district shall provide health and welfare benefits for employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

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

(cf. 4141/4241 - Collective Bargaining Agreement)

Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

(cf. 4300 - Administrative and Supervisory Personnel)

(cf. 4121 - Temporary/Substitute Personnel)

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

For purposes of granting benefits pursuant to state law, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5)

The Superintendent or designee shall not use or disclose any medical information the district possesses pertaining to an employee without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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

Continuation of Coverage

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified dependents may continue to participate in the district's group health and welfare benefits in accordance with state, federal law, and Administrative Regulation.

To receive continuation coverage, covered employees and their qualified dependents shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

Legal Reference: (see next page)

HEALTH AND WELFARE BENEFITS

Legal Reference:

*EDUCATION CODE**7000-7008 Health and welfare benefits, retired certificated employees**17566 Self-insurance fund**35208 Liability insurance**35214 Liability insurance (self-insurance)**44041-44042 Payroll deductions for collection of premiums**44986 Leave of absence, state disability benefits**45136 Benefits for classified employees**CIVIL CODE**56.10-56.16 Disclosure of information by medical providers**56.20-56.245 Use and disclosure of medical information by employers**FAMILY CODE**297-297.5 Rights, protections and benefits under law; registered domestic partners**GOVERNMENT CODE**12940 Discrimination in employment**22750-22944 Public Employees' Medical and Hospital Care Act**53200-53210 Group insurance**HEALTH AND SAFETY CODE**1366.20-1366.29 Cal-COBRA program, health insurance**1367.08 Disclosure of fees and commissions paid related to health care service plan**1373 Health services plan, coverage for dependent children who are full-time students**1373.621 Continuation coverage, age 60 or older after five years with district**1374.58 Coverage for registered domestic partners, health service plans and health insurers**INSURANCE CODE**10116.5 Continuation coverage, age 60 or older after five years with district**10128.50-10128.59 Cal-COBRA program, disability insurance**10277-10278 Group and individual health insurance, coverage for dependent children**10604.5 Annual disclosure of fees and commissions paid**12670-12692.5 Conversion coverage**LABOR CODE**2800.2 Notification of conversion and continuation coverage**4856 Health benefits for spouse of peace officer killed in performance of duties**UNEMPLOYMENT INSURANCE CODE**2613 Education program; notice of rights and benefits**UNITED STATES CODE, TITLE 1**7 Definition of marriage, spouse**UNITED STATES CODE, TITLE 26**105 Self-insured medical reimbursement plan; definition of highly compensated individual**4980B COBRA continuation coverage**UNITED STATES CODE, TITLE 29**1161-1168 COBRA continuation coverage*

BP 4154, 4254, 4354(c)

HEALTH AND WELFARE BENEFITS*UNITED STATES CODE, TITLE 42**300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals**1395-1395g Medicare benefits**CODE OF FEDERAL REGULATIONS, TITLE 26**54.4980B-1-54.4980B-10 COBRA continuation coverage**1.105-11 Self-insured medical reimbursement plan**CODE OF FEDERAL REGULATIONS, TITLE 45**164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)**Management Resources:**INTERNAL REVENUE SERVICE NOTICES**2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans**WEB SITES**CSBA: <http://www.csba.org>**California Employment Development Department: <http://www.edd.ca.gov>**Internal Revenue Service: <http://www.irs.gov>**U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services: <http://www.cms.gov>**U.S. Department of Labor: <http://www.dol.gov>**(3/05 7/09) 7/12*Policy
adopted: _____, 2015**HANFORD ELEMENTARY SCHOOL DISTRICT**
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Dr. Paul Terry
FROM: Jaime Martinez
DATE: March 2, 2015
RE: (X) Board Meeting
() Superintendent's Cabinet
() Information
(X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **March 11, 2015**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

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 to 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

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

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

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

e. Leave of Absence

- Dianne 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

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 Tollner	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

f. Volunteers (continued)

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

RECOMMENDATION: Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: March 2, 2015

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: March 11, 2015

ITEM:

Consider approval of Resolution # 12-15: Revision of the 2014-15 Budget.

PURPOSE:

Miscellaneous budget changes are listed on the attached resolution.

FISCAL IMPACT:**RECOMMENDATION:**

Approve Resolution # 12-15: Revision of the 2014-15 Budget.

Resolution # 12-15

HANFORD ELEMENTARY SCHOOL DISTRICT

RESOLUTION FOR BUDGET CHANGES

WHEREAS, certain budget items appear to be overdrawn; and

WHEREAS, an excess remains in certain other budget items;

THEREFORE, BE IT RESOLVED that the various funds of the District be
adjusted and in accordance with Education Code Sections 20952 and
20601(c), that the following budget changes be made:

FROM: (See Attached)

TO: (See Attached)

Board of Trustees

Dated: March 11, 2015

**Budget Changes
2014-15 Budget
March 10, 2015**

101/109

	Amount Changed	Reason for Change
FUND 0100 - GENERAL FUND		
Revenue		
801100 Local Control Funding Formula	-\$66,522	Added +20 ADA est.; State reduced LCFF Gap funding from 29.56% to 29.15%
869900 Other Local Income	\$2,121	Donations
TOTAL GENERAL FUND - REVENUE CHANGES	-\$64,401	
Expenditures		
<u>LOCATION 000 - Balance Sheet and Undesignated Accounts</u>		
979000 Undesignated Reserve	\$225,187	Balance is now \$1,035,293
	<u>\$225,187</u>	
<u>LOCATION 001 - General Administration</u>		
400000 Other Supplies	\$11,500	Tables & Chairs
500000 Services	-\$310,974	Move Direct Support charges to Fund 0900 - Jefferson Charter
650000 Equipment Replacement	\$2,273	Copier Replacement
735000 Indirect Costs	-\$182,815	Charge to Fund 0900
761200 Interfund Transfer	\$500,000	Transfer to Fund 4000 Capital Facilities Fund
	<u>\$19,984</u>	
<u>LOCATION 010 - Facilities</u>		
500000 Services	-\$200,000	Move to Location 018 - Routine Restricted Maintenance
	<u>-\$200,000</u>	
<u>LOCATION 011 - Maintenance</u>		
500000 Services	\$15,000	Adjust budget for increased expenses
	<u>\$15,000</u>	
<u>LOCATION 018 - Routine Restricted Maintenance</u>		
500000 Services	\$8,040	New Location Budget seperated out from Locations 010 and 011
617000 Improv. Of Sites	\$68,279	
620000 Improv. Of Buildings	\$82,110	
979000 Undesignated Reserve	\$66,571	
	<u>\$225,000</u>	
<u>LOCATIONS 020-031 General Schools</u>		
400000 Supplies	\$73,372	Donations \$+2,121 Attendance Incentive
575000 Interfund Program Charges	-\$266,530	+\$50,000; Classified Staff - Jefferson Charter
650000 Equipment Replacement	\$39,000	Supplies for Schools \$+6,500; Copier
	<u>-\$154,158</u>	Replacements \$+52,000

**Budget Changes
2014-15 Budget
March 10, 2015**

	Amount Changed	Reason for Change
<u>LOCATION 021 - Jefferson</u>		
300000 Employee Benefits	-\$132	Move Jefferson Site Budget to Fund 0900
400000 Books & Supplies	-\$25,273	
500000 Services	-\$8,006	
	-\$33,411	
<u>LOCATION 039 - Special Education</u>		
100000 Certificated Salaries	\$1,365	Add to Summer School Budget
300000 Employee Benefits	\$165	
430001 Instructional Supplies	\$60	
	\$1,590	
<u>LOCATION 053 - Curriculum, Instruction and P.D.</u>		
580000 Services	\$6,000	Programming for Spanish Report Cards
	\$6,000	
<u>Local Control Funding Formula - Supplemental Concentration</u>		
100000 Certificated Salaries	-\$6,284	Changes per manager requests; Move Jefferson Charter site budget to Fund 0900
200000 Classified Salaries	-\$5,884	
300000 Employee Benefits	-\$1,654	Charges to Jefferson for Classified Salaries and Districtwide Services
400000 Books & Supplies	-\$20,574	
500000 Services	-\$10,029	
575000 Interfund Program Charges	-\$125,168	
	-\$169,593	
<u>Title I</u>		
100000 Certificated Salaries	-\$70,000	Changes per manager request
300000 Employee Benefits	-\$8,470	
400000 Books & Supplies	-\$2,000	
500000 Services	\$72,000	
979000 Undesignated	\$8,470	
	\$0	
TOTAL GENERAL FUND EXPENDITURE CHANGES		-\$64,401

**Budget Changes
2014-15 Budget
March 10, 2015**

	Amount Changed	Reason for Change
FUND 0900 CHARTER SCHOOLS FUND		
Revenue		
801100 Local Control Funding Formula	-\$2,390	Adjust for re-calculation at 2nd Interim Report
TOTAL REVENUE CHANGES - FUND 0900	-\$2,390	
Expenditures		
<u>Location 000 Balance Sheet & Undesignated Accounts</u>		
979000 Undesignated Reserve	-\$1,011,268	Balance is now \$0
	-\$1,011,268	
<u>LOCATION 001 General Administration</u>		
575000 Interfund Program Charges	\$282,738	Direct Suport Charges to Jefferson Charter from General Fund
735000 Indirect Costs	\$166,330	
	\$449,068	
<u>Location 020 General Schools</u>		
100000 Certificated Salaries	\$14,745	Substitute Teachers +25,000; Credit from Jeff LCFFSC for 2 Teacher P.D. Days -10,255
550000 Utilities	\$45,900	Jefferson Site Utilities
575000 Interfund Program Charges	\$266,530	Classified Staff for Jefferson Charter paid from the General Fund
	\$327,175	
<u>Location 021 Jefferson School</u>		
300000 Employee Benefits	\$132	Move budget to Fund 0900 from Jefferson School
400000 Books & Supplies	\$25,273	
500000 Services	\$8,006	
	\$33,411	
<u>LCFF Supplemental/Concentration</u>		
100000 Certificated Salaries	\$16,877	Budget as per the District LCAP
200000 Classified Salaries	\$7,535	
300000 Employee Benefits	\$2,041	
400000 Books & Supplies	\$20,574	
500000 Services	\$152,197	
	\$199,224	
TOTAL EXPENDITURE CHANGES - FUND 0900	-\$2,390	

Budget Changes
2014-15 Budget
March 10, 2015

	Amount Changed	Reason for Change
FUND 1300 - CAFETERIA FUND		
Expenditures		
200000 Classified Salaries	\$10,353	Adjust to actual staffing
300000 Employee Benefits	\$4,704	
978000 Undesignated Reserve	-\$15,057	
TOTAL EXPENDITURE CHANGES - FUND 1300	\$0	
FUND 1400 - DEFERRED MAINTENANCE FUND		
Expenditures		
560000 Repairs	\$8,518	Changes per manager request
600000 Sites & Buildings	\$46,942	
978000 Unassigned Reserve	-\$55,460	
TOTAL EXPENDITURE CHANGES - FUND 1400	\$0	
FUND 4000 - SPECIAL RESERVE - CAPITAL OUTLAY		
Revenue		
891200 Interfund Transfers	\$500,000	Transfer from General Fund
TOTAL REVENUE CHANGES - FUND 4000	\$500,000	
Expenditures		
978000 Undesignated Reserve	\$500,000	
TOTAL EXPENDITURE CHANGES - FUND 4000	\$500,000	

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Dr. Paul J. Terry
FROM: Nancy White
DATE: March 2, 2015
FOR: ☒ Board Meeting
 ☐ Superintendent's Cabinet
FOR: ☐ Information
 ☒ Action

Date you wish to have your item considered: March 11, 2015

ITEM:

Consider authorization to close unused County Treasury Funds.

PURPOSE:

The following funds have not been used in a number of years, they have a zero balance and are no longer required:

Fund 2190 - Building Funds - Local 13
Fund 2510 - Prison Impact Aid
Fund 3000 - State School Building (New) 100%
Fund 3030 - State School Building (Modernization) 50%

FISCAL IMPACT:

None

RECOMMENDATION:

Authorize closing Funds 2190, 2510, 3000 and 3030.

HANFORD ELEMENTARY SCHOOL DISTRICT

Fund 2190 – Building Funds – Local 13

Board Approval Form

Use of Fund:

Reason for closure: No longer utilized.

Approved:

Governing Board

Date:

March 11, 2015

HANFORD ELEMENTARY SCHOOL DISTRICT

Fund 2510 – Prison Impact Aide

Board Approval Form

Use of Fund:

Reason for closure: No longer utilized.

Approved:

Governing Board

Date:

March 11, 2015

HANFORD ELEMENTARY SCHOOL DISTRICT
Fund 3000 – State School Building (New) 100%

Board Approval Form

Use of Fund:

Reason for closure: No longer utilized.

Approved:

Governing Board

Date:

March 11, 2015

HANFORD ELEMENTARY SCHOOL DISTRICT

Fund 3030 – State School Building (Modernization) 50%

Board Approval Form

Use of Fund:

Reason for closure: No longer utilized.

Approved:

Governing Board

Date:

March 11, 2015

