

Hanford Elementary School District

REGULAR BOARD MEETING AGENDA

Wednesday, October 25, 2017

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

OPEN SESSION

5:30 p.m.

- Call to Order
- Members Present
- Pledge to the Flag

CLOSED SESSION

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

Administrative Panel Recommendations

Case# 18-08– Kennedy
Case #18-09 – Wilson
Case #18-10 – Wilson
Case # 18-11 – Wilson
Case # 18-12 – Wilson
Case # 18-13 – Wilson

OPEN SESSION

- Take action on closed session items

1. PRESENTATIONS, REPORTS AND COMMUNICATIONS

(In order to insure that members of the public are provided an opportunity to address the Board on agenda items or non-agenda items that are within the Board's jurisdiction, agenda items may be addressed either at the public comments portion of the agenda, or at the time the matter is taken up by the Board. A person wishing to be heard by the Board shall first be recognized by the President and identify themselves. Individual speakers are allowed three minutes to address the Board. The Board shall limit 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 October 6, 2017 and October 13, 2017.
- b) Approve minutes of Regular Board Meeting held on October 11, 2017.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of 50 backpack with school supplies for MLK.
- e) Approve donation of \$2,375.58 from HESD Educational Foundation for teacher mini-grants.
- f) Approve donation of \$2,500.00 from HESD Educational Foundation for HESD READY Program.

- *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 aides and services, in order to participate in the Board meeting should contact the Superintendent in writing.*

3. INFORMATION ITEMS

- a) Receive for information the 2017 California Assessment of Student Performance and Progress (CAASPP) results (Gabler)
- b) Receive for information the quarterly report regarding Williams Uniform Complaints (Gabler)
- c) Receive for information the following revised Administrative Regulation: (Strickland)
 - AR 5111.1 – District Residency
- d) Receive for information the following new Board Policy: (Strickland)
 - BP 5116.2 – Involuntary Student Transfers
- e) Receive for information the following new Administrative Regulation: (Strickland)
 - AR 6173.3 – Education for Juvenile Court School Students
- f) Receive for information the following revised Administrative Regulation: (Mulligan)
 - AR 3543 – Transportation Safety and Emergencies
- g) Receive for information the following revised Board Policy and Administrative Regulation: (Rubalcaba)
 - BP/AR 5131.6 – Alcohol and Other Drugs
- h) Receive for information the following revised Administrative Regulation: (Martinez)
 - AR 4157.1/4257.1/4357.1 – Work Related Injury/Illness Insurance

4. BOARD POLICIES AND ADMINISTRATION

- a) Consider approval of consultant contract with Key2Ed, Facilitated IEPs (Rubalcaba)
- b) Consider approval of agreement with Blackboard Inc. for emergency mass phone notification services to parents (Goldsmith)
- c) Consider approval of agreement with Blair, Church & Flynn (Mulligan)
- d) Consider approval of the following revised Board Policy: (Gabler)
 - BP 0420.41 – Charter School Oversight
- e) Consider approval of the following new Administrative Regulation: (Endo)
 - AR 3311.2 – Lease-Leaseback Contracts
- f) Consider approval of the following new Administrative Regulation: (Endo)
 - AR 3311.3 – Design-Build Contracts
- g) Consider approval of the following revised Board Policy and Administrative Regulation: (Martinez)
 - BP/AR 4030 – Nondiscrimination in Employment
- h) Consider approval of the following revised Board Policy and Administrative Regulation: (Martinez)
 - BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment
- i) Consider approval of the following revised Board Policy and Administrative Regulation: (Martinez)
 - BP/AR 4127/4227/4327 – Temporary Athletic Team Coaches
- j) Consider approval of the following revised Board Policy: (Martinez)
 - BP 4151/4251/4351 – Employee Compensation
- k) Consider approval of the following revised Administrative Regulation: (Martinez)
 - AR 4161.1 – Personal Illness/Injury Leave, certificated personnel
 - AR 4261.1 – Personal Illness/Injury Leave, classified personnel
 - AR 4361.1 – Personal Illness/Injury Leave, management, supervisory and confidential personnel

5. PERSONNEL (Martinez)

a) Employment

Classified

- Andrice Dean, Special Education Aide – 5.0 hrs., Lincoln, effective 10/13/17
- Miguel Rodriguez, Custodian II – 8.0 hrs., Richmond, effective 10/9/17
- Julius Rojas, READY Program Tutor – 4.5 hrs., Lincoln, effective 10/13/17

Temporary Employees/Substitutes/Yard Supervisors

- Alex Acevedo, Short-term Custodian II – 8.0 hrs., Washington, effective 10/16/17 to 12/4/17
- Oscar Barron Jr., Clerk Typist I, Licensed Vocational Nurse and Yard Supervisor, effective 10/13/17
- Monique Cantu, Short-term READY Program Tutor – 4.5 hrs., King, effective 10/9/17 to 11/17/17
- Olga Hernandez, Short-term Bilingual Clerk Typist II – 4.0 hrs., effective 10/26/17 and 8.0 hrs., effective 10/27/17 to 12/15/17, Kennedy (revised site)
- Amy James, Substitute Yard Supervisor, effective 10/13/17
- Alysha Knox, Short-term Yard Supervisor – 1.5 hrs., Richmond, effective 10/16/17 to 12/15/17
- Jeanette Lewis, Yard Supervisor – 2.0 hrs., Hamilton, effective 10/16/17
- Stephanie Llamas, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Lauren Magpayo, Short-term READY Program Tutor – 3.0 hrs., (M,T,Th,F) and 5.25 hrs. (W), Lincoln, effective 10/12/17 to 12/15/17
- Lauree Mallard, Substitute Clerk Typist II and Special Education Aide, effective 10/5/17
- Bertha Martin, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Carmen Olivares, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Christian Romero, Short-term Yard Supervisor – 2.5 hrs., Simas, effective 10/3/17 to 10/31/17
- Veronica Rubalcava, Substitute Yard Supervisor, effective 10/9/17
- Megan Schaub, Short-term READY Program Tutor – 4.5 hrs. (M,T,Th,F) and 5.25 hrs. (W), Lincoln; Short-term Yard Supervisor – 1.25 hrs. (W), Lincoln, effective 10/12/17 to 12/15/17
- Sherri Sumaya, Yard Supervisor – 3.0 hrs., Hamilton, effective 10/13/17
- Victor Torres, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Toulee Xiong, Substitute Custodian I, effective 10/13/17

b) Resignations

- Ashley Candelaria, Yard Supervisor – 2.75 hrs., Hamilton, effective 10/12/17
- Cherii Martin, Substitute Babysitter and Yard Supervisor, effective 6/7/17
- Stacey Paez, Yard Supervisor – 2.75 hrs., Roosevelt, effective 10/13/17
- Betty Palmer, Substitute Yard Supervisor, effective 10/13/17
- Jacqueline Wong, Yard Supervisor – 1.5 hrs., Washington, effective 8/31/17

c) More Hours

- John Garcia, Yard Supervisor, from 2.5 hrs. to 2.75, Wilson, effective 9/15/17

- Fidel Gonzalez, Yard Supervisor, from 2.75 hrs. to 3.0 hrs., Wilson, effective 9/15/17
- Christian Romero, Short-term Yard Supervisor, from 1.5 hrs. to 2.5 hrs., Simas, effective 10/3/17 to 10/31/17
- Rayshawna Tapia, Short-term Yard Supervisor, from 1.0 hrs. to 1.5 hrs., Simas, effective 10/3/17 to 12/15/17

d) Decrease in Hours

- Estevan Alcala, Short-term Yard Supervisor, from 3.25 hrs. to 2.0 hrs., Monroe, effective 9/28/17 to 10/31/17

e) Volunteers

<u>Name</u>	<u>School</u>
Griselda Garcia	Hamilton
Abigail Hall	Hamilton
Amy Fochetti (HESD Employee)	Jefferson
Miranda Mendoza-Robinson (HESD Employee)	Jefferson
Marisela Escareno	King
Esmeralda Juarez	King
Joshua Ryan	King
Norma Cabrera	Lincoln
Kimberly Dias	Monroe
Samantha Girty	Monroe
Lorena Soto	Monroe
Daniel Adams	Richmond
Melissa Adams	Richmond
Sharri Davis	Richmond
Christina Heckathorn (HESD Employee)	Richmond
Laura Limon	Richmond
Alicia Marquez	Richmond
Patricia Morelock	Richmond
Melissa Scott (HESD Employee)	Richmond
Betty Palmer	Roosevelt
Michelle Dove	Simas
Elaine Munoz	Simas
Mark Smith	Simas
Brittany Winters (HESD Employee)	Simas
Melissa Ediger (HESD Employee)	Washington
Sue Hernandez	Washington
Gloria Lopez	Washington
Deyanira Luevanos	Washington
Megan Price	Washington
Tricia Reggler	Washington
Wendy Stivers	Washington

6. FINANCIAL (Endo)

None

ADJOURN MEETING

HANFORD ELEMENTARY SCHOOL DISTRICT
AGENDA REQUEST FORM

TO: Joy Gabler
FROM: Jay Strickland
DATE: October 13, 2017

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

Date you wish to have your item considered: October 25, 2017

ITEM: Administrative Panel Recommendations

PURPOSE:

Case# 18-08– Kennedy
Case #18-09 – Wilson
Case #18-10 – Wilson
Case # 18-11 – Wilson
Case # 18-12 – Wilson
Case # 18-13 - Wilson

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/16/2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/2017

ITEM:

Consider approval of warrants.

PURPOSE:

The administration is requesting the approval of the warrants as listed on the registers dated: 10/06/2017 and 10/13/2017.

FISCAL IMPACT:

See attached.

RECOMMENDATIONS:

Approve the warrants.

Warrant Register For Warrants

Dated 10/06/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12560055	6271	MARIBEL AGUILERA Mileage	\$37.45
12560056	59	AMERIPRIDE UNIFORM SERVICES Laundry/Mop/Mat Services	\$274.66
12560057	2352	AMS.NET Equipment/Other Services	\$5,832.68
12560058	1363	BEST BUY Food	\$9.96
12560059	263	DOUGLAS CARLTON Travel & Conf	\$200.00
12560060	3146	ANTHONY CARRILLO Mileage	\$44.94
12560061	6746	RAQUEL CARRILLO Allowance	\$200.00
12560062	1891	DEBRA CAWLEY Mileage	\$69.07
12560063	355	CDT INC. Other Services	\$132.00
12560064	1667	CDW GOVERNMENT INC. Equipment	\$635.45
12560065	6552	CHILDREN'S STORYBOOK GARDEN Study Trips	\$875.00
12560066	331	CLASSIC CHARTER Transportation	\$579.00
12560067	5936	CHARLES COLE Allowance	\$189.03
12560068	352	COMFORT INN Travel & Conf	\$101.52
12560069	373	CPM EDUCATIONAL PROGRAM Books	\$455.40
12560070	4571	ERICA D'SOUZA Allowance	\$89.88
12560071	405	DASSEL'S PETROLEUM INC. Fuel	\$494.64
12560072	4417	CARIN DE LA TORRE Mileage	\$44.94
12560073	6852	SAMANTHA ERICKSON Allowance	\$162.80
12560074	506	ETA HAND2MIND Inst'l Matl's	\$454.95
12560075	6453	FLOWERS BAKING COMPANY Food	\$2,076.36
12560076	1769	FRESNO PRODUCE Food	\$14,521.73
12560077	4224	LINDSAY FULLER Allowance	\$119.34
12560078	1393	GAS COMPANY Gas	\$259.31
12560079	591	GOLD STAR FOODS Food	\$16,657.02
12560080	6858	GRAHAM PREWETT INC Buildings & Improvements	\$9,744.15
12560081	5541	JOANN GRAHAM Mileage	\$127.54
12560082	5221	GREEN ACRES MIDDLE SCHOOL Youth Development	\$350.00
12560083	622	CHERYL GUILBEAU Mileage	\$41.73
12560084	632	CITY OF HANFORD Water/Sewer	\$28,707.28
12560085	4597	IVS COMPUTER TECHNOLOGY IT Matl's	\$820.45
12560086	5703	TERESA JAQUEZ Inst'l Consultant	\$519.60
12560087	5648	STACIE JOHNSON Mileage	\$46.06
12560088	5990	KELLER FORD Equipment Replacement	\$36,218.00
12560089	801	KINGS COUNTY MOBILE LOCKSMITH Equipment	\$812.96
12560090	796	KINGS COUNTY OFFICE OF ED Other Services	\$41.00
12560091	6356	MAUREEN KUIPER Reissued Reimbursement	\$72.28
12560092	827	LA TAPATIA TORTILLERIA INC. Food	\$857.67
12560093	6224	LAWSON PRODUCTS INC Transportation Supplies	\$26.67
12560094	6459	MELODY LEE Mileage	\$30.66
12560095	912	MANGINI ASSOCIATES INC. Buildings & Improvements	\$70,930.05
12560096	2243	MATSON ALARM Other Services	\$367.50
12560097	1058	OFFICE DEPOT Office Supplies	\$627.49
12560098	1058	OFFICE DEPOT Office Supplies	\$74.91
12560099	1071	ORIENTAL TRADING CO. INC. Inst'l Matl's	\$1,918.65
12560100	5111	P & R PAPER SUPPLY COMPANY INC Food/Kitchen Supplies	\$3,955.22
12560101	5934	PEARSON - CLINICAL ASSESSMENT Software Licenses	\$1,962.50
12560102	7025	PICCADILLY INN Travel & Conf	\$101.27

Warrant Register For Warrants

Dated 10/06/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12560103	4263	JEREMY PRINCETTA Reissued Reimbursement	\$100.00
12560104	5432	SARAH PRINCETTA Allowance	\$200.00
12560105	1168	PRODUCERS DAIRY PRODUCTS Food	\$13,449.03
12560106	1182	JULIE PULIS Reissued Reimbursement	\$128.17
12560107	1184	PURE FORCE Kitchen Supplies	\$789.24
12560108	1253	ROBINSON'S INTERIORS INC. Repairs	\$200.00
12560109	3883	SHEREESE ROSE Study Trip	\$180.00
12560110	7034	RUSH ADVERTISING SPECIALTIES Equipment	\$1,254.83
12560111	6207	KATHLEEN SALYER Mileage	\$47.35
12560112	1303	SAVE MART SUPERMARKETS Food	\$179.88
12560113	3073	NINA SCHAFFER Allowance	\$68.23
12560114	1326	SCHOOL SERVICES OF CALIF. INC. Other Services	\$3,355.00
12560115	1327	SCHOOL SPECIALTY Inst'l Matl's	\$55.18
12560116	3207	SCHOOLPLANNERS.COM Inst'l Matl's	\$448.00
12560117	1374	SMART & FINAL STORES (HFD DO) Supplies	\$242.28
12560118	1801	SMART & FINAL STORES (HFD KIT) Food/Supplies	\$265.07
12560119	6810	SMARTSIGN Office Supplies	\$487.75
12560120	1392	SOUTHERN CALIFORNIA EDISON CO. Electricity	\$44,743.21
12560121	773	SPORTS OFFICIATING SERVICE Inst'l Consultant	\$2,493.00
12560122	1404	STANISLAUS FOUNDATION – ADMIN Other Services	\$2,707.00
12560123	1403	STANISLAUS FOUNDATION – DENTAL Other Services	\$10,010.90
12560124	5622	JOANNA STONE Mileage	\$90.47
12560125	2188	SUPPLYWORKS Repairs/Custodial Supplies	\$2,599.81
12560126	1444	SYSCO FOODSERVICES OF MODESTO Food	\$29,720.59
12560127	7044	DANIELLE THOMAS Prepaid Meals	\$38.40
12560128	1477	TIME FOR KIDS Inst'l Matl's	\$371.25
12560129	6032	TUMBLEWEED PRESS INC Software Licenses	\$719.10
12560130	7045	BERZABET VALTIERRA Payroll Liability Holding	\$38.50
12560131	3390	OSWALDO VASQUEZ Chess Supplies	\$74.82
12560132	2404	VAVRINEK TRINE DAY & CO. LLP Audit Expense	\$12,145.00
12560133	1558	VERIZON WIRELESS Telephone	\$661.96
12560134	6760	MELISA WAKEFIELD Reissue Reimbursement	\$9.45
12560135	1575	WALMART COMMUNITY RFCSLLC Categorical Supplies	\$444.76
12560136	2822	GRISELDA YRIGOLLEN Allowance	\$100.00

Total Amount of All Warrants:

\$331,289.00

Credit Card Register For Payments
Dated 10/06/2017

Document Number	Vendor Number	Vendor Name	Amount
14020969	91	AUTOMATED OFFICE SYSTEMS Leases/Repairs	\$8,917.21
14020970	273	CASBO Travel & Conf	\$50.00
14020971	529	FOLLETT SCHOOL SOLUTIONS Textbooks	\$1,027.32
14020972	4271	GOLDEN EAGLE CHARTER INC. Transportation	\$8,953.00
14020973	599	GOPHER SPORT Athletic Supplies	\$634.42
14020974	5280	J&E RESTAURANT SUPPLY INC Equipment	\$1,390.63
14020975	831	LAKESHORE LEARNING Inst'l Matl's	\$108.72
14020976	4276	LEARNING A-Z Software Licenses	\$5,218.05
14020977	1021	NASCO Inst'l Matl's	\$718.04
14020978	1214	REALLY GOOD STUFF Inst'l Matl's	\$2,264.39
14020979	5391	STARFALL EDUCATION Software Licenses	\$270.00
14020980	1637	WOODWIND & BRASSWIND Band Supplies	\$2,316.26
Total Amount of All Credit Card Payments:			\$31,868.04

Grand Total For All Districts:

\$31,868.04_{11/143}

Warrant Register For Warrants

Dated 10/13/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12560641	6271	MARIBEL AGUILERA Mileage	\$44.94
12560642	3505	CRYSTAL G. AVILA Travel & Conf	\$128.00
12560643	2773	KRISTI BACHMAN Reissue Payroll	\$567.41
12560644	128	BENCHMARK EDUCATION COMPANY Textbooks	\$7,619.04
12560645	263	DOUGLAS CARLTON Travel & Conf	\$850.40
12560646	5885	EMILY CARLTON Reissue Payroll	\$1,083.05
12560647	6954	MARINA CERVANTEZ Travel & Conf	\$128.00
12560648	6552	CHILDREN'S STORYBOOK GARDEN Study Trips	\$750.00
12560649	6486	CARA CUMMINGS Mileage	\$47.35
12560650	3973	DANIELLE DARPLI Travel & Conf	\$135.00
12560651	405	DASSEL'S PETROLEUM INC. Fuel	\$7,039.52
12560652	5463	SARA DECUIR Travel & Conf	\$135.00
12560653	5427	MARY DETLEFSEN Allowance	\$102.69
12560654	502	ENTERPRISE RENT A CAR Travel & Conf	\$208.03
12560655	2290	ROBERT A. GARCIA Travel & Conf	\$129.21
12560656	2687	JONI R. GARNER Allowance	\$125.00
12560657	1393	GAS COMPANY Gas	\$678.49
12560658	2157	YOLANDA GOMES Rewards	\$26.53
12560659	620	GRISWOLD LASALLE COBB DOWD Legal	\$4,291.41
12560660	7046	THE GROVE Entry Fees	\$364.00
12560661	2427	HOME DEPOT CREDIT SERVICES Maintenance Supplies	\$904.18
12560662	5052	IMAGINE U CHILDRENS MUSEUM Study Trip	\$170.00
12560663	779	KEENAN & ASSOC. CPIC Health & Welfare	\$5,400.00
12560664	780	GREGORY B. KELLEY Allowance	\$71.65
12560665	6224	LAWSON PRODUCTS INC Transportation Supplies	\$60.06
12560666	4629	LOWE'S OF HANFORD Warehouse	\$33.42
12560667	2903	JAIME MARTINEZ Mileage	\$233.26
12560668	7051	EILLEEN MARTINEZ-BEDOLLA Travel & Conf	\$128.00
12560669	6222	JAN MAZZA Allowance	\$198.71
12560670	2856	CHRISTINE MIZER Travel & Conf	\$128.00
12560671	5498	NATHAN NAGATANI Travel & Conf	\$135.00
12560672	1058	OFFICE DEPOT Office Supplies	\$414.39
12560673	6257	ORCHARD SUPPLY HARDWARE Maintenance/Grounds/Custodial Supplies	\$2,536.34
12560674	4118	KERRY PIEROTTE Mileage	\$27.29
12560675	6732	JULEE PIRES Allowance	\$172.69
12560676	5356	JODY PRODOEHL Supplies	\$12.87
12560677	1182	JULIE PULIS Reissue Reimbursement	\$37.54
12560678	7052	PAUL RAYMOND Travel & Conf	\$135.00
12560679	1220	REEF-SUNSET MIDDLE SCHOOL Entry Fees	\$250.00
12560680	7055	AMERICA RODRIGUEZ SANCHEZ Reissue Payroll	\$58.76
12560681	4748	TARYN SCHRECKENGOST Travel & Conf	\$128.00
12560682	1367	SISC III Health & Welfare	\$564,143.50
12560683	1392	SOUTHERN CALIFORNIA EDISON CO. Electricity	\$38,607.37
12560684	1403	STANISLAUS FOUNDATION – DENTAL Other Services	\$6,512.70
12560685	6921	GREG STRICKLAND Mileage	\$109.14
12560686	5946	THE HARTFORD Health & Welfare	\$1,165.84
12560687	1554	SONIA VELO Mileage	\$47.29
12560688	3863	WILLIAM WILKINSON Mileage	\$45.37

**Warrant Register For Warrants
Dated 10/13/2017**

Warrant Number	Vendor Number	Vendor Name	Amount
12560689	2857	MARLA YADON Travel & Conf	\$128.00
12560690	4152	LAURIE YOUNG Travel & Conf	\$135.00
Total Amount of All Warrants:			\$646,582.44

Credit Card Register For Payments
Dated 10/13/2017

Document Number	Vendor Number	Vendor Name	Amount
14021033	509	EWING IRRIGATION PRODUCTS Grounds Supplies	\$246.08
14021034	5690	INDOFF INCORPORATED Facilities Supplies	\$2,484.72
14021035	1800	MITY-LITE INC. Facilities Supplies	\$3,439.04
Total Amount of All Credit Card Payments:			\$6,169.84

Hanford Elementary School District
Minutes of the Regular Board Meeting
October 11, 2017

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on October 11, 2017 at John F. Kennedy Cafeteria, 714 N. White Street, Hanford, CA.

- Call to Order** President Garcia called the meeting to order at 5:30 p.m. Trustee Garner, Hernandez, Revious and Strickland were present.
- HESD Managers Present** Joy C. Gabler, Superintendent, and the following administrators were present: Don Arakelian, Doug Carlton, Anthony Carrillo, Debra Colvard, Kenny Eggert, David Endo, Lucy Gomez, Rick Johnston, Jaime Martinez, Gerry Mulligan, Jill Rubalcava, Cruz Sanchez and Jay Strickland.
- Closed Session** Trustees immediately adjourned to closed session for the purpose of:
- Student Discipline pursuant to Education Code section 48918
- Open Session** Trustees returned to open session at 6:03 p.m.
- Case #18-05** Trustee Hernandez moved to accept the Findings of Facts and expel Case #18-05, #18-06, and #18-07 for the remainder of the 2017-2018 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held on October 9, 2017. Parents may apply for Readmission on or after June 6, 2017. Trustee Revious seconded; motion carried 5-0:
- Garcia – Yes
 - Garner – Yes
 - Hernandez – Yes
 - Revious – Yes
 - Strickland – Yes
- Public Comments** None
- Board and Staff Comments** Rick Johnston, Principal at John F. Kennedy Junior High, presented the Multicultural Club and stated the club first started with about 10 students and now has almost 100. The club teaches tolerance and that diversity is not a barrier but what makes us strong. Students love the club. He introduced Ms. Berna and Ms. Magallon and 3 students from the Multicultural. Christopher Canchola, Genevieve Almanza, and Wesley Diener gave a PowerPoint presentation on the history, goals and experiences while participating in the Multicultural Club.
- President Garcia thanked the students and teachers for their presentation. He stated Trustee Revious, Trustee Strickland and himself attend the CSBA MIG Course #4 Human Resources this past weekend. He really enjoyed the training and time spent with Trustees. He stated our District is in great shape, we have a good foundation and it's all thanks to all the employees.
- Trustee Revious stated it was a great refresher. The information has changed so much since they attended twelve years ago. He encourages staff to attend training.
- Trustee Strickland thanked Superintendent Joy C. Gabler for the opportunity to attend

and believes CSBA is a very professional organization.

**Requests to
Address the Board** None

**Dates to
Remember** President Garcia reviewed dates to remember: Girls' Spiker (volley ball) Classic XXI on October 12th; Grades 4-6 Fall Round-Robin #2 on October 14th; Harrier Classic XXI on October 17th; Grades 4-6 Fall League Championship Games on October 19th;

CONSENT ITEMS

Trustee Garner made a motion to take consent items "b" through "f" together. Trustee Strickland seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

Trustee Garner then made a motion to approve consent items "b" through "f". Trustee Revious seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

Trustee Garner then made a motion to approve consent items "a". Trustee Hernandez seconded; motion carried 5-0:

Garcia – Abstain
Garner – Yes
Hernandez – Yes
Revious – Abstain
Strickland – Yes

The items approved are as follows:

- a) Warrant listings dated 9/22/17 and 9/29/17.
- b) Minutes of Regular Board Meeting 9/27/17.
- c) Interdistrict transfers as recommended.
- d) Donation of \$293.93 from eScrip.
- e) Donation of \$41.39 from E-Script Participation Program.
- f) Donation of 12 laptop computers to Jefferson Charter Academy.

INFORMATION ITEMS

**7/1/17 –
9/30/17 Financial
Report** David Endo, Chief Business Official, presented for information a monthly financial reports for the period of 7/1/17 – 9/30/17.

Trustee Strickland inquired about the Capital Outlay Fund and the \$500,000 expenditure. David Endo explained that these are the Bond funds which are currently funding the Monroe project and will eventually fund the MLK and Jefferson projects. Costs will be reoccurring until completion and will all depend on timing. Trustee Strickland was complimentary of Mr. Endo's work and expressed appreciation for

keeping the finances tight.

BP 0420.41 Joy Gabler, Superintendent, presented for information the following revised Board Policy:

- BP 0420.41 – Charter School Oversight

AR 3311.2 David Endo, Chief Business Official, presented for information the following new Administrative Regulation:

- AR 3311.2 – Lease-Leaseback Contracts

AR 3311.3 David Endo, Chief Business Official, presented for information the following new Administrative Regulation:

- AR 3311.3 – Design-Build Contracts

BP/AR 4030 Jaime Martinez, Assistant Superintendent of Human Resources, presented for information the following revised Board Policy and Administrative Regulation:

- BP/AR 4030 – Nondiscrimination in Employment

BP/AR 4119.11/ 4219.11/4319.11 Jaime Martinez, Assistant Superintendent of Human Resources, presented for information the following revised Board Policy and Administrative Regulation:

- BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment

BP/AR 4127/ 4227/4327 Jaime Martinez, Assistant Superintendent of Human Resources, presented for information the following revised Board Policy and Administrative Regulation:

- BP/AR 4127/4227/4327 – Temporary Athletic Team Coaches

BP 4151/4251/ 4351 Jaime Martinez, Assistant Superintendent of Human Resources, presented for information the following revised Board Policy:

- BP 4151/4251/4351 – Employee Compensation

AR 4161.1/ 4261.1/4361.1 Jaime Martinez, Assistant Superintendent of Human Resources, presented for information the following revised Administrative Regulation:

- AR 4161.1 – Personal Illness/Injury Leave, certificated personnel
- AR 4261.1 – Personal Illness/Injury Leave, classified personnel
- AR 4361.1 – Personal Illness/Injury Leave, management personnel

BOARD POLICIES AND ADMINISTRATION

AR 3516.3 Trustee Strickland made a motion to approve the revised Administrative Regulation 3516.3 – Earthquake Emergency Procedure System – Emergency Procedures.

Trustee Revious seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

PERSONNEL

Trustee Strickland made a motion to take Personnel items “a” through “c” together. Trustee Hernandez seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes

Hernandez – Yes
Revious – Yes
Strickland – Yes

Trustee Strickland then made a motion to approve Personnel items “a” through “c”.
Trustee Hernandez seconded; the motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

***Item “a” –
Employment***

Classified

- Valerie Williams, Media Services Aide – 5.5 hrs., Lincoln, effective 9/25/17

Certificated

- Haily Robertson, Probationary, Roosevelt, effective 10/9/17

Temporary Employees/Substitutes/Yard Supervisors

- Edelmira Caro, Substitute Food Service Worker I/II and Yard Supervisor, effective 9/19/17; Short-term Yard Supervisor – 1.0 hr., Monroe, effective 9/19/17 to 11/17/17
- Teresita Carreon, Substitute Health Care Assistant, effective 9/22/17
- Jessica Castro, Short-term READY Program Tutor – 4.5 hrs., Roosevelt, effective 9/25/17 to 11/17/17
- Shannon Dean, Substitute Yard Supervisor, effective 9/20/17; Short-term Yard Supervisor – 1.75 hrs., King, effective 9/21/17 to 11/17/17
- Olga Hernandez, Short-term Bilingual Clerk Typist II – 4.0 hrs., Roosevelt, effective 10/26/17 and 8.0 hrs., effective 10/27/17 to 12/15/17
- Sanita Leronimo, Substitute Clerk Typist I and Yard Supervisor, effective 9/21/17
- Betty Oliveira, Substitute Yard Supervisor, effective 9/19/17

***Item “b” –
Resignations***

- Jose Avina, Substitute Custodian I, effective 8/17/17 (revised)
- Jamie Jordan, Yard Supervisor – 3.25 hrs., Simas, effective 9/29/17
- Chelsea Stafford, Teacher, Roosevelt, effective 10/3/17

***Item “c” –
Volunteers***

Name

Valarie Casarez (HESD Employee)
Maria Garcia de Maravilla
Maria Gonzalez
Mercedes Rodriguez
Stacie Johnson (HESD Employee)
Elida Acevedo
Berlyn Tyler
Liliana Lopez
Christina Bragdon
Donna Red Sky
Lori Todd
Diana Barrientos
Rosalina Contreras
Claudia Lara
Rebecca Vega
Crystal Avila
Ashleigh Schiller

School

Hamilton
Hamilton
Hamilton
Hamilton
Jefferson
King
King
Lincoln
Monroe
Richmond
Richmond
Roosevelt
Roosevelt
Roosevelt
Roosevelt
Simas
Simas

Kerry Keck
Jennifer Young
Sanita Ieronimo (HESD Employee)
Judy Noji

Washington
Washington
Monroe/King
Washington/Simas/Monroe/
Hamilton/Jefferson

FINANCIAL

Resolution #9-18 Trustee Revious made a motion to adopt Resolution#9-18 allowing for the purchase of a SMART Brand Classroom Solutions utilizing piggyback bid issued by Bakersfield City School District. Trustee Strickland seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

Forcast5 Analytics Trustee Strickland made a motion to approve agreement with Forcast5 Analytics to allow the District to compare a variety of demographics with other school district. Trustee Revious seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

Resolution #10-18 Trustee Garner made a motion to adopt Resolution #10-18 allowing the district to apply for funding for the electric vehicle charging stations. Trustee Revious seconded; motion carried 5-0:

Garcia – Yes
Garner – Yes
Hernandez – Yes
Revious – Yes
Strickland – Yes

Adjournment There being no further business, President Garcia adjourned the meeting at 6:49 p.m.

Respectfully submitted,

Joy C. Gabler,
Secretary to the Board of Trustees

Approved:

Robert Garcia, President

Lupe Hernandez, Clerk


No	A/D	Sch Req'd	Home Sch	Date
I-155	A	Monroe	Pioneer	10/16/2017
I-156	A	Simas	Pioneer	10/16/2017
I-157	A	Hamilton	Lakeside	10/16/2017

No	A/D	Sch Req'd	Home Sch	Date
O-161	A	Lakeside	Lincoln	10/16/2017
O-162	A	Lemoore	King	10/16/2017
O-163	A	Lemoore	King	10/16/2017
O-164	A	Tulare	Monroe	10/16/2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Joy Gabler

FROM: Dr. Cruz Sanchez-Leal, MLK 

DATE: October 17, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: October 25, 2017

ITEM: Consider approval of donation to MLK from Calvary Christian Church

PURPOSE: 50 Backpacks with school supplies included

FISCAL IMPACT: None

RECOMMENDATION: Accept donation

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: 10/13/17

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/17

ITEM: Consider acceptance of donation from the HESD Educational Foundation not to exceed \$2,375.58

PURPOSE: The HESD Educational Foundation has awarded 3 mini grants to applicant teachers with the goal of enhancing educational opportunities and activities for students.

FISCAL IMPACT: None, all funds will be spent.

RECOMMENDATIONS: Accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: 10/13/17

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/17

ITEM: Consider acceptance of donation from the HESD Educational Foundation not to exceed \$2,500.00

PURPOSE: The HESD Educational Foundation has donated \$2,500 to the HESD READY Program in order to support the Junior Explorer Police Program.

FISCAL IMPACT: None, all funds will be spent.

RECOMMENDATIONS: Accept the donation.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: 10/13/17

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: 10/25/17

ITEM: Information regarding the 2017 California Assessment of Student Performance and Progress (CAASPP) results.

PURPOSE: To provide information on how Hanford Elementary students performed during the spring 2017 assessments.

FISCAL IMPACT:

RECOMMENDATIONS:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: October 25, 2017

ITEM: Quarterly report (07/01/2017-09/30/2017) regarding Williams Uniform Complaints. The types of complaints covered in the Williams Uniform Complaint Procedures are:

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

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

For the first quarter of 2017-2018 school year there were no Williams Uniform Complaints filed.

FISCAL IMPACT: None

RECOMMENDATIONS: None

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

District: _____

Person completing this form: _____ Title: _____

Quarterly Report Submission Month/Quarter:
(check one)

- ☒ October 1st Quarter
☐ January 2nd Quarter
☐ April 3rd Quarter
☐ July 4th Quarter

Quarterly Report Submission Year: 2017-2018

Date for information to be reported publicly at governing board meeting: _____

Please check the box that applies:

- ☒ No complaints were filed with any school in the district during the quarter indicated above.
- ☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials			
Teacher Vacancy or Misassignment			
Facilities Conditions			
CAHSEE Intensive Instruction and Services			
TOTALS			

 Print Name of District Superintendent

 Signature of District Superintendent

 Date

Please submit to: Babs Karras
 Kings County Office of Education
 Williams Compliance Technician
 (559) 589-7022
bkarras@kingscoe.org

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy Gabler
FROM: Jason Strickland
DATE: October 13, 2017

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

Date you wish to have your item considered: 10/25/17

ITEM: Consider for information the following revised and Administrative Regulation:

AR 5111.1 - District Residency

PURPOSE: The following 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 mandates and Education Code changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): None

Hanford ESD

Administrative Regulation

District Residency

AR 5111.1
Students

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

3. The student ~~is has been~~ admitted through an interdistrict attendance option, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)
(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)

9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code 48204.3)

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

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board of Trustees.

~~33. The school facilities are overcrowded at the relevant grade level.~~

~~4. Student has not demonstrated good attendance and behavior practices~~

5. Other circumstances exist that are not arbitrary.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, ~~the student demonstrates good behavior while at school and the student's attendance is acceptable, up to and including, arriving to school on time~~ subject to the exceptions in items #1-~~35~~ above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Proof of Residency

Evidence of residency may be established by documentation showing the name and address of

the parent/guardian within the district, including, but not limited to, any of the following:
(Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

~~The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.~~

~~However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48852.7, 48853.5; 42 USC 11432)~~

~~(cf. 6173 - Education for Homeless Children)~~

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

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

(cf. 3580 - District Records)

Regulation HANFORD ELEMENTARY SCHOOL DISTRICT

approved: April 27, 2016 Hanford, California

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy Gabler
FROM: Jason Strickland
DATE: October 13, 2017

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

Date you wish to have your item considered: 10/25/17 ITEM:

Consider for information the following new Board Policy:

BP 5116.2 - Involuntary Student Transfers

PURPOSE: The following new Board Policy reflect recommendations by CSBA due to State and Federal law mandates and Education Code changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): None

NEW

Hanford ESD

Board Policy

Involuntary Student Transfers

BP 5116.2

Students

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5116.1 - Intradistrict Open Enrollment)

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

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

(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall

not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

1. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

Legal Reference:

EDUCATION CODE

35146 Closed sessions; student matters

48430-48438 Continuation classes, especially:

48432.5 Involuntary transfer to continuation school

48660-48666 Community day schools, especially:

48662 Involuntary transfer to community day school

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

Management Resources:

WEB SITES

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

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

Policy HANFORD ELEMENTARY SCHOOL DISTRICT
approved:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy Gabler
FROM: Jason Strickland
DATE: October 13, 2017

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

Date you wish to have your item considered: 10/25/17

ITEM: Consider for information the following new Administrative Regulation:

New AR 6173.3 - Education for Juvenile Court School Students

PURPOSE: The following new Administrative Regulation reflect recommendations by CSBA due to State and Federal law mandates and Education Code changes.

FISCAL IMPACT (if any): None

RECOMMENDATION (if any): None

NEW

Hanford ESD

Administrative Regulation

Education For Juvenile Court School Students

AR 6173.3

Instruction

The Superintendent or designee shall collaborate with the County Superintendent of Schools and the county probation department to facilitate the transition of students from a juvenile court school into the regular schools of the district. Such collaboration may include, but not be limited to, the development of data-sharing systems, communication strategies, and other structures that aid in the enrollment, placement, and continuous educational progress of such students.

Enrollment

A former juvenile court school student transferring into a regular district school shall be immediately enrolled in the school. The Superintendent or designee shall not deny enrollment to a student solely on the basis of his/her 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 contact with the juvenile justice system. (Education Code 48645.5)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

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

(cf. 5132 - Dress and Grooming)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

Transfer of Coursework and Credits

When a student transfers from a juvenile court school into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed at that school and shall not require the student to retake the course. If the student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course completed. (Education Code 48645.5, 51225.2)

However, a student may be required to retake the portion of the course completed if the Superintendent or designee, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a former juvenile court school student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that

he/she may continue and complete the entire course. (Education Code 51225.2)

Graduation

If a student completes district graduation requirements while being detained in a juvenile facility, the district shall issue the student a certificate of completion from the school the student last attended, unless the County Superintendent issues the diploma. (Education Code 48645.5)

Notification and Complaints

Information regarding the educational rights of former juvenile court school students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of former juvenile court school students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

48645-48648 Juvenile court schools

48853.5 Immediate enrollment

51225.1 Exemption from district graduation requirements

51225.2 Former juvenile court school student defined; acceptance of coursework, credits, retaking of course

51225.3 High school graduation

60851.5 Suspension of high school exit examination

WELFARE AND INSTITUTIONS CODE

602 Minors violating law; ward of court

880-893 Wards and dependent children; juvenile homes, ranches and camps

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

YOUTH LAW CENTER PUBLICATIONS

Educational Injustice: Barriers to Achievement and Higher Education for Youth in California

Juvenile Court Schools, 2016

WEB SITES

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

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

California Department of Education, Juvenile Court Schools: <http://www.cde.ca.gov/sp/eo/jc>

Youth Law Center: <http://www.ylc.org>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT
adopted:

HANFORD ELEMENTARY SCHOOL DISTRICT

Agenda Request Form

TO: Joy C. Gabler
FROM: Gerry Mulligan
DATE: October 2, 2017
FOR: (X) Board Meeting
() Superintendent's Cabinet
FOR: (X) Information
() Action

Date you wish to have your item considered: October 11, 2017

ITEM:

Consider the following revised Administrative Regulation for information.

PURPOSE:

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

- AR 3543: Transportation Safety and Emergencies

FISCAL IMPACT:

None.

RECOMMENDATION:

Consider for adoption at next regular board meeting.

Hanford ESD

Administrative Regulation

Transportation Safety And Emergencies

AR 3543

Business and Noninstructional Operations

Cautionary Notice: ~~AB 1610 (Ch. 724, Statutes of 2010) amended~~ Government Code 17581.5 ~~relieves to relieve~~ districts from the obligation to ~~perform~~ implement specified mandated activities ~~when statutes whenever they are identified in~~ the Budget Act ~~does not provide as being ones for~~ which state mandate reimbursement ~~during is not provided for~~ that fiscal year. The Budget Act of 2016 (SB 826, Ch. 23, Statutes of 2016) extends the suspension of these requirements through the 2016-17 fiscal year. As a result, certain provisions of the following administrative regulation related to transportation safety plans and safety instruction for students ~~that reflect those requirements~~ may be suspended.

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment ~~specified~~ listed in 13 CCR 1215. The report shall indicate, including any defect or deficiency discovered by or reported to the driver ~~him/her~~ which would affect safe operation or result in mechanical breakdown of the bus; ~~or, if indicating that~~ no defect or deficiency was discovered or reported, shall so indicate. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

~~In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)~~

~~The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.~~

~~(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)~~

Passenger Restraint Systems

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316,

27316.5; 13 CCR 1201)

- 1.- Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
- 2.- Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:
 - a. ~~Is~~ Is designed for carrying 16 or fewer passengers and the driver;
 - b. ~~Has~~ Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Bus drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

Fire Extinguishers

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

Electronic Communications Devices

A bus driver is prohibited from driving~~shall not drive~~ a school bus or student activity bus while using a wireless telephone or other electronic wireless communications device except for work-related or~~except under the following conditions: (Vehicle Code 23123, 23125)~~

1. ~~When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving~~
2. ~~For~~ emergency purposes, including, but not limited to, contacting~~a call to~~ a law

enforcement agency, health care provider, fire department, or other emergency service agency or entity

~~3. For work-related purposes~~

~~(cf. In any such permitted situation, the 3513.1—Cellular Phone Reimbursement)~~

~~A bus driver shall only use a not drive while using an electronic wireless telephone or communications device that to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation or a function that requires only a single swipe or tap and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. making or receiving a telephone call.~~
(Vehicle Code 23123.5, 23125)

Safe Bus Operations

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. (Education Code 39834)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips may discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

Unauthorized Entry

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. ~~The driver or another school official may order any person to disembark if that person enters a bus without prior authorization.~~ (Education Code 39842; 13 CCR 1256.5)

(cf. 3515.2 - Disruptions)

Transportation Safety Plan for Boarding and Exiting Buses

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall ~~address~~include all of the following: (Education Code 39831.3)

1. Determining~~1. Procedures for determining~~ if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Boarding~~Procedures for boarding~~ and exiting a school bus at a school or other trip destination
4. Procedures to ensure that a student is not left unattended on a school bus, student activity bus, or youth bus

Such procedures shall include, on or before the beginning of the 2018-19 school year, the installation of a child safety alert system at the interior rear of each bus that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting. A student activity bus may be exempt from this requirement under the conditions specified in Vehicle Code 28160.

5. Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol ([CHP](#)). - (Education Code 39831.3)

Parental Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a [district](#) school bus or student activity bus.- This information shall be provided upon registration and shall contain: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. -A description of the school bus danger zone
5. -Instructions for [safely](#)~~safety while~~ walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.

2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:

- a. Proper loading and unloading procedures, including escorting by the driver
- b. How to safely cross the street, highway, or private road
- c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
- d. Proper passenger conduct
- e. Bus evacuation procedures
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name

- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the [CHP](#)~~California Highway Patrol~~.

(cf. [3580 - District Records](#))

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Bus Accidents

In the event of a school bus accident, the driver shall immediately notify the CHP and the Superintendent or designee.

The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall maintain a report of each accident that occurred on public or private property involving a school bus with students aboard. The report shall contain pertinent details of the accident and shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five work days of the date of the accident. (13 CCR 1234)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. [4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers](#))

Legal Reference:

EDUCATION CODE

39830-~~39843~~~~39842~~ Transportation, school buses

[39860 Contract for transportation; requirement that student not be left unattended](#)

51202 Instruction in personal and public health and safety

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

415 Definition of motor vehicle

545-546 Definition of school bus and student activity bus
 22112 Loading and unloading passengers
 23123.5- Use of wireless telephone ~~or prohibited while driving motor vehicle~~
~~23123.5-Text~~ communications ~~device prohibited~~ while driving: exceptions ~~motor vehicle~~
 23125 Use of wireless telephone prohibited while driving school bus
 27316-27316.5 Passenger restraint systems
28160 Child safety alert system
 34500 California Highway Patrol responsibility to regulate safe operation of school buses
 34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses
 34501.6 School buses; reduced visibility
 34508 California Highway Patrol responsibility to adopt rules re: equipment and bus operations-
~~of school buses~~
 CODE OF REGULATIONS, TITLE 5
 14100-14105 School buses and student activity buses
 CODE OF REGULATIONS, TITLE 13
 1200-1293 Motor carrier safety
 2480 Airborne toxic control measure; limitation on bus idling
 CODE OF REGULATIONS, TITLE 19
 574-575.3 Inspection and maintenance of fire extinguishers
 CODE OF FEDERAL REGULATIONS, TITLE 49
 571.1-571.500 Motor vehicle standards, including school buses

Management Resources:

[CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)

[Passenger Restraints Frequently Asked Questions](#)

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

[American School Bus Council: http://www.americanschoolbuscouncil.org](http://www.americanschoolbuscouncil.org)

California Association of School Transportation Officials: <http://www.castoways.org>

California Department of Education, Office of School Transportation:
<http://www.cde.ca.gov/ls/tn>

California Highway Patrol: <http://www.chp.ca.gov>

~~National Coalition for School Bus Safety: <http://www.nesbs.org>~~

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration:
<http://www.nhtsa.dot.gov>

~~(11/08 11/12) 12/16 Regulation — HANFORD ELEMENTARY SCHOOL DISTRICT~~

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

~~revised: — January 12, 2005~~

~~revised: — March 3, 2010~~

~~revised: — February 27, 2013~~

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: Jill Rubalcava



DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☒ Information
☐ Action

Date you wish to have your item considered: **October 25, 2017****ITEM:** AR/BP 5131.6**PURPOSE:** Information regarding Changes to AR/BP 5131.6 Alcohol and Other Drugs, Students**FISCAL IMPACT:** None at this time**RECOMMENDATIONS:** Information Only

Hanford ESD

Board Policy

Alcohol And Other Drugs

BP 5131.6

Students

~~The Board of Trustees~~ The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs ~~and desires that every effort be made in order to reduce student use of these substances. The Board perceives this effort as an important step towards preventing~~ help prevent violence, ~~promoting~~ promote school safety and ~~creating~~ create a well-disciplined environment conducive to learning.

The Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

~~Staff should encourage students to participate~~ (cf. 5144.1—Suspension and Expulsion/Due Process)

~~The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible~~

partners in efforts to maintain a safe, constructive school climate.

The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

Instruction

The district shall provide science-based preventative instruction which ~~helps~~has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

Intervention, Referral and ~~Recovering~~ Student Support Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling ~~and rehabilitation for students and their family members~~, referral and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, ~~at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulations. or at school-sponsored activities.~~

Students possessing, using or selling alcohol or other drugs or related paraphernalia ~~at school or at a school event~~ shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative ~~regulations. Such regulation.~~ In addition, such students ~~also~~ may be referred to an appropriate ~~rehabilitation counseling~~ program, transferred to an alternative placement, and/or be restricted

from extracurricular activities, including athletics.

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student
 44645 In-service training anabolic steroids
 48900 Suspension or expulsion (grounds)
 48900.5 Suspension, limitation on imposition; exception
 48901 Smoking or use of tobacco prohibited
 48901.5 Prohibition of electronic signaling devices
 48902 Notification of law enforcement authorities; civil or criminal immunity
 48909 Narcotics or other hallucinogenic drugs
 48915 Expulsion; particular circumstances
 49602 Confidentiality of pupil information
 51202 Instruction in personal and public health and safety
 51203 Instruction on alcohol, narcotics and restricted dangerous drugs
 51210 Areas of study
 51220 Areas of study, grades 7 to 12
 51260-51269 Drug education
 60041 Instructional materials
 60110-60115 Instructional materials on alcohol and drug education

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana
 11053-11058 Standards and schedules
 11353.6 Juvenile Drug Trafficking and Schoolyard Act
 11357 Unauthorized possession of marijuana; possession in school or on school grounds
 11361.5 Destruction of arrest or conviction records
 11372.7 Drug program fund; uses
 11802 Joint school-community alcohol abuse primary education and prevention program
11965-11969 The School-Community Primary Prevention Program
 11998-11998.3 Drug and Alcohol Abuse Master Plans
 11999-11999.3 Alcohol and drug program funding; no unlawful use
 124175-124200 Adolescent family life program

PENAL CODE

13860-13864 Suppression of drug abuse in schools

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors
 828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals
 7101-7184 Safe and Drug-Free Schools and Communities Act

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Healthy Kids: <http://www.californiahealthykids.org>

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

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

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: December 15, 1999 Hanford, California

reviewed: May 16, 2001

reviewed:

Hanford ESD

Administrative Regulation

Alcohol And Other Drugs

AR 5131.6
Students

Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

~~Site administrators shall determine that drug education instructors possess: (Education Code 51260)~~

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-8, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

(cf. 6142.8 - Comprehensive Health Education)

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

~~In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)~~

~~In grades 7 and 8, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)~~

~~(cf. 6143—Courses of Study)~~

~~The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)~~

Intervention

~~The~~District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who ~~believe~~have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

~~However, school~~School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. ~~School counselors~~A school counselor may report such information to the principal or parent/guardian only when ~~they believe~~he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. ~~They~~The school counselor shall not disclose such information to the parent/guardian if ~~they believe~~he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

~~In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.~~

~~Confiscation of Electronic Signaling Devices~~

~~Because electronic signaling devices (beepers, cellular telephones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the device is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)~~

~~The Superintendent or designee shall confiscate these devices from students.~~

Enforcement/Discipline

~~Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs. Student shall be escorted to Principal's office. A~~

~~search may be conducted if there is reasonable suspicion to justify the search. Search shall be witnessed by other staff member.~~


~~When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:~~

- ~~1. Parent/guardian contact~~
- ~~2. Suspension or expulsion in accordance with law or Board policy~~
- ~~3. Contact with law enforcement authority within one school day of the suspension—
(Education Code 48902)~~

Regulation	HANFORD ELEMENTARY SCHOOL DISTRICT
approved:	December 15, 1999 Hanford, California
reviewed:	May 16, 2001
reviewed:	

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez 

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☒ Information
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

ITEM: Receive the following revised Administrative Regulation for information.

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

- AR 4157.1/4257.1/4357.1 – Work Related Injury/Illness Insurance (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Consider for adoption at next regular board meeting.

All Personnel

AR 4157.1(a)

4257.1

WORKRELATED INJURY/ILLNESS INSURANCE

4357.1

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of and arising out of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

A. Administration

1. ~~The district's workers' compensation program is administered by the Human Resources (HR) Department. All claims, questions, and information related to claims shall be referred to the HR Department as soon as received.~~
2. ~~The HR Department management designee shall be responsible for enforcing the Board's industrial injury/illness insurance and leave policies and related administrative regulations, training supervisors in the proper completion of claims forms, and processing all worker's compensation claims in accordance with laws and the rules and procedures of the district's workers' compensation administrator and claims adjusters.~~

B. School/Department Responsibilities

1. ~~Supervisors receiving information from employees or regular volunteers of a work-related injury shall immediately provide the employee or volunteer with required form(s) and assist in completing the Employee Incident/Supervisor's Report of Injury, especially in the following areas:~~
 - a. ~~Questioning to obtain clarity and details of how injury/illness occurred,~~
 - b. ~~The names of any witnesses,~~
 - c. ~~Whether the employee or volunteer will be seeing a physician and whether or not they return to work with restrictions or not at all,~~
 - d. ~~Fully complete the section referring to injury prevention or avoidance. Take time to instruct employee, if applicable, and/or correct deficiencies/root cause.~~
2. ~~The employee or volunteer shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the report of the injury or illness.~~

AR 4157.1(b)
4257.1
4357.1

WORKRELATED INJURY/ILLNESS INSURANCE (continued)

3. ~~The supervisor shall forward the all completed forms within 24 hours to the Human Resource Department.~~

C. ~~Employee/Volunteer Responsibilities~~

1. ~~Any district employee or regular volunteer who incurs an injury or illness in the course of work for the district must report the injury or illness immediately to the school office or department manager, even if no immediate pain or symptoms are present (e.g. a fall which may result in bruises later, or a sharp but momentary pain in the back when lifting a heavy item).~~
2. ~~Employees/volunteers who do not immediately report an injury or illness may be subject to claims investigation and/or delay of temporary disability payments by the district's workers compensation insurance for up to 90 days. In addition, an investigation and delay may also occur if there are questions regarding the injury events and how those relate to the work environment, even if timely reported.~~
3. ~~If the injured/ill employee or volunteer needs to see a physician, he/she must see the district designated facility for work related injuries/illness. The name and address of the district designated facility is available at all schools and departments, or from the Human Resources Department. Employees who filed, prior to the report of the injury or illness with the Human Resources Department the standard form, designating their own physician for treatment of work-related injuries or illness, may choose to see that physician with few exceptions (emergency and chiropractic care).~~
4. ~~Upon receiving treatment for a work-related injury, the employee or volunteer shall obtain a medical verification of his/her condition, indicating any limitations on the ability to work, the anticipated time of any total or modified disability, and/or a description of the type of work modification needed.~~

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

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

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

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

5. ~~Industrial injury/illness leave in accordance with Board policy and regulations and the collective bargaining agreement, if applicable, may be available for employees absent from work due to a work-related injury or illness. If the district's workers' compensation insurance denies a claim of work-related injury or illness, absences related to the injury or illness will be subject to deduction from the employee's personal illness/injury leave allowance. During the investigation process, personal leave will be used until a decision is made.~~

AR 4157.1(c)
4257.1
4357.1

WORKRELATED INJURY/ILLNESS INSURANCE (continued)

6. ~~Questionable or fraudulent workers' compensation claims are subject to investigation and may result in felony prosecution.~~

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of his/her right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

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

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of and arising out of employment, he/she shall report the work-related injury or illness to the Superintendent or designee as soon as practicable.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to his/her dependents. The claim form and notice shall be provided personally, or by first class mail or by email. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the DIR within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death must be filed with the DIR within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report by telephone or email to the Division of Occupational Safety and Health. (Labor Code 6409.1)

AR 4157.1(d)
4257.1
4357.1

WORKRELATED INJURY/ILLNESS INSURANCE (continued)

Legal Reference:

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

Management Resources:

DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

A Guidebook for Injured Workers, 2016

Notice to Employees -- Injuries Caused by Work

Time of Hire Pamphlet

Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility

WEB SITES

California Department of Industrial Relations, Division of Occupational Safety and Health:

<http://www.dir.ca.gov/dosh>

California Department of Industrial Relations, Division of Workers Compensation:

<http://www.dir.ca.gov/dwc>

Regulation

approved: December 13, 1990

revised: November 7, 2001

revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: Jill Rubalcava



DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: October 25, 2017

ITEM: Consultant Contract with *Key2Ed, Facilitated IEPs*.

PURPOSE: To provide two days of Professional Development in Facilitated IEPs for SPED teachers and Site Administrators (tentatively scheduled for January 18th and 19th, 2018)

FISCAL IMPACT: \$13,000.00**RECOMMENDATIONS:** Approval

HANFORD ELEMENTARY SCHOOL DISTRICT**AGENDA REQUEST FORM**

TO: Joy Gabler
FROM: David Goldsmith 
DATE: October 16, 2017

For: ☒ Board Meeting
☐ Superintendent's Cabinet

For: ☐ Information
☒ Action

Date you wish to have your item considered: October 25, 2017

ITEM: Approve agreement with Blackboard Inc. for emergency mass phone notification services to parents.

PURPOSE: Hanford Elementary School District requires reliable, quick and effective mass phone notification services to notify parents and guardians of critical information and important announcements.

HESD wishes to engage with Blackboard Inc. to provide these services for the remainder of 2017-18.

FISCAL IMPACT: \$10,000.00 for 2017-18.

RECOMMENDATION: Approve agreement with Blackboard Inc.

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: Gerry Mulligan

DATE: 10/16/2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/17

ITEM:

Consider approval of agreement with Blair, Church & Flynn.

PURPOSE:

The District is recommending approval of the attached agreement with Blair, Church & Flynn. The agreement will allow for a topographic survey of the project area of the Lincoln classroom wing.

FISCAL IMPACT:

The cost of the agreement is \$11,400.

RECOMMENDATIONS:

Approve the agreement with Blair, Church & Flynn.

Dave Endo, Assistant Superintendent of Business Services
Hanford Elementary School District
714 North White Street
Hanford, CA 93230

September 26, 2017
File No. 217-0347
Phase SUR

Subject: **Professional Surveying Services Proposal (REVISED)
Topographic Survey at Lincoln Elementary School
Option 1 – Project Area Survey**

Dear Dave:

At the request of Robert Thornton at Teter, I'm pleased to present this surveying services proposal for completion of a topographic survey at Lincoln Elementary School. The proposed survey limits are shown on attached Exhibit B.

Project Understanding

The District has retained Teter to assist them with the installation of a new Kindergarten modular building and additional site improvements at the elementary school and as part of that effort, Teter needs a topographic survey of the project area. Please accept this proposal for our professional surveying services to provide a topographic survey of the project limits outlined on Exhibit B.

Scope of Services

The specific services we propose to provide are summarized as follows:

I. Topographic Survey

- A. Spot elevations on a maximum 25-foot square grid (50-feet in open athletic field areas) covering the project area, plus additional spot elevations at critical points such as edges of existing surface improvements, grade breaks, swales, and ridges, and as otherwise necessary to define surface gradients
- B. Plotted location and grade of structures, fencing, paving, sidewalks and other above ground improvements.
- C. Floor elevations and elevations at each entrance of any buildings within the project area.
- D. Utility information. The following information will be shown, when needed, based on record information provided to us by the District, and on observed surface evidence:
 - 1. Location and size of water and gas mains and services.

2. Location of fire hydrants within and nearby the project area, together with the size of the main serving each hydrant.
 3. Location of electrical, cable television, site lighting, and communications systems.
 4. Location, size, depth, and direction of flow of sanitary sewers and storm drains within the project area; location of drain inlets, manholes, cleanouts and inverts of pipe at each within the project area.
- E. Location of trees with trunk diameter two inches and over; locate within one-foot tolerance, label trunk size and show drip line graphically.
- F. Prepare an AutoCAD drawing of the topographical survey, complete with utility information, for use as a basis for preparation of the construction documents. Unless directed otherwise, we will present the survey drawing at a scale of 1"= 20'.

Services Outside of Scope

Services not included under our scope of work, but that may be provided upon request, include the following:

1. Field boundary surveys, property corner surveys or preparation of records of survey
2. Construction staking
3. Payment of fees
4. Acquisition of title information
5. Underground utility locating services such as GPR and potholing
6. Surveys beyond the limits indicated on Exhibit B

Professional Services Fee

Blair, Church & Flynn will provide the engineering services described in the above Scope of Services for a lump sum amount totaling \$11,400.

Additional services not specified in the Scope of Services are available upon request and can be provided on a time and materials basis, according to the Fee Schedule shown in Exhibit A.

Schedule

Blair, Church & Flynn is prepared to start work for this project immediately upon acceptance of this proposal and receipt of your authorization to proceed. Once we are authorized to start work we can have the survey completed within approximately 3 weeks.

Closing Remarks

Please don't hesitate to contact me at (559) 326-1400 if you have any questions. We greatly appreciate the opportunity to join your project team and look forward to working with you.

Best regards,

BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS



Jeffrey D. Brians, P.E.
Principal

Attachment

Email copy: Robert Thornton, Teter

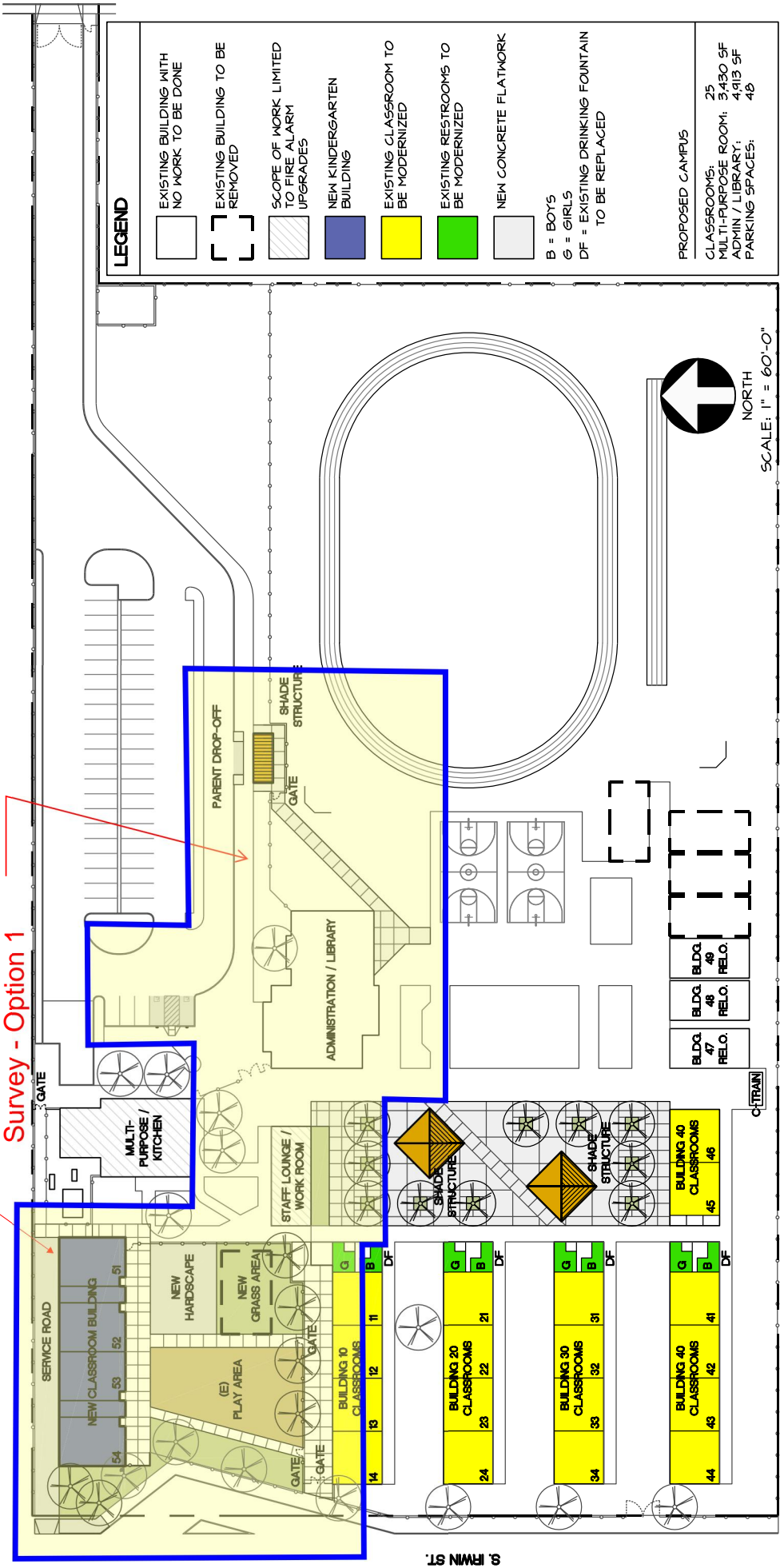
Exhibit A: Professional Services Fee Schedule

General Consulting Prevailing Wage 2017

<u>CLASSIFICATION</u>	<u>RATE</u>
Principal.....	\$165.00/Hour
Program Manager.....	\$160.00/Hour
Professional Engineer 3.....	\$155.00/Hour
Professional Engineer 2.....	\$147.00/Hour
Professional Engineer 1.....	\$137.00/Hour
Assistant Engineer 3.....	\$110.00/Hour
Assistant Engineer 2.....	\$105.00/Hour
Assistant Engineer 1.....	\$100.00/Hour
Professional Land Surveyor 2.....	\$145.00/Hour
Professional Land Surveyor 1.....	\$130.00/Hour
Assistant Land Surveyor.....	\$105.00/Hour
Land Services Technician.....	\$95.00/Hour
Professional Landscape Architect.....	\$115.00/Hour
Landscape Designer.....	\$90.00/Hour
Design Technician.....	\$105.00/Hour
CAD Technician 3.....	\$95.00/Hour
CAD Technician 2.....	\$85.00/Hour
CAD Technician 1.....	\$70.00/Hour
Senior Environmental Consultant.....	\$150.00/Hour
Environmental Consultant.....	\$120.00/Hour
Environmental Assistant 2.....	\$105.00/Hour
Environmental Assistant 1.....	\$95.00/Hour
Environmental, Health & Safety Officer.....	\$90.00/Hour
Construction Manager.....	\$120.00/Hour
Construction Inspector.....	100.00/Hour
Construction Administrator.....	\$85.00/Hour
Staff Analyst.....	\$90.00/Hour
Administrative Assistant.....	\$65.00/Hour
Engineering Aide.....	\$55.00/Hour
Survey Party Mobilization.....	\$80.00/Hour
1-Man Survey Party.....	\$150.00/Hour
2-Man Survey Party.....	\$250.00/Hour
3-Man Survey Party.....	\$350.00/Hour
LiDAR Scanner.....	\$200.00/Hour
Equipment Rental and Associated Expense.....	Cost x 1.10
Materials, Printing, Subconsultant Procurement.....	Cost x 1.10
Mileage.....	@ Current IRS Rate



Area of Topographic
Survey - Option 1



MODERNIZATION SITE PLAN

LINCOLN ELEMENTARY SCHOOL MODERNIZATION
HANFORD ELEMENTARY SCHOOL DISTRICT

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: 10/12/17

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/17

ITEM: Receive the following revised Board Policy for information:

- BP 0420.41 – Charter School Oversight

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

Most notably, the addition that the district not appoint a representative to serve on the Board of Directors of a nonprofit that operates a Charter School, but rather implement other means of fulfilling its oversight responsibilities. In addition, references to the Academic Performance Index and Adequate Yearly Progress were deleted and replaced with language aligned to Every Student Succeeds Act (ESSA). Also, requirements of the new law SB 828 were included which reference that a Charter School must submit an annual update of their Local Control Accountability Plan.

FISCAL IMPACT: None**RECOMMENDATIONS:** Approve

Hanford ESD

Board Policy

Charter School Oversight

BP 0420.41

Philosophy, Goals, Objectives and Comprehensive Plans

The Board of Trustees recognizes its ongoing responsibility to ~~oversee~~ensure that any charter school ~~the Board has~~ authorized ~~by the Board~~ is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

(cf. 0420.4 - Charter School Authorization)

(cf. 0500 - Accountability)

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Board and Superintendent or designee may inspect or observe any part of the charter school at any time. ~~The Superintendent or designee shall visit each charter school at least annually.~~ (Education Code 47604.32, 47607)

~~The Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the Superintendent or designee shall attend meetings of the charter school board whenever possible recommend and the Board shall periodically meet with appoint a district representative of, who may be the district's charter school contact, on the corporation's board of directors.~~

Waivers

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to the SBE on behalf of the charter school~~apply for the waiver.~~

(cf. 1431 - Waivers)

Provision of District Services

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services, the district and charter

school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. ~~-The district may charge the charter school may be charged for the actual costs of the reporting services, but shall not require the charter school be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)~~

Material Revisions to Charter

Material revisions to a charter may only be made ~~only~~ with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to establish or move~~expand~~ operations to one or more additional sites ~~within the district's boundaries~~, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. ~~-The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)~~

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Monitoring Charter School Performance

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. ~~-Any violations of law shall be reported to the Board.~~

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. ~~-This determination shall be based on the measures specified in the approved charter and on shall include, at a minimum, a consideration of whether the charter school's annual review school is meeting its Academic Performance Index growth targets established pursuant to Education Code 52052 and assessment of its is making "adequate yearly progress toward the goals and actions identified in its local control and accountability plan (LCAP)." (AYP) pursuant to 20 USC 6311, as applicable.~~

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, ~~an annual update, aligned to the template adopted by the SBE, of the school's LCAP, school goals, actions, and related expenditures;~~ first and second interim financial

reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisorial oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge up to three percent of the charter school's revenue for actual costs of supervisorial oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. ~~actual costs of supervisorial oversight up to three percent of the charter school's revenue.~~ (Education Code 47613)

(cf. 7160 - Charter School Facilities)

Technical Assistance/Intervention

~~If a charter school receiving federal Title I funding fails to make AYP, as defined pursuant to 20-
USC 6311, for two or more consecutive years, the school shall be identified for program
improvement and shall implement improvement strategies in accordance with 20 USC 6316~~ If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5
2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

(cf. 0520.2 - Title I Program Improvement Schools)

~~***Note: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence or continues to demonstrate persistent or acute inadequate performance.***~~

In accordance with law, the Board may deny a ~~charter school's~~ charter's renewal petition or may revoke a charter based on the charter school's poor performance, especially with ~~regard~~ regards to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. 0420.42 - Charter School Renewal)
 (cf. 0420.43 - Charter School Revocation)

Complaints

Each charter school shall ~~establish and~~ maintain ~~policies and procedures~~~~processes~~ to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the Board revokes or denies renewal of a charter or the school ~~ceases operation~~~~closes~~ for any ~~other~~ reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of the charter is denied, the charter is revoked, or, if the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. _ (Education Code 47604.32; 5 CCR 11962.1)

Legal Reference:

EDUCATION CODE

215 Suicide prevention policy

220 Nondiscrimination

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

35330 Field trips and excursions; student fees

38080-38086 School meals

39831.3 Transportation safety plan

39843 Disciplinary action against bus driver; report to Department of Motor Vehicles

42100 Annual statement of receipts and expenditures

44030.5 Reporting change in employment status due to alleged misconduct

44237 Criminal record summary

44691 Information on detection of child abuse

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

~~46201—Instructional minutes~~

47600-47616.7 Charter Schools Act of 1992

47634.2 Nonclassroom-based instruction

47640-47647 Special education funding for charter schools

48000 Minimum age of admission for kindergarten; transitional kindergarten

48010-48011 Minimum age of admission (first grade)

48850-48859 Educational placement of foster youth and homeless students

48907 Students' exercise of free expression; rules and regulations

48950 Student speech and other communication

49011 Student fees

49061 Student records

49110 Authority of issue work permits

49414 Epinephrine auto-injectors

49475 Health and safety, concussions and head injuries

51224.7 Mathematics placement policy

51225.6 Instruction in cardiopulmonary resuscitation

51745-51749.3 Independent study

52051.5-52052 Academic performance index, applicability to charter schools

52060-52077 Local control and accountability plans

52075 Uniform complaint procedures

56026 Special education

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

60850-60859 High school exit examination

69432.9 Cal Grant program; notification of grade point average

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

3540-3549.3 Educational Employment Relations Act

81000-91014 Political Reform Act of 1974

HEALTH AND SAFETY CODE

104420 Tobacco Use Prevention Education grant program

104559 Tobacco-free schools

~~54950-54963—The Ralph M. Brown Act~~

LABOR CODE

1198.5 Personnel records related to performance and grievance

PENAL CODE

667.5 Definition of violent felony

1192.7 Definition of serious felony

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

[Article 16, Section 8.5 Public finance; school accountability report card](#)

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

11700.1-11705 Independent study

11960-11969 Charter schools

[15497.5 Local control and accountability plan template](#)

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 [State plan Adequate yearly progress](#)

[7221-7221j6319 Qualifications of teachers and paraprofessionals](#)

[7223-7225](#) Charter schools

[UNITED STATES CODE, TITLE 42](#)

[11431-11435 McKinney-Vento Homeless Assistance Act](#)

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

[300.18 Highly qualified special education teachers](#)

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS

[The Role of the Charter School Authorizer, Online Course](#)

Charter Schools: A [GuideManual](#) for Governance Teams, rev. [20162009](#)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

[Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016](#)

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

———Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory [12-02, April 24,](#)

[201311-01, November 9, 2011](#)

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, April 2011

[The Impact of the New Title I Requirements on Charter Schools, July 2004](#)

WEB SITES

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

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

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

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

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

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: April 9, 2014 Hanford, California

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/16/2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/17

ITEM:

Consider adoption of the following Administrative Regulation:
AR 3311.2 – Lease-Leaseback Contracts

PURPOSE:

The attached Administrative Regulation is being added to establish requirements for awarding lease-leaseback contracts. Material significantly revised to reflect NEW LAW (AB 2316, 2016) which no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive "best value" selection process.

FISCAL IMPACT:

None.

RECOMMENDATIONS:

Adopt the following Administrative Regulation:
AR 3311.2 – Lease-Leaseback Contracts

NEW

CSBA Sample

Administrative Regulation

Lease-Leaseback Contracts

AR 3311.2

Business and Noninstructional Operations

The district may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). (Education Code 17406)

(cf. 3280 - Sale or Lease of District-Owned Real Property)
(cf. 3312 - Contracts)

Any lease-leaseback contract shall be awarded through a competitive "best value" procurement process whereby a person, firm, or corporation is selected on the basis of objective criteria for evaluating the qualifications of proposers, with the resulting selection representing the best combination of price and qualifications. To make this determination, the district shall use the following procedures: (Education Code 17400, 17406)

1. Request for Sealed Proposals: The Superintendent or designee shall prepare a request for sealed proposals which shall include:
 - a. An estimate of the project's price
 - b. A clear, precise description of any preconstruction services that may be required and the facilities to be constructed
 - c. The key elements of the contract to be awarded
 - d. A description of the format that proposals shall follow and the elements they shall contain
 - e. The standards the district will use in evaluating proposals
 - f. The date on which proposals are due
 - g. The timetable the district will follow in reviewing and evaluating proposals
2. Notice: At least 10 days before the date for receipt of the proposals, the Superintendent or designee shall give notice of the request for sealed proposals using both of the following methods:

- a. Providing notice at least once a week for two weeks in a local newspaper of general circulation pursuant to Public Contract Code 20112
- b. Providing notice in a trade paper of general circulation published in the county where the project is located

The Superintendent or designee also may post the notice on the district's web site or through an electronic portal.

3. Prequalification: A proposer shall be prequalified in accordance with Public Contract Code 20111.6(b)-(m) in order to submit a proposal. Any electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements.

(cf. 3311 - Bids)

4. Evaluation Criteria: The request for sealed proposals shall identify all criteria that the district will consider in evaluating the proposals and qualifications of the proposers, including relevant experience, safety record, price proposal, and other factors specified by the district. The price proposal shall include, at the district's discretion, either a lump-sum price for the contract to be awarded or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the district.

The request for sealed proposals shall specify whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether proposers must achieve any minimum qualification score for award of the contract. For each scored criterion, the district shall identify the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

5. Evaluation of Proposals: All proposals received shall be reviewed to determine whether they meet the format requirements and the standards specified in the request for sealed proposals. The district shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the request for sealed proposals, and shall assign a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the district.

6. Award of Contract: The award of the contract shall be made by the Governing Board to the responsive proposer whose proposal is determined, in writing by the Board, to be the best value to the district.

If the selected proposer refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the second highest best value score, if deemed in the best interest of the district. If that proposer then refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the third highest best value score.

Upon issuance of a contract award, the district shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the contract award and the contract file shall provide sufficient information to satisfy an external audit.

7. Rejection of Proposals: At its discretion, the Board may reject all proposals and request new proposals.

Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17407.5)

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that all required terms, including a lease term that provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.

(cf. 9124 - Attorney)

Legal Reference:

EDUCATION CODE

17400 Definitions

17406 Lease-leaseback contract

17407.5 Use of a skilled and trained workforce

PUBLIC CONTRACT CODE

20111.6 Prequalification procedures

20112 Notices

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

Management Resources:

WEB SITES

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

California Association of School Business Officials: <http://www.casbo.org>

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/16/2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

FOR: ☐ Information
☒ Action

Date you wish to have your item considered: 10/25/2017

ITEM:

Consider adoption of the following Administrative Regulation:
AR 3311.3 – Design-Build Contracts

PURPOSE:

The attached Administrative Regulation is being added to establish requirements for awarding design-build contracts. Minor editorial changes made to clarify the process and more directly reflect law.

FISCAL IMPACT:

None.

RECOMMENDATIONS:

Adopt the following Administrative Regulation:
AR 3311.3 – Design-Build Contracts

NEW

CSBA Sample

Administrative Regulation

Design-Build Contracts

AR 3311.3

Business and Noninstructional Operations

The Governing Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

(cf. 7140 - Architectural and Engineering Services)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25)

The procurement process for design-build projects shall be as follows: (Education Code 17250.25, 17250.35)

1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
 - a. The size, type, and desired design character of the project
 - b. Performance specifications that cover the quality of materials, equipment, and workmanship
 - c. Preliminary plans or building layouts
 - d. Any other information deemed necessary to describe adequately the district's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for

final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity

- b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors
- c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract.

3. The district shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The RFP shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method for a project, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.

4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.

5. For those projects utilizing best value as a selection method, the following procedures shall be used:

- a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.
- b. Following any discussions or negotiations with responsive proposers and completion of

the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.

c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.

d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Legal Reference:

EDUCATION CODE

17250.10-17250.55 Design-build contracts

Management Resources:

WEB SITES


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

California Association of School Business Officials: <http://www.casbo.org>

California Department of Education, Facilities: <http://www.cde.ca.gov/ls/fa>

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez 

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

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

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

- BP BP/AR 4030 – Nondiscrimination in Employment (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel

BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board is determined to provide district employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. ~~The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation.~~ This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

(cf. 1240 - Volunteer Assistance)

(cf. 4111/4211/4311 - Recruitment and Selection)

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or his/her association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training

(cf. 4151/4251/4351 - Employee Compensation)

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

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

BP 4030(b)

NONDISCRIMINATION IN EMPLOYMENT (continued)

- a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status.

(cf. 4033 - Lactation Accommodation)

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

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity.

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

~~The Board also prohibits discrimination against any employee or job applicant in compensation, terms, conditions, and other privileges of employment and the taking of any adverse employment action, including, but not limited to, termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.~~

- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition.

(cf. 4032 - Reasonable Accommodation)

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

~~Prohibited discrimination on the basis of religious creed includes discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the District shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.~~

~~Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.~~

BP 4030(c)

NONDISCRIMINATION IN EMPLOYMENT (continued)*(cf. 4033 - Lactation Accommodation)*

~~Harassment consists of unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.~~

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

The Board also prohibits retaliation against any district employee ~~or job applicant~~ who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint ~~procedures~~ process pursuant to this policy. No employee ~~or job applicant~~ who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940).

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who ~~does reports~~ such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, ~~and discrimination, or other related conduct,~~ how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post, in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)**(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

BP 4030(d)

NONDISCRIMINATION IN EMPLOYMENT (continued)*Legal Reference:**EDUCATION CODE**200-262.4 Prohibition of discrimination**CIVIL CODE**51.7 Freedom from violence or intimidation**GOVERNMENT CODE**11135 Unlawful discrimination**11138 Rules and regulations**12900-12996 Fair Employment and Housing Act**PENAL CODE**422.56 Definitions, hate crimes**CODE OF REGULATIONS, TITLE 2**11006-11086 Discrimination in employment**11013 Recordkeeping**11019 Terms, conditions and privileges of employment**11023 Harassment and discrimination prevention and correction**11024 Sexual harassment training and education**CODE OF REGULATIONS, TITLE 5**4900-4965 Nondiscrimination in elementary and secondary education**UNITED STATES CODE, TITLE 20**1681-1688 Title IX of the Education Amendments of 1972**UNITED STATES CODE, TITLE 29**621-634 Age Discrimination in Employment Act**794 Section 504 of the Rehabilitation Act of 1973**UNITED STATES CODE, TITLE 42**2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended**2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended**2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008**2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964**6101-6107 Age discrimination in federally assisted programs**12101-12213 Americans with Disabilities Act**CODE OF FEDERAL REGULATIONS, TITLE 28**35.101-35.190 Americans with Disabilities Act**CODE OF FEDERAL REGULATIONS, TITLE 34**100.6 Compliance information**104.7 Designation of responsible employee for Section 504**104.8 Notice**106.8 Designation of responsible employee and adoption of grievance procedures**106.9 Dissemination of policy**110.1-110.39 Nondiscrimination on the basis of age**COURT DECISIONS**Thompson v North American Stainless L.P., (2011) 131 S. Ct. 863**Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837*

BP 4030(e)

NONDISCRIMINATION IN EMPLOYMENT (continued)*Management Resources**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS**California Law Prohibits Workplace Discrimination and Harassment, December 2014**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**Notice of Non-Discrimination, August 2010**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**Questions and Answers: Religious Discrimination in the Workplace, 2008**New Compliance Manual Section 15: Race and Color Discrimination, April 2006**Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999***WEB SITES***California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>**U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>**U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>***Policy**

adopted: December 16, 1992

Revised: November 7, 2001

Revised: February 9, 2005

Revised: September 6, 2006

Revised: January 5, 2011

Revised: August 22, 2012

Revised: April 10, 2013

Revised: May 25, 2016

Revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

All Personnel

AR 4030 (a)

NONDISCRIMINATION IN EMPLOYMENT

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Assistant Superintendent of Human Resources
Human Resources Department
Hanford Elementary School District
714 N. White Street
Hanford, CA 93232

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in ~~against~~ district ~~employees~~ employment ~~volunteers, interns, and job applicants~~, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, ~~to employees, volunteers, interns, job applicants, and the general public by:~~ (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return

AR 4030 (b)

NONDISCRIMINATION IN EMPLOYMENT (continued)

- b. Sending the policy via email with an acknowledgment return form
- c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
- d. Discussing the policy with employees upon hire and/or during a new hire orientation session
- e. Any other way that ensures employees receive and understand the policy

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

23. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

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

34. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)

(cf. 1240 - Volunteer Assistance)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

45. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

AR 4030 (c)

NONDISCRIMINATION IN EMPLOYMENT (continued)**Complaint Procedure**

Any complaint ~~by an employee or job applicant~~ alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant ~~who is an employee shall~~ may inform his/her direct supervisor, another. ~~However, if the supervisor, is the person against whom the employee is complaining, the employee shall inform the coordinator, or the Superintendent or if available, a complaint hotline. A job applicant shall inform the coordinator or an ombudsman the Superintendent or designee.~~

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4032 - Reasonable Accommodation)

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

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation ~~allegations~~ will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

AR 4030 (d)

NONDISCRIMINATION IN EMPLOYMENT (continued)

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents ~~are prevented~~do not occur. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the ~~parties~~complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for~~correct the effect on the complainant~~, and ensure that retaliation or further discrimination or harassment ~~is prevented~~does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

AR 4030 (e)

NONDISCRIMINATION IN EMPLOYMENT (continued)**Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:


1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Regulation
adopted: 05/25/2016
revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez 

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

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

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

- BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel**BP 4119.11(a)****4219.11****SEXUAL HARASSMENT****4319.11**

~~Education Code 231.5 mandates the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 Sexual Harassment.~~

~~Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent or pervasive that it creates a hostile, intimidating or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process.~~

~~Sexual harassment may be a violation of Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (42 USC 2000h-2-2000h-6), as well as the California Fair Employment and Housing Act, Government Code 12900-12996.~~

~~Government Code 12940 and 34 CFR 106.9 extend protection against sexual harassment to job applicants. In addition, pursuant to Government Code 12940, as amended by AB 76 (Ch. 671, Statutes of 2003), employers may be held liable for sexual harassment committed against their workers by clients, customers and other third parties if they knew or should have known of the harassment, and failed to take immediate and appropriate corrective action to stop the harassment.~~

~~The Governing Board prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.~~

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

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation.
2. Publicizing and disseminating the district's sexual harassment policy to staff.

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

3. Ensuring prompt, thorough and fair investigation of complaints.

BP 4119.11(b)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (§2 CCR 496411023)

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator, or Superintendent.

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment ~~against a district employee, job applicant, or student~~ is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4118 – Dismissal/Suspension/Disciplinary Action)
 (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

110217287.8 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

BP 4119.11(c)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
 2000h-2-2000h-6 Title LX, 1972 Education Act Amendments
 CODE OF FEDERAL REGULATIONS, TITLE 34
 106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
~~*Juarez v. Ameritech Mobile Systems*, (N.D. Ill.) 746 F.Supp. 798~~
~~*Dornhecker v. Malibu Grand Prix Corp.*, (5th Cir. 1987) 828 F.2d 307~~
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>
 Equal Employment Opportunity Commission: <http://www.eeoc.gov>
 U.S. Department of Education, Office of for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/index.htm> | OCR
 (6/99 11/01) 3/04

Policy

Adopted: February 9, 2005

Revised: May 25, 2016

Revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; ~~52~~ CCR 491611034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of ~~the such~~ conduct by the individual is used as the basis for an employment decision affecting the individual ~~him/her~~.
3. ~~The conduct has the purpose or effect of having a negative impact individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.~~
43. Submission to or rejection of the conduct by ~~the other individual~~ is used as the basis for any decision affecting the individual ~~him/her~~ regarding benefits, services, honors, programs, or activities available at or through the district.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

~~Other e~~ Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; ~~or~~ sexually explicit emails; displaying sexually suggestive objects

AR 4119.11(b)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. ~~Such~~The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee ~~with~~having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)~~to effectively recommend such action.~~

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following~~provision of:~~
(Government Code 12950.1; 2 CCR 1102311024)

1. Information and practical guidance regarding ~~the~~the federal and state laws on the prohibition, ~~against and the~~the prevention, and correction of sexual harassment, ~~and the~~the remedies available to sexual harassment ~~the victims in civil actions, and potential district and/or individual exposure or liability of sexual harassment in employment.~~
2. The types of conduct that constitute sexual harassment and practical ~~Practical~~examples which illustrate sexual ~~aimed at instructing supervisors in the prevention of~~harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources.

AR 4119.11(c)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
37. The definition and A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
4. ~~A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received~~
5. ~~All other contents of mandated training specified in 2 CCR 11023~~

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11023 11024)

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

AR 4119.11(d)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC.

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation

Approved: May 5, 1993

Revised: November 7, 2001

Revised: February 9, 2005

Revised: December 14, 2005

Revised: April 13, 2016


Revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez 

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

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

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

- BP/AR 4127/4227/4327 – Temporary Athletic Team Coaches (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel

BP 4127(a)
4227
4327

TEMPORARY ATHLETIC TEAM COACHES

A.—The Governing Board of Trustees desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

(cf. 6142.7 - *Physical Education and Activity*)
(cf. 6145.2 - *Athletic Competition*)

B.—The Superintendent or designee may ~~employ~~hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

(cf. 4121 - *Temporary/Substitute Personnel*)

C.—Certificated Staff Coaches

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

1.—All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

(cf. 4118 - *Dismissal/Suspension/Disciplinary Action*)
(cf. 4218 - *Dismissal/Suspension/Disciplinary Action*)
(cf. 5131.1 - *Bus Conduct*)
(cf. 5131.63 - *Steroids*)
(cf. 5141.1 - *Child Abuse Prevention Reporting*)

2.—Noncertificated coaches shall have no authority to ~~give~~assign grades to students. (5 CCR 5591)

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

D.—Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

1. Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, ~~obtain~~submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background check through the district clearance. (Education Code 49024)

BP 4127(b)
4227
4327

TEMPORARY ATHLETIC TEAM COACHES

2. ~~An individual who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)~~

(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4212.5 - Criminal Record Check)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6 and 49032, and by district policy.

Legal Reference:

EDUCATION CODE

35179-35179.7 Interscholastic athletics

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

44010 Sex offense

44011 Controlled substance offense

44332-44332.5 Temporary certificates

44424 Conviction of a crime

44808 Liability when students are not on school property

44916 Written statement indicating employment status

44919 Classification of temporary employees

45125.01 Interagency agreements for criminal record information

45347 Instructional aides subject to requirements for classified staff

45349 Use of volunteers to supervise or instruct students

49024 Activity Supervisor Clearance Certificate

49030-49034 Performance-enhancing substances

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal. App. 4th 187

Kavanaugh v. West Sonoma County Union High School District, (2003) 29 Cal. 4th 911

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

627 San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.App.3d 1376

Management Resources: (see next page)

BP 4127(c)
4227
4327

TEMPORARY ATHLETIC TEAM COACHES

Management Resources:

CSBA PUBLICATIONS

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

A School Board Member's Guide to CIF and Interscholastic Sports, 1997

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

Pursuing Victory with Honor, 1999

California Interscholastic Federation Constitution and Bylaws

Pursuing Victory with Honor, 1999

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

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

California Athletic Trainers' Association: <http://www.ca-at.org>

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

California Interscholastic Federation: <http://www.cifstate.org>

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

National Athletic Trainers' Association: <http://www.nata.org>

Policy

adopted: January 19, 1992

revised: November 7, 2001

revised: December 13, 2006

revised: December 1, 2010

revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

All Personnel

AR 4127(a)

4227

TEMPORARY ATHLETIC TEAM COACHES

4327

A.—Qualifications

~~The Superintendent or designee shall establish minimum qualification criteria~~ Minimum qualifications for temporary athletic team coaches. ~~These criteria~~ shall include, but are not necessarily ~~be~~ limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of inservice programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)

AR 4127(b)

4227

4327

TEMPORARY ATHLETIC TEAM COACHES

4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

(cf. 1240 - Volunteer Assistance)

B.—Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district

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

2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

AR 4127(c)
4227
4327

TEMPORARY ATHLETIC TEAM COACHES

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)
(cf. 4112.5/4312.5 - Criminal Record Check)
(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
(cf. 4212.5 - Criminal Record Check)

Training

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics

AR 4127d)

4227

4327

TEMPORARY ATHLETIC TEAM COACHES

11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association

(cf. 5131.63 - Steroids)

12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Regulation

approved: November 7, 2001

revised: December 1, 2010

revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

ITEM: Consider adoption of the following revised Board Policy.

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

- BP 4151/ 4251/4351 – Employee Compensation (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

All Personnel

BP 4151

4251

EMPLOYEE COMPENSATION

4351

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

(cf. 3100 - Budget)

(cf. 3400 - Management of Districts Assets/Accounts)

(cf. 4000 - Concepts and Roles)

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

A.——In accordance with law, all salaries, wages, and other compensation shall be set by the Governing Board of Trustees. Salaries and wages for members of bargaining units shall be based on negotiated agreements approved by the Board.

B.——The Superintendent or designee shall conduct salary and wage surveys as needed for collective bargaining purposes and to ensure that district compensation is competitive with other area districts and employers.

C.——~~Salary schedules for certificated employees shall be based on uniform allowances for year of training and years of experience, unless other criteria have been mutually agreed to between the certificated bargaining unit and the district.~~

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

D.——~~Separate salary schedules negotiated or recommended for certificated staff, classified employees, management, supervisory, and confidential personnel, and temporary/substitute employees shall be presented for adoption by the Board.~~

1.——Salary schedules for employees in bargaining units shall be presented for Board adoption when tentative agreement has been reached with the respective bargaining unit.

2.——Recommended or interim salary schedules for all other employees, and for bargaining units who have not yet settled negotiations on salaries for the following year, shall be presented in June of each year to be effective July 1 of the ensuing fiscal year.

E.——~~All salary and wage schedules shall be printed and made available for inspection by the public at the district office.~~

EMPLOYEE COMPENSATION

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for years of training and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

(cf. 4030 - Nondiscrimination in Employment)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

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

(cf. 4312.1 - Contracts)

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

A district employee shall be paid an overtime rate of not less than one and one-half times his/her regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week. However, employees shall be exempt from overtime rules if they are employed as teachers or school administrators or if they qualify as being employed in an executive, administrative, or professional capacity and are paid a fixed salary at or above the salary level established by federal regulations. (Labor Code 510; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided he/she has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt district operations. (29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

(cf. 3580 - District Records)

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

Legal Reference: (see next page)

BP 4151 (c)
4251
4351

EMPLOYEE COMPENSATION

Legal Reference:

EDUCATION CODE

45022-45061.5 Salaries, especially:
45023 Availability of salary schedule
45028 Salary schedule for certificated employees
45030 Salary schedule for substitutes
45032 Power of governing board to increase salaries
45160-45169 Salaries for classified employees
45268 Salary schedule for classified service in merit system districts

GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:
3543.2 Scope of representation
3543.7 Duty to meet and negotiate in good faith

LABOR CODE

226 Employee access to payroll records
232 Disclosure of wages
510 Overtime compensation; length of work day and week; alternative schedules
UNITED STATES CODE, TITLE 26
409A Deferred compensation plans
UNITED STATES CODE, TITLE 29

201-219 Fair Labor Standards Act, especially:
203 Definitions
207 Overtime

213 Exemptions from minimum wage and overtime requirements

CODE OF FEDERAL REGULATIONS, TITLE 26

1.409A-1 Definitions and covered plans

CODE OF FEDERAL REGULATIONS, TITLE 29

516.4 Notice of minimum wage and overtime provisions

516.5-516.6 Records

541.0-541.710 Exemptions for executive, administrative, and professional employees

553.1-553.51 Fair Labor Standards Act; applicability to public agencies

COURT DECISIONS

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421

COLLECTIVE BARGAINING AGREEMENTS

CSEA/HESD Agreement: Article 23 – Pay and Allowances

HESD/HETA Agreement: Article ~~XX~~20 – Salary

Management Resources:

WEB SITES

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

Internal Revenue Service: <http://www.irs.gov>

School Services of California, Inc.: <http://www.sscal.com>


U.S. Department of Labor, Wage and Hour Division: <https://www.dol.gov/whd>

Policy
adopted: November 7, 2001
revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department
AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez 

DATE: October 16, 2017

FOR: ☒ Board Meeting
☐ Superintendent's Cabinet

☐ Information
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

ITEM: Consider adoption of the following revised Administrative Regulations.

PURPOSE: The following Administrative Regulations 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.

- AR 4161.1 – Personal Illness/Injury Leave, certificated personnel (revised)
- AR 4261.1 – Personal Illness/Injury Leave, classified personnel (revised)
- AR 4361.1 – Personal Illness/Injury Leave, management, supervisory, and confidential personnel (revised)

FISCAL IMPACT: None.

RECOMMENDATION: Adopt.

Certificated Personnel

AR 4161.1(a)

PERSONAL ILLNESS/INJURY LEAVE**A. Sick Leave Entitlement**

1. ~~Full-time certificated employees are entitled to 10 days of leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week or less than a full school year shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)~~ Certificated employees employed full-time are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 44978; Labor Code 245-249)

(cf. 4161/4261/4361 – Leaves)

(cf. 4161.9/4261.9/4361.9 – Catastrophic Leave Program)

2. ~~An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)~~
3. ~~An employee who leaves district service before the end of the school year shall be charged for any unearned sick leave used as of the date of termination of service.~~
4. ~~Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)~~

B. Use of Sick LeaveNotification of Absence

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district.

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

AR 4161.1(b)

PERSONAL ILLNESS/INJURY LEAVE (continued)*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

7. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

8. For the purposes specified in items #6-7, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

9. An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

10. For bargaining unit members, any other reason specified in the collective bargaining agreement.

11. Accumulated sick leave may also be used, within the limits established by regulations and/or the collective bargaining agreement, for donations to a Catastrophic Sick Leave bank.

(cf. 4161.9/4261.9/4361.9 – Catastrophic Sick Leave)

12. An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

AR 4161.1(c)

PERSONAL ILLNESS/INJURY LEAVE (continued)

13. Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)
14. At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

BC. Transfer of Sick Leave

1. ~~New employees may transfer in the amount of unused sick leave earned at another California school district, county office of education, or community college district if the employee left that employment within a year prior to employment by the district. (Education Code 44979, 44980)~~
2. ~~Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of earned and unused sick leave.~~

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

C. Use of Sick Leave

~~Sick leave may be used by certificated employees for absences from work due to:~~

1. ~~Temporary inability to perform his/her duties because of illness, accident, or quarantine whether or not the cause of the absence arises out of and in the course of employment. (Education Code 44964)~~

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

2. ~~Pregnancy, miscarriage, childbirth, and recovery. (Education Code 44965, 44978)~~

(cf. 4161.8/4261.8/4361.8—Family Care and Medical Leave)

3. ~~Personal necessity. (Education Code 44981)~~

(cf. 4161.2/4261.2/4361.2—Personal Leaves)

4. ~~Medical and dental appointments~~

AR 4161.1(d)

PERSONAL ILLNESS/INJURY LEAVE (continued)

5. ~~Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted. (Education Code 44984)~~

~~(cf. 4161.11/4361.11 – Industrial Accident/Illness Leave)~~

6. ~~Illness of the employee's child, parent, or spouse, registered domestic partner, or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233).~~
7. ~~For bargaining unit members, any other reason specified in the collective bargaining agreement.~~
8. ~~Accumulated sick leave may also be used, within the limits established by regulations and/or the collective bargaining agreement, for donations to a Catastrophic Sick Leave bank.~~

~~(cf. 4161.9/4261.9/4361.9 – Catastrophic Sick Leave)~~

~~An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district.~~

D. Additional Leave for Disabled Military Veterans

1. In addition to any other entitlement for sick leave with pay, a newly hired certificated employee who is a military veteran with a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment for his/her military service-connected disability. An eligible employee employed less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 44978.2)
2. The amount of leave shall be credited to the employee on the first day of employment and shall remain available for the following 12 months of employment. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)
3. The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

AR 4161.1(e)

PERSONAL ILLNESS/INJURY LEAVE (continued)**DE. Differential Pay Leave**

- ~~1. During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, continues to be absent from his/her duties due to illness or accident, the employee shall receive his/her regular salary minus the actual cost of a substitute (differential pay) for an additional period up to five school months. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)~~
- ~~2. An employee shall not be provided more than one five-month period of differential pay leave per illness or accident. If the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)~~
- ~~3. When a certificated employee has exhausted all available sick leave and differential pay leave and is not medically able to resume his/her duties and cannot be placed in another position, he/she shall be placed on a reemployment list. If the employee is in probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period; if he/she has permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able to resume his/her duties, the employee shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)~~
1. During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent from his/her duties for an additional period of up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)
2. An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

AR 4161.1(f)

PERSONAL ILLNESS/INJURY LEAVE (continued)**F. Differential Pay for Parental Leave**

1. During each school year, any certificated employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive differential pay for up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. Such parental leave shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. Eligibility for parental leave pursuant to Education Code 44977.5 shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

EG. Verification Requirements

- ~~1. Upon return to work from an absence charged to personal Sick Leave, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.~~
1. After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

(cf. 4161/4261/4361 – Absence Reporting/Verification)

2. The district may require written verification by the employee's physician for any absence due to illness or injury in excess of five consecutive work days.
- ~~3. The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.~~
- ~~4. Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any restrictions or limitations. A determination whether work restrictions can be accommodated shall be made by the district in accordance with Board policy and administrative regulations.~~

AR 4161.1(g)

PERSONAL ILLNESS/INJURY LEAVE (continued)

3. The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.
4. Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.
5. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.
6. Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations. A determination whether work restrictions can be accommodated shall be made by the district in accordance with Board policy and administrative regulations.

*(cf. 4032 - Reasonable Accommodation)**(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)***H. Short-Term and Substitute Employees**

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee upon commencement of employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

(cf. BP 4221 Temporary, Short-Term, Substitute, and Non-Represented Part-Time Employees)

AR 4161.1(h)

PERSONAL ILLNESS/INJURY LEAVE (continued)**I. Healthy Workplaces, Healthy Families Act Requirements**

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave (accrued based on time worked) to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

Legal Reference (See next page)

AR 4161.1(i)

PERSONAL ILLNESS/INJURY LEAVE (continued)*Legal Reference*EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident or quarantine
 44965 Granting of leaves of absence for pregnancy and childbirth
 44976 Transfer of leave rights when school is transferred to another district
 44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
 44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted
 44978 Provisions for sick leave of certificated employees
 44978.1 Inability to return to duty; placement in another position or on reemployment list
 44978.2 Leave for military service connected disability
 44979 Transfer of accumulated sick leave to another district
 44980 Transfer of accumulated sick leave to a county office of education
 44981 Leave of absence for personal necessity
 44983 Exception to sick leave when district adopts specific rule
 44984 Industrial accident or illness
 44986 Leave of absence for disability allowance applicant

LABOR CODE

220 Sections inapplicable to public employees
 230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
 230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
 233 Illness of child, parent or spouse
 234 Absence control policy

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 29

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App. 4th 406

HESD/HETA COLLECTIVE BARGAINING AGREEMENT:

Article ~~XX~~16, Leaves

Regulation

approved: November 7, 2001

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revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

Classified Personnel

AR 4261.1(a)

PERSONAL ILLNESS/INJURY LEAVE

Classified employees employed five days a week are entitled to 12 days leave of absence with full pay per fiscal year for personal illness or injury (sick leave). Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so few to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 – Leaves)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties. (Education Code 45199)

(cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)

3. Personal necessity (Education Code 45207)

(cf. 4161.2/4261.2/4361.2 – Personal Leaves)

4. Medical or dental appointments, in increments of not less than .25 of one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted or is not available (Education Code 45192)

(cf. 4261.11 – Industrial Accident/Illness Leave)

- ~~6. Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of leave that would be accrued during six months for personal illness or injury (Labor Code 233)~~

76. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 246.5)

AR 4261.1(b)

PERSONAL ILLNESS/INJURY LEAVE (continued)

87. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 246.5)

For the purposes specified in items #6-7, an employee may use, in any year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a newly hired classified employee who is a military veteran with a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment for his/her military service-connected disability. An eligible employee employed less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 45191.5)

AR 4261.1(c)

PERSONAL ILLNESS/INJURY LEAVE (continued)

The amount of leave shall be credited to the employee on the first day of employment and shall remain available for the following 12 months of employment. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the number of days of absence that represent the difference between 100 days and the employees' current year Sick Leave allowance, subject to the limitation of the collective bargaining agreement, shall be compensated at 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional unpaid leave. The Board may grant the employee additional unpaid leave, (Education Code 45195)

(cf. 4216 – Probationary/Permanent Status)

If the employee is still unable to resume his/her duties all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her

AR 4261.1(d)

PERSONAL ILLNESS/INJURY LEAVE (continued)

position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury or when an employee is absent five consecutive work days or more.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations. A determination as to whether work restrictions can be reasonably accommodated shall be made by the district in accordance with Board policy and administrative regulations.

(cf. 4032 - Reasonable Accommodation)

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

AR 4261.1(e)

PERSONAL ILLNESS/INJURY LEAVE (continued)**Short-Term and Substitute Employees**

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee upon commencement of employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

(cf. BP 4221 Temporary, Short-Term, Substitute, and Non-Represented Part-Time Employees)

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave (accrued based on time worked) to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

AR 4261.1(f)

PERSONAL ILLNESS/INJURY LEAVE (continued)

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

*Legal Reference:**EDUCATION CODE**45103 Substitute employees**45190 Leaves and vacations**45191 Leaves of absence for illness and injury**45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)**45195 Additional leave for nonindustrial accident or illness; reemployment preference**45196 Salary; deductions during sick leave**45202 Transfer of accumulated sick leave and other benefits**LABOR CODE**230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off**230.1 Employers with 25 or more employees' domestic violence, sexual assault and stalking victims, right to time off**233 Illness of child, parent, spouse or domestic partner**245-249 Healthy Workplaces, Healthy Families Act of 2014**COURT DECISIONS**California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957**California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510**ATTORNEY GENERAL OPINIONS**53 Ops.Cal.Atty.Gen. 111 (1970)*

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HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

Management, Supervisory and Confidential Personnel

AR 4361.1 (a)

PERSONAL ILLNESS/INJURY LEAVE**A. Sick Leave Entitlement**

1. Twelve-month management, supervisory, and confidential employees are entitled to 12 days of paid leave per year for personal illness or injury (Sick Leave). Employees working fewer than 12 months or fewer than five days per week shall be granted comparable ~~Sick Leaves~~sick leave in proportion to the time they work
2. ~~Certificated m~~Management and supervisory employees and permanent classified management, supervisory, and confidential personnel may take ~~Sick Leaves~~sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. ~~Probationary classified managers, supervisors, and confidential employees may take no more than six days of Sick Leave until they have completed six months of active service with the district~~
3. ~~An employee who does not complete a given year of service shall be charged for any unearned Sick Leave used as of the date of termination of service.~~
4. ~~Unused days of Sick Leave shall be accumulated from year to year without limitation.~~

~~B. Transfer of Sick Leave~~

1. ~~New employees may transfer in the amount of unused Sick Leave earned at another California school district, county office of education, or community college district, if the employee left that employment within a year prior to employment by the district.~~
2. ~~An employee who leaves the district after at least one year of employment and accepts a employment in another district, county office of education, or community college district within one year shall have transferred with him/her the total amount of earned and unused Sick Leave.~~

CB. Use of Sick Leave

Sick Leave may be used for absences from work due to:

1. Temporary inability to work because of illness, accident, pregnancy, miscarriage, childbirth and recover, or quarantine
2. Work-related injury or illness when leave granted specifically for that purpose has been exhausted

(cf. 4161.11 - Industrial Accident/Illness Leave)

AR 4361.1 (b)

PERSONAL ILLNESS/INJURY LEAVE (continued)

3. Personal necessity

(cf. 4361.2 - Personal Necessity Leaves)

4. Medical and Dental appointments

5. Serious illness of the employee's child, parent, or spouse, registered domestic partner or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement when Family Illness Leave has been exhausted. (Labor Code 233)

6. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

(cf. 4361.25 - Family Illness Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

67. Accumulated sick leave may also be used, within the limits established by Board of Trustees policy and administrative regulations, for donations to a catastrophic sick leave bank.

8. An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)9. An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.10. Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)11. At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

(cf. 4161.9/4261.9/4361.9 - Catastrophic Sick Leave)

BC. Transfer of Sick Leave

1. New employees may transfer in the amount of unused Sick Leave earned at another California school district, county office of education, or community college district, if the employee left that employment within a year prior to employment by the district.

AR 4361.1 (c)

PERSONAL ILLNESS/INJURY LEAVE (continued)

2. An employee who leaves the district after at least one year of employment and accepts an employment in another district, county office of education, or community college district within one year shall have transferred with him/her the total amount of earned and unused Sick Leave.

D. Additional Leave for Disabled Military Veterans

1. In addition to any other entitlement for sick leave with pay, a newly hired certificated employee who is a military veteran with a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment for his/her military service-connected disability. An eligible employee employed less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 44978.2)
2. The amount of leave shall be credited to the employee on the first day of employment and shall remain available for the following 12 months of employment. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)
3. The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

DE. Differential-Pay Leave

1. When an employee has exhausted all current-year and accumulated sick leave and continues to be absent from his/her duties due to illness or accident, the employee shall receive 50% of his/her regular salary for an additional period of up to five calendar months.
2. An employee is entitled to only one five-month period per illness or accident. If the school/fiscal year ends before the five-month period is exhausted, the employee may take only the unused balance of the five-month period in the subsequent school/fiscal year.

F. Differential Pay for Parental Leave

During each school year, any certificated employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive 50% pay for up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. Such parental leave shall run concurrently with the parental

AR 4361.1 (d)

PERSONAL ILLNESS/INJURY LEAVE (continued)

leave taken pursuant to Government Code 12945.2 and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. Eligibility for parental leave pursuant to Education Code 44977.5 shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

EG. Exhaustion of All Leaves/Reemployment Rights Absence Beyond Five-Month Period/Reemployment List

1. When a management, supervisory, or confidential employee has exhausted all paid leaves, vacation, and compensatory time credits and is still unable to return to work, he/she may request additional, unpaid leave. Additional leave is subject to consideration of the needs of the district and requires approval by the Superintendent or designee and the Board.
2. After an employee has exhausted all available paid and unpaid leave and is not medically able to resume his/her duties and cannot be placed in another position, he/she shall be placed on a reemployment list.
 - a. If the employee is a certificated employee in probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period;
 - b. If the employee is a permanent certificated employee or a probationary or permanent classified employee, the employee shall be placed on the reemployment list for 39 months.
 - c. If during this time the employee becomes medically able to resume work, he/she shall be re-employed in a vacant position in the classification of his/her previous employment. The employee's reemployment shall take preference over any other person except former employees who were laid off for lack of work or funds, if any, in which case the employee shall be offered reemployment in accordance with his/her seniority ranking.

FH. Verification Requirements

1. After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence report form to his/her immediate supervisor.

(cf. 4161/4261/4361 - Absence Reporting and Verification)

2. The district may require written verification by the employee's physician or practitioner for any absence due to illness or injury of five consecutive work days or more.

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PERSONAL ILLNESS/INJURY LEAVE (continued)

3. Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment shall submit a letter from his/her physician stating that he/she is able to return to work and stipulating any work restrictions or limitations. The determination whether work restrictions or limitations can be accommodated shall be made by the district in accordance with Board policy and administrative regulations.
4. Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.
5. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

(cf. 4032 - Reasonable Accommodation)

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

I. Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her

AR 4361.1 (f)

PERSONAL ILLNESS/INJURY LEAVE (continued)

2. Provide at least 24 hours or three days of paid sick leave (accrued based on time worked) to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
- (*cf. 4112.9/4212.9/4312.9 - Employee Notifications*)
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

*Legal Reference:*EDUCATION CODE*44964 Power to grant leave of absence in case of illness, accident or quarantine**44965 Granting of leaves of absence for pregnancy and childbirth**44976 Transfer of leave rights when school is transferred to another district**44977 Salary deduction during absence from duties**44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted**44978 Provisions for sick leave of certificated employees**44978.2 Leave for military service connected disability**44979 Transfer of accumulated sick leave to another district**44980 Transfer of accumulated sick leave to a county office of education**44981 Leave of absence for personal necessity**44983 Exception to sick leave when district adopts specific rule**44986 Leave of absence for disability allowance applicant*LABOR CODE*220 Sections inapplicable to public employees**230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off**230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off**233 Illness of child, parent, spouse or domestic partner**234 Absence control policy**245-249 Healthy Workplaces, Healthy Families Act of 2014*CODE OF REGULATIONS, TITLE 5*5601 Transfer of accumulated sick leave*UNITED STATES CODE, TITLE 42*2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008*CODE OF FEDERAL REGULATIONS, TITLE 29*1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008*COURT DECISIONS*Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406*

AR 4361.1 (g)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Regulation

approved: March 4, 1992

revised: November 7, 2001

revised: November 30, 2004

revised: August 19, 2009

revised: December 15, 2010

revised: _____, 2017

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT
Human Resources Department

AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Jaime Martinez

DATE: October 16, 2017

RE: (X) Board Meeting
 () Superintendent's Cabinet
 () Information
 (X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 25, 2017**

ITEM: Consider approval of personnel transactions and related matters.

PURPOSE:

a. Employment

Classified

- Andrice Dean, Special Education Aide – 5.0 hrs., Lincoln, effective 10/13/17
- Miguel Rodriguez, Custodian II – 8.0 hrs., Richmond, effective 10/9/17
- Julius Rojas, READY Program Tutor – 4.5 hrs., Lincoln, effective 10/13/17

Temporary Employees/Substitutes/Yard Supervisors

- Alex Acevedo, Short-term Custodian II – 8.0 hrs., Washington, effective 10/16/17 to 12/4/17
- Oscar Barron Jr., Clerk Typist I, Licensed Vocational Nurse and Yard Supervisor, effective 10/13/17
- Monique Cantu, Short-term READY Program Tutor – 4.5 hrs., King, effective 10/9/17 to 11/17/17
- Olga Hernandez, Short-term Bilingual Clerk Typist II – 4.0 hrs., effective 10/26/17 and 8.0 hrs., effective 10/27/17 to 12/15/17, Kennedy (revised site)
- Amy James, Substitute Yard Supervisor, effective 10/13/17
- Alysha Knox, Short-term Yard Supervisor – 1.5 hrs., Richmond, effective 10/16/17 to 12/15/17
- Jeanette Lewis, Yard Supervisor – 2.0 hrs., Hamilton, effective 10/16/17
- Stephanie Llamas, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18

Temporary Employees/Substitutes/Yard Supervisors (cont.)

- Lauren Magpayo, Short-term READY Program Tutor – 3.0 hrs., (M,T,Th,F) and 5.25 hrs. (W), Lincoln, effective 10/12/17 to 12/15/17
- Lauree Mallard, Substitute Clerk Typist II and Special Education Aide, effective 10/5/17
- Bertha Martin, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Carmen Olivares, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Christian Romero, Short-term Yard Supervisor – 2.5 hrs., Simas, effective 10/3/17 to 10/31/17
- Veronica Rubalcava, Substitute Yard Supervisor, effective 10/9/17
- Megan Schaub, Short-term READY Program Tutor – 4.5 hrs. (M,T,Th,F) and 5.25 hrs. (W), Lincoln; Short-term Yard Supervisor – 1.25 hrs. (W), Lincoln, effective 10/12/17 to 12/15/17
- Sherri Sumaya, Yard Supervisor – 3.0 hrs., Hamilton, effective 10/13/17
- Victor Torres, Short-term Bilingual Aide I – 1 to 5 hrs., Curriculum, Instruction and Professional Development, effective 10/5/17 to 5/30/18
- Toulee Xiong, Substitute Custodian I, effective 10/13/17

b. Resignations

- Ashley Candelaria, Yard Supervisor – 2.75 hrs., Hamilton, effective 10/12/17
- Cherii Martin, Substitute Babysitter and Yard Supervisor, effective 6/7/17
- Stacey Paez, Yard Supervisor – 2.75 hrs., Roosevelt, effective 10/13/17
- Betty Palmer, Substitute Yard Supervisor, effective 10/13/17
- Jacqueline Wong, Yard Supervisor – 1.5 hrs., Washington, effective 8/31/17

c. More Hours

- John Garcia, Yard Supervisor, from 2.5 hrs. to 2.75, Wilson, effective 9/15/17
- Fidel Gonzalez, Yard Supervisor, from 2.75 hrs. to 3.0 hrs., Wilson, effective 9/15/17
- Christian Romero, Short-term Yard Supervisor, from 1.5 hrs. to 2.5 hrs., Simas, effective 10/3/17 to 10/31/17
- Rayshawna Tapia, Short-term Yard Supervisor, from 1.0 hrs. to 1.5 hrs., Simas, effective 10/3/17 to 12/15/17

d. Decrease in Hours

- Estevan Alcala, Short-term Yard Supervisor, from 3.25 hrs. to 2.0 hrs., Monroe, effective 9/28/17 to 10/31/17

e. Volunteers

<u>Name</u>	<u>School</u>
Griselda Garcia	Hamilton
Abigail Hall	Hamilton
Amy Fochetti (HESD Employee)	Jefferson
Miranda Mendoza-Robinson (HESD Employee)	Jefferson
Marisela Escareno	King
Esmeralda Juarez	King
Joshua Ryan	King
Norma Cabrera	Lincoln
Kimberly Dias	Monroe
Samantha Girty	Monroe
Lorena Soto	Monroe
Daniel Adams	Richmond
Melissa Adams	Richmond
Sharri Davis	Richmond
Christina Heckathorn (HESD Employee)	Richmond
Laura Limon	Richmond
Alicia Marquez	Richmond
Patricia Morelock	Richmond
Melissa Scott (HESD Employee)	Richmond
Betty Palmer	Roosevelt
Michelle Dove	Simas
Elaine Munoz	Simas
Mark Smith	Simas
Brittany Winters (HESD Employee)	Simas
Melissa Ediger (HESD Employee)	Washington
Sue Hernandez	Washington
Gloria Lopez	Washington
Deyanira Luevanos	Washington
Megan Price	Washington
Tricia Reggler	Washington
Wendy Stivers	Washington

RECOMMENDATION: Approve.