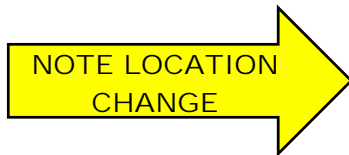


# Hanford Elementary School District



## REGULAR BOARD MEETING AGENDA

Wednesday, October 11, 2017

\*\*\* John F. Kennedy Jr High Cafeteria \*\*\*  
1000 E. Florinda, 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# 18-05– Kennedy

Case #18-06 – Kennedy

Case #18-07 - 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 September 22, 2017 and September 29, 2017.
- b) Approve minutes of Regular Board Meeting held on September 27, 2017.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of \$293.93 from eScrip.
- e) Approve donation of \$41.39 from E-Script Participation Program.
- f) Approve donations of 12 laptop computers to Jefferson Charter Academy.

## 3. INFORMATION ITEMS

- a) Receive for information monthly financial reports for the period of 07/01/2017 – 9/30/2017 (Endo)

- *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.*

- b) Receive for information the following revised Board Policy: (Gabler)
  - BP 0420.41 – Charter School Oversight
- c) Receive for information the following new Administrative Regulation: (Endo)
  - AR 3311.2 – Lease-Leaseback Contracts
- d) Receive for information the following new Administrative Regulation: (Endo)
  - AR 3311.3 – Design-Build Contracts
- e) Receive for information the following revised Board Policy and Administrative Regulation: (Martinez)
  - BP/AR 4030 – Nondiscrimination in Employment
- f) Receive for information the following revised Board Policy and Administrative Regulation: (Martinez)
  - BP/AR 4119.11/4219.11/4319.11 – Sexual Harassment
- g) Receive for information the following revised Board Policy and Administrative Regulation: (Martinez)
  - BP/AR 4127/4227/4327 – Temporary Athletic Team Coaches
- h) Receive for information the following revised Board Policy: (Martinez)
  - BP 4151/4251/4351 – Employee Compensation
- i) Receive for information 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 personnel

#### **4. BOARD POLICIES AND ADMINISTRATION**

- a) Consider approval of the following revised Administrative Regulation: (Mulligan)
  - AR 3516.3 – Earthquake Emergency Procedure System – Emergency Procedures

#### **5. PERSONNEL (Martinez)**

- 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
- 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

c) Volunteers

<u>Name</u>	<u>School</u>
Valarie Casarez (HESD Employee)	Hamilton
Maria Garcia de Maravilla	Hamilton
Maria Gonzalez	Hamilton
Mercedes Rodriguez	Hamilton
Stacie Johnson (HESD Employee)	Jefferson
Elida Acevedo	King
Berlyn Tyler	King
Liliana Lopez	Lincoln
Christina Bragdon	Monroe
Donna Red Sky	Richmond
Lori Todd	Richmond
Diana Barrientos	Roosevelt
Rosalina Contreras	Roosevelt
Claudia Lara	Roosevelt
Rebecca Vega	Roosevelt
Crystal Avila	Simas
Ashleigh Schiller	Simas
Kerry Keck	Washington
Jennifer Young	Washington
Sanita Ieronimo (HESD Employee)	Monroe/King
Judy Noji	Washington/Simas/Monroe/ Hamilton/Jefferson

**6. FINANCIAL (Endo)**

- a) Consider adoption of Resolution #9-18 allowing for the purchase of a SMART Brand Classroom Solutions utilizing piggyback bid issued by Bakersfield City School District
- b) Consider approval of agreement with Forcast5 Analytics
- c) Consider adoption of Resolution #10-18 allowing the district to apply for funding for the electric vehicle charging stations

**ADJOURN MEETING**

HANFORD ELEMENTARY SCHOOL DISTRICT  
AGENDA REQUEST FORM

TO: Joy Gabler  
FROM: Jay Strickland  
DATE: October 2, 2017

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

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

ITEM: Administrative Panel Recommendations

PURPOSE:

Case# 18-05– Kennedy  
Case #18-06 – Kennedy  
Case #18-07 - Wilson

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: 10/11/2017

**ITEM:**

Consider approval of warrants.

**PURPOSE:**

The administration is requesting the approval of the warrants as listed on the registers dated: 09/22/2017 and 09/29/2017.

**FISCAL IMPACT:**

See attached.

**RECOMMENDATIONS:**

Approve the warrants.

# Warrant Register For Warrants

## Dated 09/22/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12558751	4787	AKJ WHOLESALE LLC Books	\$683.05
12558752	6431	AMAZON.COM Office Supplies/Inst'l Matl's	\$9,202.54
12558753	59	AMERIPRIDE UNIFORM SERVICES Laundry/Mop/Mat Services	\$3,519.26
12558754	59	AMERIPRIDE UNIFORM SERVICES Laundry/Mop/Mat Services	\$322.59
12558755	59	AMERIPRIDE UNIFORM SERVICES Laundry/Mop/Mat Services	\$65.50
12558756	2424	ANDERSON'S Inst'l Matl's	\$1,544.39
12558757	7039	JENNIFER ASPEITIA Prepaid Meals	\$14.20
12558758	3258	BANK OF AMERICA Travel & Conf/Study Trips	\$2,585.20
12558759	128	BENCHMARK EDUCATION COMPANY Textbooks	\$670.31
12558760	3178	ERIN BOLING Allowance	\$100.00
12558761	1667	CDW GOVERNMENT INC. Computer Equipment	\$421,619.87
12558762	304	NICK CHAMPI ENTERPRISES INC. Grounds Supplies	\$543.74
12558763	6552	CHILDREN'S STORYBOOK GARDEN Study Trips	\$750.00
12558764	3068	DEBRA COLVARD Travel & Conf	\$32.00
12558765	4178	COOK'S COMMUNICATION Warehouse Supplies	\$78.25
12558766	6678	CHRISTOPHER COSTELLO Allowance	\$100.00
12558767	6299	JAHNA COSTELLO Allowance	\$44.45
12558768	373	CPM EDUCATIONAL PROGRAM Textbooks/Books	\$7,755.55
12558769	387	CSBA Travel & Conf	\$598.00
12558770	6585	CUE CONFERENCE Travel & Conf	\$265.00
12558771	7036	SHANNON DEAN Other Services	\$21.00
12558772	4512	DIV. OF STATE ARCHITECT Buildings & Improvements	\$8,625.00
12558773	449	DOUBLETREE HOTEL – SACRAMENTO Travel & Conf	\$319.14
12558774	6882	EDUCATIONAL DESIGN Travel & Conf	\$3,540.00
12558775	2829	FASHION CLEANERS Band Services	\$284.75
12558776	6453	FLOWERS BAKING COMPANY Food	\$1,175.40
12558777	6232	FOLLETT LIBRARY RESOURCES Books	\$437.50
12558778	6173	FP MAILING SOLUTIONS Repairs	\$637.77
12558779	4279	FRESNO COUNTY OFFICE OF ED Travel & Conf	\$50.00
12558780	1769	FRESNO PRODUCE Food	\$20,896.65
12558781	1393	GAS COMPANY Gas	\$115.15
12558782	591	GOLD STAR FOODS Food	\$11,601.70
12558783	7038	JUANITA GONZALES Prepaid Meals	\$10.10
12558784	5541	JOANN GRAHAM Travel & Conf	\$32.00
12558785	7037	TASHA HALL Other Services	\$14.00
12558786	7029	HAMPTON INN & SUITES-LOS ANGEL Travel & Conf	\$337.54
12558787	686	JERI HIGDON Mileage	\$37.24
12558788	5264	HOUGHTON MIFFLIN HARCOURT Textbooks	\$914.03
12558789	3718	ISLAND WATER PARK Field Trip	\$336.00
12558790	4402	JOHNSTONE SUPPLY Equipment/Maintenance Supplies	\$1,870.83
12558791	3962	KINGS COUNTY GLASS Repairs	\$5,152.52
12558792	796	KINGS COUNTY OFFICE OF ED Travel & Conf	\$1,575.00
12558793	796	KINGS COUNTY OFFICE OF ED Other Services	\$107.73
12558794	5363	BETHANEY KUENNING Allowance	\$82.03
12558795	827	LA TAPATIA TORTILLERIA INC. Food	\$845.24
12558796	6657	FRANK LOURENCO Travel & Conf	\$10.00
12558797	5407	LOZANO SMITH Other Services	\$393.24
12558798	2903	JAIME MARTINEZ Travel & Conf	\$117.00

# Warrant Register For Warrants

## Dated 09/22/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12558799	5570	MATELOT GULCH MINING Study Trip	\$553.00
12558800	6739	NEARPOD INC. Software Licenses	\$995.00
12558801	5111	P & R PAPER SUPPLY COMPANY INC Food Services Supplies	\$3,991.54
12558802	2592	PRINCETON HEALTH PRESS Textbooks	\$187.00
12558803	1168	PRODUCERS DAIRY PRODUCTS Food	\$17,878.03
12558804	1184	PURE FORCE Kitchen Supplies	\$881.55
12558805	1227	RENAISSANCE LEARNING INC. Software Licenses	\$2,615.00
12558806	1293	SAN JOAQUIN CHEMICALS INC. Repairs	\$1,500.00
12558807	3136	SAVE A LIFE TRAINING CENTER Other Services	\$1,200.00
12558808	1303	SAVE MART SUPERMARKETS Food	\$29.99
12558809	3743	SHRED-IT USA – FRESNO Shredding Services	\$287.29
12558810	6368	SINCLAIR RESEARCH GROUP Inst'l Consultant	\$5,250.00
12558811	1801	SMART & FINAL STORES (HFD/KIT) Food	\$150.43
12558812	6057	SMITH WELDING & MACHINE SHOP Repairs	\$120.00
12558813	6995	SOCIAL THINKING PUBLISHING Special Ed Supplies	\$56.58
12558814	7015	SOLCON INC. Equipment	\$529.04
12558815	1403	STANISLAUS FOUNDATION – DENTAL Other Services	\$10,471.49
12558816	5622	JOANNA STONE Travel & Conf	\$32.00
12558817	2188	SUPPLYWORKS Grounds, Custodial Supplies	\$3,706.58
12558818	1444	SYSCO FOODSERVICES OF MODESTO Food	\$22,824.25
12558819	1466	TERMINIX INTERNATIONAL Pest Control	\$397.00
12558820	6944	TETER LLP Buildings & Improvements	\$5,185.41
12558821	6148	TRANE Repairs	\$2,032.92
12558822	5758	LINA TUON Allowance	\$100.00
12558823	1508	U.S. POSTAL SERVICE (CMRS-FP) Postage	\$3,500.00
12558824	1521	UNITED REFRIGERATION INC. Kitchen Supplies	\$854.05
12558825	1525	UNIVERSAL SPECIALTIES INC. Maintenance Supplies	\$2,017.12
12558826	3154	UPS Postage	\$8.50
12558827	1544	VALLEY OAK CABINET MFG. Maintenance Supplies	\$252.04
12558828	5655	VOSSLER FARMS PUMPKIN PATCH Study Trip	\$630.00
12558829	5655	VOSSLER FARMS PUMPKIN PATCH Study Trip	\$540.00
12558830	1603	WESTERN BUILDING MATERIALS Maintenance Supplies	\$573.58
12558831	6435	ZOHO CORP Software Licenses	\$1,415.00

**Total Amount of All Warrants:**
**\$600,796.85**



**Credit Card Register For Payments**  
**Dated 09/22/2017**

Document Number	Vendor Number	Vendor Name	Amount
14020821	4876	BRAIN POP Software Licenses	\$3,090.00
14020822	176	BSN SPORTS Equipment/Athletic Supplies	\$15,538.67
14020823	599	GOPHER SPORT Athletic Supplies	\$188.10
14020824	5280	J&E RESTAURANT SUPPLY INC Kitchen Supplies	\$311.71
14020825	1147	POSITIVE PROMOTIONS Inst'l Matl's	\$1,613.14
14020826	5120	SAFETY DEPOT Supplies	\$100.62
14020827	3513	SIGNMAX Maintenance Supplies	\$63.26
14020828	1547	VALLEY PUBLIC TELEVISION Other Services	\$475.00
14020829	1619	WILBUR-ELLIS COMPANY LLC Grounds Supplies	\$658.56
14020830	598	WINGFOOT COMMERCIAL TIRE SYS Repairs	\$1,872.61
<b>Total Amount of All Credit Card Payments:</b>			<b>\$23,911.67</b>



# Warrant Register For Warrants

## Dated 09/29/2017

Warrant Number	Vendor Number	Vendor Name	Amount
12559583	3970	MICHELLE ADAMS Allowance	\$70.32
12559584	1142	MICHELE ALEXANDER Travel & Conf	\$117.00
12559585	5638	AMERICAN SAFETY & HEALTH Medical Supplies	\$349.80
12559586	3947	ATKINSON ANDELSON LOYA RUUD & Legal	\$3,216.94
12559587	1690	BATTERY SYSTEMS Custodial Supplies	\$525.96
12559588	6769	BEST WESTERN INN & SUITES Travel & Conf	\$314.80
12559589	839	SUSAN BETTENCOURT Mileage/Travel & Conf	\$42.23
12559590	7040	CA ALLIANCE FOR JAZZ Band	\$195.00
12559591	5107	CASCWA MEMBERSHIP Dues & Memberships	\$75.00
12559592	6552	CHILDREN'S STORYBOOK GARDEN Study Trips	\$1,125.00
12559593	6678	CHRISTOPHER COSTELLO Allowance	\$100.00
12559594	387	CSBA Travel & Conf	\$299.00
12559595	6419	JAMIE DIAL Supplies/Travel & Conf	\$223.21
12559596	4815	DIGITECH INTEGRATIONS INC Maintenance Matl's	\$372.97
12559597	6006	JACQUELYN DOYEL Allowance	\$64.44
12559598	4346	EAI EDUCATION Inst'l Matl's	\$160.16
12559599	4196	EDUCATIONAL DATA SYSTEMS Test Scoring	\$337.25
12559600	6994	ESP SURVEYING INC. Buildings & Improvements	\$2,910.00
12559601	3517	JENNIFER FAGUNDES Mileage	\$78.54
12559602	6232	FOLLETT LIBRARY RESOURCES Books	\$141.53
12559603	6354	TAYLOR FURTADO Other Services	\$21.00
12559604	556	JOY GABLER Mileage	\$57.35
12559605	2290	ROBERT A. GARCIA Travel & Conf	\$56.00
12559606	1393	GAS COMPANY Gas	\$135.09
12559607	2157	YOLANDA GOMES Rewards	\$14.92
12559608	1816	LUCY GOMEZ Travel & Conf/Mileage	\$79.51
12559609	3253	CORI GRIFFIN Allowance	\$100.00
12559610	713	HOUGHTON MIFFLIN Inst'l Consultant	\$11,250.00
12559611	5913	JAMI JENKINS Supplies/Travel & Conf/Mileage	\$262.73
12559612	6493	KELLIE JONES Allowance	\$141.27
12559613	796	KINGS COUNTY OFFICE OF ED Travel & Conf	\$1,500.00
12559614	3625	BERTHA MARTIN Other Services	\$21.00
12559615	4188	CHAD NIELSEN Mileage	\$38.57
12559616	1058	OFFICE DEPOT Office Supplies	\$236.82
12559617	1087	TRAVIS C. PADEN Allowance	\$69.01
12559618	4263	JEREMY PRINCETTA Allowance	\$200.00
12559619	6035	PROJECT SURVIVAL CAT HAVEN Inst'l Consultant	\$350.00
12559620	2993	TIM REVIOUS Travel & Conf	\$56.00
12559621	1327	SCHOOL SPECIALTY Warehouse	\$197.36
12559622	1356	SILVAS OIL COMPANY INC. Fuel	\$843.27
12559623	3800	SONITROL OF FRESNO Repairs	\$425.72
12559624	1392	SOUTHERN CALIFORNIA EDISON CO. Electricity	\$9,566.56
12559625	2031	SOUTHWEST SCH & OFFICE SUPPLY Warehouse	\$229.52
12559626	1403	STANISLAUS FOUNDATION – DENTAL Other Services	\$13,945.10
12559627	6921	GREG STRICKLAND Travel & Conf	\$168.00
12559628	3665	TECH MUSEUM OF INNOVATION Study Trip	\$140.00
12559629	1506	TWB INSPECTIONS Buildings & Improvements	\$6,450.00
12559630	5915	STEFANIE UMSCHIED Supplies/Travel & Conf	\$210.18

**Warrant Register For Warrants  
Dated 09/29/2017**

Warrant Number	Vendor Number	Vendor Name	Amount
12559631	1647	VERITIV OPERATING COMPANY Supplies	\$1,909.41
12559632	3863	WILLIAM WILKINSON Allowance	\$17.78
<b>Total Amount of All Warrants:</b>			<b>\$59,411.32</b>



**Credit Card Register For Payments**  
**Dated 09/29/2017**

Document Number	Vendor Number	Vendor Name	Amount
14020893	149	BLICK ART MATERIALS Inst'l Matl's	\$616.14
14020894	4876	BRAIN POP Software Licenses	\$1,795.00
14020895	599	GOPHER SPORT Athletic Supplies	\$1,440.88
14020896	5690	INDOFF INCORPORATED Equipment	\$19,320.85
<b>Total Amount of All Credit Card Payments:</b>			<b>\$23,172.87</b>



**Hanford Elementary School District**  
***Minutes of the Regular Board Meeting***  
***September 27, 2017***

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on September 27, 2017 at the District Office Board Room, 714 N. White Street, Hanford, CA.

- Call to Order** President Garcia called the meeting to order at 5:30 p.m. Trustee Garner, Hernandez, and Strickland were present. Trustee Revious was absent.
- HESD Managers Present** Joy C. Gabler, Superintendent, and the following administrators were present: Don Arakelian, Lindsey Calvillo, Doug Carlton, Debra Colvard, David Endo, Javier Espindola, Ramiro Flores, Matthew Gamble, David Goldsmith, Lucy Gomez, Rick Johnston, Jaime Martinez, Karen McConnell, Gerry Mulligan, Jennifer Pitkin, Jill Rubalcava, 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 5:51 p.m.
- Case #18-02** Trustee Hernandez moved to accept the Findings of Facts and expel Case #18-02 for the remainder of 2017-2018 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held on September 25, 2017. Parents may apply for readmission on or after June 6, 2018. Trustee Garner seconded; motion carried 4-0:
- Garcia – Yes
  - Garner – Yes
  - Hernandez – Yes
  - Strickland – Yes
- Public Comments** None
- Board and Staff Comments** Joy C. Gabler, Superintendent, shared some recent highlights:
- Leah Vidal, 4<sup>th</sup> grade student at Lee Richmond, was in attendance. She recited her published poem in The Young American Poetry Digest. Her parents, grandparents and sisters were present. Joy encouraged Leah to keep writing.
  - Terri Lidnsey, School Nurse, was nominated for the 2017-18 CSNO Excellence in School Nursing Administration Award. Joy congratulated her for doing such great work with HESD students.
  - Monroe Elementary hosted its first Grandparent's Day. The Hanford Sentinel wrote an article on the event.
  - Elijah Saucedo, 1<sup>st</sup> grade student at Lincoln Elementary, received from Officer Carrillo and Hanford Police Department a new bike and helmet.
  - Pam Beck, retired employee from HESD, wrote an e-mail to David Goldsmith letting David know how much she appreciated him and his team for always doing their job right.
  - David Goldsmith is a member of California Educational Technology Professionals Association. CETPA wrote a letter acknowledging him for his great support and involvement.

Trustee Garcia thanked Mrs. Calvillo for the nice visit they had at Lee Richmond. He stated he can see the panther pride in all the classes. Students and teachers were engaged. They also got to visit Debra Colvard and her Induction team.

**Requests to  
Address the Board**      None

**Dates to  
Remember**      President Garcia reviewed dates to remember: Gridiron (Flag Football) Classic I on October 9<sup>th</sup>; Regular Board Meeting on October 11<sup>th</sup>; Girls' Spiker (volley ball) Classic XXI on October 12<sup>th</sup>; Grades 4-6 Fall Round-Robin #2 on October 14<sup>th</sup>; Harrier Classic XXI on October 17<sup>th</sup>.

### **CONSENT ITEMS**

Trustee Garner made a motion to take consent items "b" through "d" together. Trustee Strickland seconded; motion carried 4-0:

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

Trustee Garner then made a motion to approve consent items "b" through "d". Trustee Strickland seconded; motion carried 4-0:

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

Trustee Garner then made a motion to approve consent items "a". Trustee Hernandez seconded; motion carried 3-0:

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

The items approved are as follows:

- a) Warrant listings dated 9/8/17 and 9/15/17.
- b) Minutes of Regular Board Meeting 9/13/17.
- c) Interdistrict transfers as recommended.
- d) Donation of \$2.45 from The Kula Foundation.

### **INFORMATION ITEMS**

**AR 3516.3**      Gerry Mulligan, Director of Facilities and Operations, presented for information the following revised Administrative Regulation:

- AR 3516.3 – Earthquake Emergency Procedure System

### **BOARD POLICIES AND ADMINISTRATION**

**CSEA Agreement**      Trustee Strickland made a motion to approve the negotiated successor agreement with the California School Employee Association (CSEA) Chapter #344. Trustee Hernandez seconded; motion carried 4-0:

Garcia – Yes

Garner – Yes  
Hernandez – Yes  
Strickland – Yes

**Freedom Writers** Trustee Strickland made a motion to approve the consultant contract with Erin Gruwell of Freedom Writers. Trustee Garner seconded; motion carried 4-0:

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

**Pam Beck** Trustee Strickland made a motion to approve the consultant contract with Mathematics Specialist, Pam Beck to create mathematics assessments for grades 4-5. Trustee Hernandez seconded; motion carried 4-0:

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

**CDS and MLK school site councils** Trustee Strickland made a motion to approve the waiver renewal to California Department of Education to combine school site councils of Community Day School and Martin Luther King School. Trustee Garner seconded; motion carried 4-0:

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

**KCHSA and HCBH** Trustee Strickland made a motion to approve the Memorandum of Understanding between Kings County Human Services Agency, Kings County Behavioral Health and HESD to outline the responsibility of funding for the placement of a foster child whose primary residence is within the boundaries of the district. Trustee Hernandez seconded; motion carried 4-0:

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

**CA Health Kids Survey** Trustee Hernandez made a motion to approve the Memorandum of Understanding with California Health Kids Survey to provide the district with needs-assessment data that will be valuable source for the evaluation of the LCAP for grades 5-7. Trustee Strickland seconded; motion carried 4-0:

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

**Kings View** Trustee Strickland made a motion to approve the Memorandum of Understanding between Kings View Counseling Services and HESD to provide mental health counseling services to students who meet service requirements. Trustee Hernandez seconded; motion carried 4-0:

Garcia – Yes

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

**BP/AR 5141** Trustee Garner made a motion to approve the revised Board Policy and Administrative Regulation 5141 – Health Care and Emergencies. Trustee Hernandez seconded; motion carried 4-0:

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

**BP/AR 6159.1** Trustee Hernandez made a motion to approve the revised Board Policy and Administrative Regulation 6159.1 – Procedural Safeguards and Complaints for Special Education. Trustee Strickland seconded; motion carried 4-0:

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

**AR 6164.41** Trustee Hernandez made a motion to approve the new Administrative Regulation 6164.41 – Children with Disabilities Enrolled by their Parents in Private School. Trustee Strickland seconded; motion carried 4-0:

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

**AR 3270** Trustee Garner made a motion to approve the revised Board Policy and Administrative Regulation 3270 – Sale and Disposal of Books, Equipment and Supplies. Trustee Hernandez seconded; motion carried 4-0:

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

**AR 3440** Trustee Hernandez made a motion to approve the revised Administrative Regulation 3440 – Inventories. Trustee Garner seconded; motion carried 4-0:

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

**AR 3460** Trustee Garner made a motion to approve the revised Administrative Regulation 3460 – Financial Reports and Accountability. Trustee Hernandez seconded; motion carried 4-0:

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

**AR 3512** Trustee Hernandez made a motion to approve the revised Administrative Regulation 3512 – Equipment. Trustee Garner seconded; motion carried 4-0:

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

**E 5145.6** Trustee Garner made a motion to approve the revised Exhibit 5145.6 – Parent Notifications. Trustee Hernandez seconded; motion carried 4-0:

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

**BP 6142.94** Trustee Garner made a motion to approve the new Board Policy 6142.94 – History-Social Science Instruction. Trustee Hernandez seconded; motion carried 4-0:

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

**AR 6143** Trustee Hernandez made a motion to approve the revised Administrative Regulation 6143 – Courses of Study. Trustee Garner seconded; motion carried 4-0:

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

**AR 6158** Trustee Hernandez made a motion to approve the revised Administrative Regulation 6158 – Independent Study. Trustee Garner seconded; motion carried 4-0:

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

**AR 6163.2** Trustee Strickland made a motion to approve the revised Administrative Regulation 6163.2 – Animals at School. Trustee Garner seconded; motion carried 4-0:

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

**E 6163.4** Trustee Hernandez made a motion to approve the revised Board Policy, deleted Administrative Regulation and new Exhibit 6163.4 – Student Use of Technology. Trustee Strickland seconded; motion carried 4-0:

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

**BP/AR 6182** Trustee Strickland made a motion to approve the deleted Board Policy and Administrative Regulation 6182 – Opportunity School Class Program. Trustee Garner seconded; motion carried 4-0:

Garcia – Yes  
Garner – Yes

Hernandez – Yes  
Strickland – Yes

**Yard Supervisors, Babysitters & Walk-on Coaches' Salary Increase** Trustee Strickland made a motion to approve the increase to the starting hourly rate for Yard Supervisors, Babysitters and Walk-on Athletic Coaches to \$11.75 an hour effective January 1, 2018. Trustee Hernandez seconded; motion carried 4-0:

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

**Management, Professional Specialist & Confidential Employees' Salary Increase** Trustee Strickland made a motion to approve a 1.77% retroactive salary increase to July 1, 2017 for all Management, Professional Specialists, and Confidential Employees. Along with a \$56/month increase to the healthcare cap effective October 1, 2017. Trustee Hernandez seconded; motion carried 4-0:

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

**Superintendent's Salary Increase** Trustee Strickland made a motion to approve an Amendment to the Superintendent's Contract to reflect a 1.77% retroactive salary increase to July 1, 2017 along with a \$56 per month increase to the healthcare cap effective October 1, 2017. Trustee Garner seconded; motion carried 4-0:

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

## PERSONNEL

Trustee Garner made a motion to take Personnel items "a" through "q" together. Trustee Strickland seconded; motion carried 4-0:

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

Trustee Garner then made a motion to approve Personnel items "a" through "q". Trustee Hernandez seconded; the motion carried 4-0:

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

### ***Item "a" – Employment***

#### Classified

- Ariel Masterson, Health Care Assistant – 6.0 hrs., Jefferson Charter Academy, effective 9/25/17

#### Temporary Employees/Substitutes/Yard Supervisors

- Colleen Alcalá, Substitute Yard Supervisor, effective 9/15/17
- Araceli Gonzales, Substitute Yard Supervisor, effective 9/1/17
- Claudel Luis, 4-6 Boys Football Coach, Lincoln, effective 9/10/17 to 11/10/17; 7-8 Boys Football Coach, Kennedy, effective 9/1/17 to 10/18/17

- Sophia Medina, Folklorico Dance Coach, Jefferson, effective 9/11/17 to 11/3/17
- Kerrina Pereda, Substitute Yard Supervisor, effective 9/12/17
- Tiffany West, Short-term Special Education Aide – 5.0 hrs., Roosevelt, effective 09/18/17-12/15/17

***Item "b" – Resignations***

- Clarissa Ayala, READY Program Tutor – 4.5 hrs., Hamilton, effective 10/27/17
- Emily Guilbeau, Special Education Aide – 5.0 hrs., Lincoln, effective 9/29/17
- Blake Villi, Substitute Yard Supervisor, effective 9/5/17

***Item "c" – Transfer***

- Desiree Davis, Media Services Aide – 5.5 hrs., from King to Monroe, effective 9/18/17

***Item "d" – Promotion/Transfer***

- Zachary Westover, from READY Program Tutor – 4.5 hrs., Lincoln to Media Services Aide – 5.5 hrs., King, effective 9/15/17

***Item "e" – Promotion/Transfer/Increase in Work Year***

- Linda Cruz, from Media Services Aide – 5.5 hrs., 11-month, Monroe to Teacher Resource Center Specialist– 8.0 hrs., 12-month, Teacher Resource Center, effective 9/18/17

***Item "f" – Lateral Change/More Hours/Transfer***

- Melody Cantrell, Educational Tutor K-6 – 3.5 hrs., Monroe to Special Circumstance Aide – 5.75 hrs., Simas, effective 9/25/17

***Item "g" – Administrative Transfer***

- Juana Meza, Educational Tutor K-6 – 3.5 hrs., from Richmond to Monroe, effective 9/25/17

***Item "h" – More Hours/Administrative Transfer***

- Veronica Martin, Yard Supervisor, from 1.0 hr., Monroe to 2.75 hrs., Jefferson, effective 8/14/17

***Item "i" – More Hours***

- Angelica Aguilar, Yard Supervisor, from 2.5 hrs. to 3.5 hrs., King, effective 8/14/17
- Estevan Alcala, Short-term Yard Supervisor, from 2.0 hrs. to 3.25 hrs., Monroe, effective 8/28/17 to 10/31/17
- Gennarina Alvarez, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Hamilton, effective 9/14/17
- Ashley Candelaria, Yard Supervisor, from 2.25 hrs. to 2.75 hrs., Hamilton, effective 8/14/17
- Amalia Cavazos, Yard Supervisor, from 2.75 hrs. to 3.25., Simas, effective 9/15/17
- Andrice Dean, Yard Supervisor, from 1.25 hrs. to 1.5 hrs., Richmond, effective 8/14/17
- Terri Fredrick, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 8/14/17
- Amy Garcia, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Jefferson, effective 8/14/17
- John Garcia, Yard Supervisor, from 1.75 hrs. to 2.25 hrs., Wilson, effective 8/14/17
- Fidel Gonzalez, Yard Supervisor, from 2.5 hrs. to 2.75 hrs., Wilson, effective 8/14/17
- Amanda Henderson, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 9/4/17

- Christina Jenkins, Yard Supervisor, from 3.0 hrs. to 3.5 hrs., Monroe, effective 8/14/17
- Jamie Jordan, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Simas, effective 9/15/17
- Veronica Leach, Yard Supervisor, from 3.0 hrs. to 3.25 hrs., Hamilton, effective 8/14/17
- Sylvia Lombero, yard Supervisor, from 2.25 hrs. to 3.75 hrs., Roosevelt, effective 8/14/17
- Veronica Martin, Yard Supervisor, from 2.75 hrs. 3.75 hrs., Jefferson, effective 8/28/17
- Stacey Paez, Yard Supervisor from 2.5 hrs. to 2.75 hrs., Roosevelt, effective 8/14/17
- Michael Quiñones, Yard Supervisor, from 3.25 hrs. to 3.5 hrs., Washington, effective 8/14/17
- Sylvia Reyna, Yard Supervisor, from 1.5 hrs. to 1.75 hrs., Roosevelt, effective 8/14/17
- Felimena Reynolds, Yard Supervisor, from 2.5 hrs. to 3.75 hrs., Monroe, effective 8/14/17
- Madasen Rodriguez, Yard Supervisor, from 1.0 hr. to 1.75 hrs., Monroe, effective 8/14/17; Yard Supervisor, from 1.75 hrs. to 2.5 hrs., Monroe, effective 8/28/17
- Rosemarie Rodriguez, Yard Supervisor, from 2.25 hrs. to 2.5 hrs., Washington, effective 8/14/17
- Alexis Villa, Yard Supervisor, from 2.75 hrs. to 3.0 hrs., Roosevelt, effective 8/14/17
- Kathie Woughter, Yard Supervisor, from 2.25 hrs. to 2.5 hrs., Lincoln, effective 8/14/17
- Yesenia Zarate Brito, Yard Supervisor, from 1.75 hrs. to 3.0 hrs., Roosevelt, effective 8/14/17

***Item "j" –  
Decrease in Hours***

- Gennarina Alvarez, Yard Supervisor, from 3.5 hrs. to 3.25 hrs., Hamilton, effective 8/14/17
- Rosarita Alvarez, Yard Supervisor, from 2.25 hrs. to 2.0 hrs., King, effective 8/14/17
- Chantel Andresen, Yard Supervisor, from 2.75 hrs. to 2.5 hrs., Monroe, effective 8/14/17
- Sylvia Lombero, Yard Supervisor, from 3.75 hrs. to 3.5 hrs., Roosevelt, effective 8/21/17
- Guadalupe Lopez, Yard Supervisor, from 2.0 hrs. to 1.5 hrs., Jefferson, effective 8/14/17
- Sonia Mena, Yard Supervisor, from 3.75 hrs. to 3.5 hrs., Jefferson, effective 8/14/17
- Michael Quiñones, Yard Supervisor, from 3.5 hrs. to 3.25 hrs., Washington, effective 9/4/17
- Christine Payne, Short-term Yard Supervisor – 2.0 hrs. (T), effective 8/22/17 to 8/30/17 and 10/13/17 to 12/12/17; 2.75 hrs. (M,T,F) 8/31/17 to 10/12/17 and 1.75 (W) effective 8/31/17 to 10/12/17, Hamilton (revised)
- Felimena Reynolds, Yard Supervisor, from 3.75 hrs. to 3.0 hrs., Monroe, effective 8/28/17

***Item "k" – Leave  
of Absence***

- Esmeralda Ledesma, Yard Supervisor – 1.0 hr., Lincoln, effective 08/29/17 to 09/12/17, medical

***Item "l" – Job  
Descriptions***

- (Bilingual) Licensed Vocational Nurse (New)
- DSF Work Control Technician (New)

***Item "m" –  
Salaries/Wages***

Agreement has been reached with CSEA to place the following new classifications on the Classified Employees' Salary Schedule as follows:

- DSF Work Control Technician (Range 16)

- Licensed Vocational Nurse (Range 11)
- (Bilingual) Licensed Vocational Nurse (Range 12)

**Item “n” –  
Reclassifications**

- Deborah Albrecht, from Health Care Assistant – 6.0 hrs. to Licensed Vocational Nurse – 6.0 hrs., Simas, effective 8/8/17
- Graciela Alvarez, from Bilingual Health Care Assistant – 6.0 hrs. to Bilingual Licensed Vocational Nurse – 6.0 hrs., King, effective 8/8/17
- Casandra Arceo, from Bilingual Health Care Assistant – 6.0 hrs. to Bilingual Licensed Vocational Nurse – 6.0 hrs., Lincoln, effective 8/8/17
- Vanesa Carson, from Health Care Assistant – 6.0 hrs. to Licensed Vocational Nurse – 6.0 hrs., Wilson, effective 8/8/17
- Anne Cauthen, from Health Care Assistant – 6.0 hrs. to Licensed Vocational Nurse – 6.0 hrs., Washington, effective 8/8/17
- Cynthia Dias, from Administrative Secretary II – 8.0 hrs. to DSF Work Control Technician – 8.0 hrs., effective 7/1/16
- Ariel Masterson, from Health Care Assistant – 6.0 hrs. to Licensed Vocational Nurse – 6.0 hrs., Jefferson Charter Academy, effective 9/25/17
- Maria Prado, from Bilingual Health Care Assistant – 6.0 hrs. to Bilingual Licensed Vocational Nurse – 6.0 hrs., Richmond, effective 8/8/17
- Daisy Wallace, from Bilingual Health Care Assistant – 6.0 hrs. to Bilingual Licensed Vocational Nurse – 6.0 hrs., Monroe, effective 8/8/17
- Brittany Winters, from Health Care Assistant – 6.0 hrs. to Licensed Vocational Nurse – 6.0 hrs., Hamilton, effective 8/8/17
- Lisa Wright, from Health Care Assistant – 6.0 hrs. to Licensed Vocational Nurse – 6.0 hrs., Kennedy, effective 8/8/17
- Norma Zuniga, from Bilingual Health Care Assistant – 6.0 hrs. to Bilingual Licensed Vocational Nurse – 6.0 hrs., Roosevelt, effective 9/5/17

**Item “o” –  
Salary/Wage  
Schedules for  
2017-2018**

- Management/Professional Specialist/Confidential Salary Schedule (revised)
- Classified Salary Schedule (revised)
- Non-Represented Part-Time Employee Wage Schedule (revised)
- Classified, Substitute/Temporary Wage Schedule (revised)

**Item “p” –  
California State  
University,  
Fresno’s Nursing  
Program**

- Consider approval of Service Agreement with California State University, Fresno’s Nursing Program
- Authorize agreement between Hanford Elementary School District and California State University, Fresno to provide the Institution’s Nursing Program students field experience at HESD facilities

**Item “q” –  
Volunteers**

<u>Name</u>	<u>School</u>
Amber Alves	Hamilton
Jennifer Bates	Jefferson
Aracelia Fernandez Mendez	Jefferson
Liliana Garcia-Medina	King
Claudia Guzman	King
Chantel Niess	King
Shirley Silva	King
Celeste Cervantez (HESD Employee)	Monroe
Amy Ivey	Monroe
Rita Reyna-Wooley	Monroe
Carla Berlanga	Richmond
Ana Mendoza	Richmond
Roberta Vasquez (HESD Employee)	Richmond
Tasha Hall	Roosevelt
Karla Medina	Roosevelt

Nancy Medina	Roosevelt
Karen Ortega Garcia	Roosevelt
Gwendolyn Somera	Roosevelt
Tiffaney Nash	Simas
Angelina Soares	Simas
Ann Marie Hernandez	Washington

## FINANCIAL

**Resolution #8-18** Trustee Strickland made a motion to adopt Resolution#8-18: 17/18 Budget Revisions #2 resulting from the negotiations of the Classified collective bargaining agreement, Management/Confidential salary schedules and various other budget updates. Trustee Hernandez seconded; motion carried 4-0:

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

**Resolution #7-18** Trustee Strickland made a motion to adopt Resolution#7-18: Regarding the Accounting of Developer Fees. Trustee Hernandez seconded; motion carried 4-0:

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

**Surplus Items** Trustee Strickland made a motion to declare surplus items . Trustee Hernandez seconded; motion carried 4-0:

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

**Adjournment** There being no further business, President Garcia adjourned the meeting at 6:25 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-150	A	Lincoln	Lakeside	10/02/2017
I-151	A	Simas	Pioneer	10/02/2017
I-152	A	Simas	Pioneer	10/02/2017
I-153	A	Kennedy	Armona	10/02/2017
I-154	A	Kennedy	Armona	10/02/2017

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: Javier Espindola

DATE: September 26, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

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

**ITEM:** Consider acceptance of donation of \$293.93 from eScrip to Jefferson Elementary.

**PURPOSE:** To be used for the purchase of student incentives.

**FISCAL IMPACT:** Increase of \$293.93 to Account #0900-1100-0-1110-1000-430000-021-0000

**RECOMMENDATIONS:** Accept donation.

## HANFORD ELEMENTARY SCHOOL DISTRICT

## AGENDA REQUEST FORM

TO: Joy C. Gabler

FROM: Kristina Baldwin *Kristina Baldwin*

DATE: October 02, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☐ Action

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

**ITEM:** E-Scrip Participation Program Donation -- \$41.39**PURPOSE:** General Fund/Instructional Supplies**FISCAL IMPACT:** \$41.39**RECOMMENDATIONS:** Approve Donation

**HANFORD ELEMENTARY SCHOOL DISTRICT**AGENDA REQUEST FORM

TO: Joy Gabler   
FROM: David Goldsmith  
DATE: September 27, 2017

For: ☒ Board Meeting  
☐ Superintendent's Cabinet

For: ☐ Information  
☒ Action

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

ITEM: Donation of twelve (12) laptop computers to Jefferson Charter Academy.

PURPOSE: Adventist Health in Hanford has donated twelve (12) laptop computers to Jefferson Charter Academy for student use. The 14" widescreen laptops meet HESD minimum specifications for computer equipment.

FISCAL IMPACT:

RECOMMENDATION: Accept.

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: 10/11/2017

**ITEM:**

Receive for information monthly financial reports for the period of 07/01/2017-09/30/2017.

**PURPOSE:**

Attached are financial summaries for all of the District's funds for the period of 07/01/2017-09/30/2017. These reports have incorporated the latest board approved budget revisions.

**FISCAL IMPACT:**

The financial reports are informational only.

**RECOMMENDATIONS:**

Receive the monthly financial reports for the period of 07/01/2017-09/30/2017.

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

# Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 0100 General Fund

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$10,017,986.36	\$10,017,986.36		
<b>REVENUES</b>						
1) LCFF Sources	8010-8099	\$5,292,611.00	\$9,943,379.94	\$52,277,979.00	19.02	80.98
2) Federal Revenues	8100-8299	\$613,509.82	\$626,952.73	\$4,025,563.00	15.57	84.43
3) Other State Revenues	8300-8599	\$138,956.00	\$40,022.00	\$5,885,089.00	0.68	99.32
4) Other Local Revenues	8600-8799	\$142,437.84	\$340,981.19	\$2,152,524.07	15.84	84.16
<b>5) Total, Revenues</b>		<b>\$6,187,514.66</b>	<b>\$10,951,335.86</b>	<b>\$64,341,155.07</b>	<b>17.02</b>	<b>82.98</b>
<b>EXPENDITURES</b>						
1) Certificated Salaries	1000-1999	\$2,355,388.12	\$4,871,520.43	\$26,749,783.00	18.21	81.79
2) Classified Salaries	2000-2999	\$907,166.05	\$2,241,080.04	\$10,594,436.00	21.15	78.85
3) Employee Benefits	3000-3999	\$1,185,059.95	\$2,233,701.06	\$16,116,315.00	13.86	86.14
4) Books and Supplies	4000-4999	\$640,813.70	\$924,026.71	\$4,979,040.56	18.56	81.44
5) Services, Oth Oper Exp	5000-5999	\$440,350.83	\$1,325,462.64	\$3,597,914.54	36.84	63.16
6) Capital Outlay	6000-6999	\$12,120.97	\$40,996.57	\$443,827.64	9.24	90.76
7) Other Outgo(excl. 7300`s)	7100-7499	\$59,491.00	\$131,375.00	\$1,379,583.00	9.52	90.48
8) Direct/Indirect Support	7300-7399	\$0.00	\$0.00	(\$334,000.00)	0.00	100.00
<b>9) Total Expenditures</b>		<b>\$5,600,390.62</b>	<b>\$11,768,162.45</b>	<b>\$63,526,899.74</b>	<b>18.52</b>	<b>81.48</b>
<b>OTHER FINANCING SOURCES/USES</b>						
1) Transfers						
B) Transfers Out	7610-7629	\$0.00	\$0.00	\$797,181.00	0.00	100.00
3) Contributions	8980-8999	\$0.00	\$0.00	\$0.00	0.00	100.00
<b>4) Total, Other Financing Sources/Uses</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>(\$797,181.00)</b>	<b>0.00</b>	<b>100.00</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>\$587,124.04</b>	<b>(\$816,826.59)</b>	<b>\$17,074.33</b>		
<b>ENDING FUND BALANCE</b>			<b>\$9,201,159.77</b>	<b>\$10,035,060.69</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 0900 Charter Schools Fund

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$361,412.19	\$361,412.19		
<b>REVENUES</b>						
1) LCFF Sources	8010-8099	\$311,564.00	\$634,074.00	\$3,696,898.00	17.15	82.85
3) Other State Revenues	8300-8599	\$0.00	\$0.00	\$349,317.00	0.00	100.00
4) Other Local Revenues	8600-8799	\$0.00	\$0.00	\$9,350.89	0.00	100.00
<b>5) Total, Revenues</b>		<b>\$311,564.00</b>	<b>\$634,074.00</b>	<b>\$4,055,565.89</b>	<b>15.63</b>	<b>84.37</b>
<b>EXPENDITURES</b>						
1) Certificated Salaries	1000-1999	\$145,916.60	\$291,183.20	\$1,675,837.00	17.38	82.62
3) Employee Benefits	3000-3999	\$52,319.76	\$78,027.45	\$708,504.00	11.01	88.99
4) Books and Supplies	4000-4999	\$3,445.47	\$17,507.76	\$131,609.12	13.30	86.70
5) Services, Oth Oper Exp	5000-5999	\$9,002.82	\$28,903.26	\$1,306,895.00	2.21	97.79
6) Capital Outlay	6000-6999	\$0.00	\$0.00	\$5,010.00	0.00	100.00
8) Direct/Indirect Support	7300-7399	\$0.00	\$0.00	\$185,000.00	0.00	100.00
<b>9) Total Expenditures</b>		<b>\$210,684.65</b>	<b>\$415,621.67</b>	<b>\$4,012,855.12</b>	<b>10.36</b>	<b>89.64</b>
<b>OTHER FINANCING SOURCES/USES</b>						
1) Transfers						
B) Transfers Out	7610-7629	\$0.00	\$0.00	\$66,750.00	0.00	100.00
3) Contributions	8980-8999	\$0.00	\$0.00	\$0.00	0.00	100.00
<b>4) Total, Other Financing Sources/Uses</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>(\$66,750.00)</b>	<b>0.00</b>	<b>100.00</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>\$100,879.35</b>	<b>\$218,452.33</b>	<b>(\$24,039.23)</b>		
<b>ENDING FUND BALANCE</b>			<b>\$579,864.52</b>	<b>\$337,372.96</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 1300 Cafeteria Fund

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$1,346,224.92	\$1,346,224.92		
<b>REVENUES</b>						
2) Federal Revenues	8100-8299	(\$323,388.17)	\$7,225.73	\$2,930,549.00	0.25	99.75
3) Other State Revenues	8300-8599	(\$22,420.73)	\$503.40	\$207,776.00	0.24	99.76
4) Other Local Revenues	8600-8799	\$4,662.35	\$8,916.38	\$329,951.00	2.70	97.30
<b>5) Total, Revenues</b>		<b>(\$341,146.55)</b>	<b>\$16,645.51</b>	<b>\$3,468,276.00</b>	<b>0.48</b>	<b>99.52</b>
<b>EXPENDITURES</b>						
2) Classified Salaries	2000-2999	\$93,458.90	\$223,699.67	\$1,095,802.00	20.41	79.59
3) Employee Benefits	3000-3999	\$33,980.94	\$66,515.78	\$383,365.00	17.35	82.65
4) Books and Supplies	4000-4999	\$177,257.78	\$234,429.56	\$1,816,803.00	12.90	87.10
5) Services, Oth Oper Exp	5000-5999	\$2,396.87	\$5,979.93	(\$12,998.72)	(46.00)	146.00
6) Capital Outlay	6000-6999	\$0.00	\$0.00	\$35,000.00	0.00	100.00
8) Direct/Indirect Support	7300-7399	\$0.00	\$0.00	\$149,000.00	0.00	100.00
<b>9) Total Expenditures</b>		<b>\$307,094.49</b>	<b>\$530,624.94</b>	<b>\$3,466,971.28</b>	<b>15.31</b>	<b>84.69</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>(\$648,241.04)</b>	<b>(\$513,979.43)</b>	<b>\$1,304.72</b>		
<b>ENDING FUND BALANCE</b>			<b>\$832,245.49</b>	<b>\$1,347,529.64</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 1400 Deferred Maintenance Fund

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$18,724.12	\$18,724.12		
<b>REVENUES</b>						
1) LCFF Sources	8010-8099	\$300,000.00	\$300,000.00	\$300,000.00	100.00	0.00
4) Other Local Revenues	8600-8799	\$0.00	\$0.00	\$1,200.00	0.00	100.00
<b>5) Total, Revenues</b>		<b>\$300,000.00</b>	<b>\$300,000.00</b>	<b>\$301,200.00</b>	<b>99.60</b>	<b>0.40</b>
<b>EXPENDITURES</b>						
5) Services, Oth Oper Exp	5000-5999	\$159.86	\$1,267.11	\$101,200.00	1.25	98.75
6) Capital Outlay	6000-6999	\$77,147.50	\$77,225.00	\$218,724.12	35.31	64.69
<b>9) Total Expenditures</b>		<b>\$77,307.36</b>	<b>\$78,492.11</b>	<b>\$319,924.12</b>	<b>24.53</b>	<b>75.47</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>\$222,692.64</b>	<b>\$221,507.89</b>	<b>(\$18,724.12)</b>		
<b>ENDING FUND BALANCE</b>			<b>\$240,232.01</b>	<b>\$0.00</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 1500 Pupil Transportation Equip

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$48,307.97	\$48,307.97		
<b>REVENUES</b>						
4) Other Local Revenues	8600-8799	\$0.00	\$0.00	\$500.00	0.00	100.00
<b>5) Total, Revenues</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$500.00</b>	<b>0.00</b>	<b>100.00</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>						
		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$500.00</b>		
<b>ENDING FUND BALANCE</b>						
			<b>\$48,307.97</b>	<b>\$48,807.97</b>		

13 Hanford Elementary School District

Fiscal Year: 2018

Requested by dendo

**Fiscal Position Report**

September 2017

10/2/2017 8:03:31AM

Fund: 2000 SPECIAL RESERVE FUND FOR OTHER POSTE

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$1,875,076.96	\$1,875,076.96		
<b>REVENUES</b>						
4) Other Local Revenues	8600-8799	\$0.00	\$0.00	\$19,000.00	0.00	100.00
<b>5) Total, Revenues</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$19,000.00</b>	<b>0.00</b>	<b>100.00</b>
<b>OTHER FINANCING SOURCES/USES</b>						
1) Transfers						
A) Transfers In	8910-8929	\$0.00	\$0.00	\$863,931.00	0.00	100.00
<b>4) Total, Other Financing Sources/Uses</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$863,931.00</b>	<b>0.00</b>	<b>100.00</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$882,931.00</b>		
<b>ENDING FUND BALANCE</b>			<b>\$1,875,076.96</b>	<b>\$2,758,007.96</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 2100 Building Fund-Local

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$8,553,055.44	\$8,553,055.44		
<b>REVENUES</b>						
4) Other Local Revenues	8600-8799	\$0.00	\$0.00	\$44,000.00	0.00	100.00
<b>5) Total, Revenues</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$44,000.00</b>	<b>0.00</b>	<b>100.00</b>
<b>EXPENDITURES</b>						
6) Capital Outlay	6000-6999	\$560,073.10	\$619,622.97	\$4,400,000.00	14.08	85.92
<b>9) Total Expenditures</b>		<b>\$560,073.10</b>	<b>\$619,622.97</b>	<b>\$4,400,000.00</b>	<b>14.08</b>	<b>85.92</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>(\$560,073.10)</b>	<b>(\$619,622.97)</b>	<b>(\$4,356,000.00)</b>		
<b>ENDING FUND BALANCE</b>			<b>\$7,933,432.47</b>	<b>\$4,197,055.44</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 2500 CapitalFacilities Fund

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$760,146.11	\$760,146.11		
<b>REVENUES</b>						
4) Other Local Revenues	8600-8799	\$98,679.92	\$136,965.07	\$267,000.00	51.30	48.70
<b>5) Total, Revenues</b>		<b>\$98,679.92</b>	<b>\$136,965.07</b>	<b>\$267,000.00</b>	<b>51.30</b>	<b>48.70</b>
<b>EXPENDITURES</b>						
5) Services, Oth Oper Exp	5000-5999	\$22,800.00	\$164,956.40	\$257,328.00	64.10	35.90
6) Capital Outlay	6000-6999	\$0.00	\$9,116.25	\$0.00	0.00	100.00
<b>9) Total Expenditures</b>		<b>\$22,800.00</b>	<b>\$174,072.65</b>	<b>\$257,328.00</b>	<b>67.65</b>	<b>32.35</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>\$75,879.92</b>	<b>(\$37,107.58)</b>	<b>\$9,672.00</b>		
<b>ENDING FUND BALANCE</b>			<b>\$723,038.53</b>	<b>\$769,818.11</b>		

13 Hanford Elementary School District

Fiscal Year: 2018

Requested by dendo

**Fiscal Position Report**

September 2017

10/2/2017 8:03:31AM

Fund: 4000 Special Reserve - Capital Outlay

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$3,732,960.11	\$3,732,960.11		
<b>REVENUES</b>						
4) Other Local Revenues	8600-8799	\$0.00	\$0.00	\$9,000.00	0.00	100.00
<b>5) Total, Revenues</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$9,000.00</b>	<b>0.00</b>	<b>100.00</b>
<b>EXPENDITURES</b>						
6) Capital Outlay	6000-6999	\$0.00	\$15,000.00	\$840,000.00	1.79	98.21
<b>9) Total Expenditures</b>		<b>\$0.00</b>	<b>\$15,000.00</b>	<b>\$840,000.00</b>	<b>1.79</b>	<b>98.21</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>\$0.00</b>	<b>(\$15,000.00)</b>	<b>(\$831,000.00)</b>		
<b>ENDING FUND BALANCE</b>			<b>\$3,717,960.11</b>	<b>\$2,901,960.11</b>		

13 Hanford Elementary School District  
 Fiscal Year: 2018  
 Requested by dendo

## Fiscal Position Report

September 2017

10/2/2017 8:03:31AM

Fund: 6720 Self-Insurance/Other

		September Amount	YTD Amount	Working Budget	% of Budget	% Remain
<b>BEGINNING BALANCE</b>						
Net Beginning Balance	9791-9795		\$383,392.38	\$383,392.38		
<b>REVENUES</b>						
4) Other Local Revenues	8600-8799	\$4,147.56	\$39,315.58	\$688,023.26	5.71	94.29
<b>5) Total, Revenues</b>		<b>\$4,147.56</b>	<b>\$39,315.58</b>	<b>\$688,023.26</b>	<b>5.71</b>	<b>94.29</b>
<b>EXPENDITURES</b>						
5) Services, Oth Oper Exp	5000-5999	\$55,317.23	\$193,016.80	\$706,477.00	27.32	72.68
<b>9) Total Expenditures</b>		<b>\$55,317.23</b>	<b>\$193,016.80</b>	<b>\$706,477.00</b>	<b>27.32</b>	<b>72.68</b>
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>		<b>(\$51,169.67)</b>	<b>(\$153,701.22)</b>	<b>(\$18,453.74)</b>		
<b>ENDING FUND BALANCE</b>			<b>\$229,691.16</b>	<b>\$364,938.64</b>		

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: 09/29/17

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: 10/11/17

**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:** Consider for adoption at the next public Board Meeting.

# 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 ~~Guide~~Manual for Governance Teams, rev. ~~2016~~2009

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, 2013](#)~~[11-01, 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: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: 10/11/17

**ITEM:**

Receive the following Administrative Regulation for information:  
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:**

Consider adoption of the following Administrative Regulation at the next board meeting:  
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: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: 10/11/2017

**ITEM:**

Receive the following Administrative Regulation for information:  
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:**

Consider adoption of the following Administrative Regulation at the next board meeting:  
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 2, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 11, 2017**

**ITEM:** Receive the following revised Administrative Regulation for information.

**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 4030 – Nondiscrimination in Employment (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

**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**Shepard 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 2, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 11, 2017**

**ITEM:** Receive the following revised Administrative Regulation for information.

**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:** Consider for adoption at next regular board meeting.

**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 2, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 11, 2017**

**ITEM:** Receive the following revised Administrative Regulation for information.

**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:** Consider for adoption at next regular board meeting.

**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 2, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 11, 2017**

**ITEM:** Receive the following revised Board Policy for information.

**PURPOSE:** The following Board Policy reflects changes (see underlined and strikeouts) that are necessary to align with current practices 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:** Consider for adoption at next regular board meeting.

**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 XX20 – 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 2, 2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **October 11, 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 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 personnel (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

**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 Leave**Notification 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. 4<sup>th</sup> 406

HESD/HETA COLLECTIVE BARGAINING AGREEMENT:

Article ~~XX~~16, Leaves

Regulation

approved: November 7, 2001

revised: December 15, 2010

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)*

Regulation

approved: November 7, 2001

revised: December 15, 2010

revised: August 24, 2016

revised: \_\_\_\_\_, 2017

**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.

AR 4361.1 (e)

**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

**Agenda Request Form**

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

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

**ITEM:**

Consider adoption of the following revised Administrative Regulation.

**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 3516.3: Earthquake Emergency Procedure System – Emergency Procedures.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Adopt.

# Hanford ESD

## Administrative Regulation

### Earthquake Emergency Procedure System

AR 3516.3

#### Business and Noninstructional Operations

#### Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

The Superintendent or designee ~~shall~~ may work with the California Governor's Office of Emergency Services and the Seismic Safety Commission to develop and establish ~~an the earthquake emergency procedure system to be followed in case~~ procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of earthquakes. ~~This system~~ students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code ~~35297~~ 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A ~~DROP~~ drop procedure ~~in which students~~ whereby each student and staff ~~members:~~
  - a. ~~Take~~ member takes cover under a table or desk
  - b. ~~Drop,~~ dropping to ~~their~~ his/her knees
  - e. ~~Protect their head,~~ with ~~their~~ the head protected by the arms
  - d. ~~Face away from~~ and the back to the windows
3. ~~Protective measures to be taken before, during and after an earthquake~~
4. ~~A training program to ensure that all students and all certificated and classified staff are~~

~~aware of, and properly skilled in, the earthquake emergency procedure system~~

~~School disaster plans shall outline roles, responsibilities and procedures for students and staff.~~

~~(cf. 3516—Emergency and Disaster Preparedness Plan)~~

~~DROP procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.~~

### ~~Earthquake Education~~

~~Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.—(Education Code 35297)~~

3. Protective measures to be taken before, during, and following an earthquake

4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught to take the following safety precautions during an earthquake to take if adults are not present to give specific directions: they

1. If you are in the open, stay there.  
or on the way to or

2. Move away from buildings, trees and exposed wires. school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

The Superintendent or designee shall identify at least one individual within each building to determine

~~3. After the earthquake, if you are on your way to school, continue to school.~~

~~4. After the earthquake, if you are on your way home, continue home.~~

if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

#### Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. ~~Teachers~~Staff shall have students perform the ~~DROP~~drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.

2. In laboratories, burners should be extinguished, if possible, before taking cover.

3. As soon as possible, ~~teachers~~staff shall move ~~the~~ students away from windows, shelves, and ~~out from under heavy suspended light fixtures~~objects or furniture that may fall.

~~4. 3. Teachers shall have~~ After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.

5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students ~~leave~~under their supervision and shall evacuate the building in an orderly manner ~~when the earthquake is over.~~

#### Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by ~~teachers~~staff or other persons in authority ~~and students~~ who are outdoors on school grounds:

1. ~~The teacher~~Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.

2. ~~The teacher~~Staff shall have students perform the drop procedure, ~~covering as much skin-surface as possible, closing eyes and covering ears.~~
3. ~~Teachers and~~Staff shall have students ~~shall~~ stay in the open until the earthquake is over or until further directions are given.

#### Earthquake While on the Bus

~~When~~If students are on the school bus ~~and~~when an earthquake occurs, the ~~following actions shall be taken:~~

1. ~~The~~ bus driver shall ~~pull~~take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from ~~any buildings, poles, wires, overhead structures or bridges~~outside hazards, if possible, ~~and have students perform the DROP procedure.~~
2. ~~The driver shall set the brakes, turn off the ignition, and wait until the .~~ Following the earthquake ~~is over before proceeding on the route.~~
3. ~~As soon as possible,~~ the driver shall contact the ~~supervisor of transportation~~Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

#### Subsequent Emergency Procedures

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further

instructions after assessing the earthquake damage.

8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

American Red Cross: <http://www.redcross.org>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency: <http://www.fema.gov/hazards/earthquakes>

National Incident Management System: <http://www.fema.gov/emergency/nims>

Regulation HANFORD ELEMENTARY SCHOOL DISTRICT


approved: May 16, 2001 Hanford, California

revised:

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department

**AGENDA REQUEST FORM**

**TO:** Joy Gabler

**FROM:** Jaime Martinez 

**DATE:** October 2, 2017

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

**DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED:** **October 11, 2017**

**ITEM:** Consider approval of personnel transactions and related matters.

**PURPOSE:**

**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 Ieronimo, Substitute Clerk Typist I and Yard Supervisor, effective 9/21/17
- Betty Oliveira, Substitute Yard Supervisor, effective 9/19/17

**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

**c. Volunteers**

<u>Name</u>	<u>School</u>
Valarie Casarez (HESD Employee)	Hamilton
Maria Garcia de Maravilla	Hamilton
Maria Gonzalez	Hamilton
Mercedes Rodriguez	Hamilton
Stacie Johnson (HESD Employee)	Jefferson
Elida Acevedo	King
Berlyn Tyler	King
Liliana Lopez	Lincoln
Christina Bragdon	Monroe
Donna Red Sky	Richmond
Lori Todd	Richmond
Diana Barrientos	Roosevelt
Rosalina Contreras	Roosevelt
Claudia Lara	Roosevelt
Rebecca Vega	Roosevelt
Crystal Avila	Simas
Ashleigh Schiller	Simas
Kerry Keck	Washington
Jennifer Young	Washington
Sanita Ieronimo (HESD Employee)	Monroe/King
Judy Noji	Washington/Simas/Monroe/ Hamilton/Jefferson

**RECOMMENDATION:** Approve.

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: 10/11/2017

**ITEM:**

Consider adoption of Resolution #9-18 allowing for the purchase of a SMART Brand Classroom Solutions utilizing a piggyback bid issued by Bakersfield City School District.

**PURPOSE:**

The Bakersfield City School District has approved a piggyback bid with IVS Computer Technology. Hanford Elementary School District would like to use this bid for the procurement of Smart Boards and related accessories. A copy of the Bakersfield City School District award letter has been included for your review.

**FISCAL IMPACT:**

Purchases will be made consistent with budgets.

**RECOMMENDATIONS:**

Adopt Resolution #9-18 allowing for the purchase of a SMART Brand Classroom Solutions utilizing a piggyback bid issued by Bakersfield City School District.

**HANFORD ELEMENTARY SCHOOL DISTRICT****RESOLUTION # 9-18****APPROVAL OF SMART BRAND CLASSROOM SOLUTIONS AGREEMENT**

**WHEREAS**, the Governing Board (the “Board”) of the Hanford Elementary School District (the “District”) has determined that a true and very real need exists for the acquisition of SMART Brand Classroom Solutions for use in District educational programs (the “Property”); and

**WHEREAS**, the governing board of a school district may under Section 20118 of the California Public Contract Code, without advertising for bids, if the board has determined it to be in the best interest of the district, authorize by contract, lease, requisition or purchase order, any public corporation or agency to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, services and other personal property for the district in the manner in which the public corporation is authorized by law to lease or purchase; and

**WHEREAS**, the Board has determined that it is in the best interest of the District to authorize the Property through a bid procured by the Bakersfield City School District under the Piggyback Bid No. 1507-1 (“IVS Computer Technology Contract”); and

**WHEREAS**, the District has agreed to acquire the Property under the same pricing, terms and conditions as the IVS Computer Technology Contract; and

**WHEREAS**, the Board of the District has by this Resolution determined the need for the Property and authorized the purchase thereof at a proposed cost as listed; and

**WHEREAS**, the Board of the District has determined that this purchase is the most economical means for providing the Property to the District.

**NOW, THEREFORE**, the District Board hereby finds, determines, declares and resolves as follows:

Section 1. All of the recitals set forth above are true and correct and the Board so finds and determines.

Section 2. The Board hereby finds and determines the acquisition of the Property pursuant to Public Contract Code section 20118 to be in the best interest of the District.

Section 3. The Board hereby finds and determines the IVS Computer Technology Contract provides the most economical means for providing the Property to the District.

Section 4. The form of the Contract by and between the District and IVS Computer Technology, presented at this meeting and on file with the District, is hereby approved. The Superintendent or Superintendent’s designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to IVS Computer Technology any and all documents necessary to complete the transaction contemplated hereunder with any such

changes therein as such officer or person may require and approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. The Superintendent or Superintendent's designee is hereby authorized and directed to do any and all things and to execute and deliver any and all documents which they may, in consultation with legal counsel, deem necessary or advisable in order to consummate this transaction and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.

Section 7. This Resolution shall be effective as of the date of its adoption.

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the Hanford Elementary School District, Kings County, State of California, this 11<sup>th</sup> day of October, 2017, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

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President of the Governing Board of  
Hanford Elementary School District

## BAKERSFIELD CITY SCHOOL DISTRICT

Purchasing  
1300 Baker Street  
Bakersfield, CA 93305-4326  
(661) 631-4711

David West, Director  
westd@bcisd.com

EDUCATION CENTER, 1300 BAKER STREET  
BAKERSFIELD, CALIFORNIA 93305-4326  
(661) 631-4712  
FAX: (661) 861-9907



August 26, 2015

IVS Computer Technology  
Pamela Quattlebaum  
1415 McDonald Way  
Bakersfield, CA 93309

Subject: Approval of Bid #1507-1

Dear Ms. Quattlebaum,

At the Bakersfield City School District School Board meeting of August 25, 2015, the school board approved IVS Computer Technology's Bid for Smart Brand Classroom Solutions, #1507-1 for a term of three (3) years with the option of two (2) one-year extensions. Prices will be fixed for a period of 36 months from this date per the terms and agreement of your bid.

Thank you for your interest in doing business with Bakersfield City School District.

Sincerely,

A handwritten signature in black ink that reads "David West". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "West".

David West  
Director of Stores and Purchasing

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: 10/11/17

**ITEM:**

Consider approval of agreement with Forcast5 Analytics.

**PURPOSE:**

The District is recommending approval of the attached agreement with Forcast5 Analytics. The agreement will allow the District to utilize software that will compare a variety of demographics with districts throughout California.

**FISCAL IMPACT:**

The cost of the agreement is \$7,000.

**RECOMMENDATIONS:**

Approve the agreement with Forcast5 Analytics.



## CUSTOMER AGREEMENT

This Customer Agreement is entered into by Forecast 5 Analytics, Inc., a Delaware corporation ("Forecast5"), and Customer (named below), and will commence on the Effective Date indicated below.

FORECAST5 Service	Service Description	Price	Discount	Total Cost
4001001	5Sight - License Agreement (4 Users)	\$7,000.00	\$0.00	\$7,000.00
			Total Amount Due:	\$7,000.00

The above Services are provided pursuant to the Forecast5 Terms of Service (available at [www.forecast5analytics.com/about/termsofservice](http://www.forecast5analytics.com/about/termsofservice)), which are incorporated herein by this reference. Customer and Forecast5 may from time to time agree upon additional Services pursuant to a mutually agreed Work Order. All subscriptions (even if purchased after your Effective Date, such as Additional User subscriptions) will be coterminous and end on the applicable anniversary of your Effective Date.

**Customer acknowledges and agrees that if it provides access to the Services to another governmental unit or other third party, or uses the Services for the benefit of any such party, then it will be liable for, among other things, additional subscription fees for each such party at the applicable Forecast5 prices.**

**EXPIRATION DATE: 1/1/2019** (All subscriptions are for periods of 1 year, unless indicated otherwise).

Please see the following page for the signature line



Customer: **Hanford Elementary, CA**


Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**FORECAST5 ANALYTICS, INC.**

Signature: \_\_\_\_\_

Name: Michael R. English

Title: CEO

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 10/02/2017

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: 10/11/2017

**ITEM:**

Consider adoption of Resolution# 10-18, which allows the District to apply for funding for the electric vehicle charging stations.

**PURPOSE:**

The San Joaquin Valley Air Pollution Control District is currently accepting applications for its Charge Up! Program. This program provides funding for public agencies and businesses in the Valley to install electric vehicle (EV) chargers for public access. These chargers will support existing EV owners and encourage the growth of the clean technology in the valley.

**FISCAL IMPACT:**

There will be upfront costs associated with the installation cost of the charging stations with approximately half being reimbursed by the San Joaquin Air Pollution Control District. The funding amount depends on the number of stations that are proposed with the funding being capped at \$5,000/single cable charging station.

**RECOMMENDATIONS:**

Adopt Resolution #10-18, which allows the District to apply for funding for electric vehicle charging stations.

**RESOLUTION# 10-18**  
**Hanford Elementary School District**  
**Charge Up! Program**

**WHEREAS**, the Hanford Elementary School District recognizes the importance of improving air quality in the San Joaquin Valley of California; and

**WHEREAS**, the health and safety of our students is vital to their education and wellness; and

**WHEREAS**, use of electric vehicles improve air quality and the installation of public access electric vehicle charging stations promotes the use of clean air alternative-fuel technologies and the use of low- or zero-emission vehicles; and

**WHEREAS**, the San Joaquin Valley Air Pollution Control District (SJVAPCD) is currently accepting applications from stakeholders located within the boundaries of the SJVAPCD requesting funding for the purchase of electric vehicle chargers, eligible installation costs, and necessary signage; and

**WHEREAS**, the Hanford Elementary School District Board authorizes the submittal of the applications for the Charge Up! Program.

**NOW, THEREFORE, BE IT RESOLVED** that effective the 11<sup>th</sup> day of October, 2017 that the Hanford Elementary School District appoints Hanford Elementary School District Chief Business Official, David Endo the contract signing authority, as the duly authorized official to make financial decisions and the individual authorized to implement the Charge Up! Program.

**I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION** was duly passed and adopted this 11<sup>th</sup> day of October, 2017.

Ayes:

Noes:

Absent:

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Bobby Garcia, President