

NOTICE
REGULAR MEETING OF THE GOVERNING BOARD
TRACY UNIFIED SCHOOL DISTRICT

DATE: TUESDAY, AUGUST 13, 2013

**PLACE: DISTRICT EDUCATION CENTER
BOARD ROOM
1875 W. WEST LOWELL AVENUE
TRACY, CALIFORNIA**

**TIME: 5:20 PM Closed Session
7:00 PM Open Session**

AGENDA

1. Call to Order

Pg. No.

2. Roll Call – Establish Quorum

Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, K. Lewis, G. Silva, J. Vaughn
Staff: J. Franco, C. Goodall, S. Harrison, B. Etcheverry

3. Closed Session: Opportunity to Address the Board Regarding Closed Session Items which follow. Closed session is limited to consideration of items specifically authorized under the Government Code and/or the Education Codes.

3.1 Educational Services

3.1.1 Foreign Exchange Placement Appeal (13-14/FES#1)

Action: Motion__ ; Second__ . Vote: Yes__ ; No__ ; Absent__ ; Abstain__

3.1.2 Request to Expunge Records – THS#1013349

Action: Motion__ ; Second__ . Vote: Yes__ ; No__ ; Absent__ ; Abstain__

3.1.3 Conference with Legal Counsel

- Existing Litigation (G.C. 54956.9(a))
- Price v. Tracy Unified, et al

3.2 Human Resources

3.2.1 Adopt Resolution No. 13-03, Placing Certificated Employee, UC-815, on Compulsory Leave

Action: Motion__ ; Second__ . Vote: Yes__ ; No__ ; Absent__ ; Abstain__

3.2.2 Consider Leave of Absence Requests for Certificated Employees #UC-816 and #UC-817, Pursuant to Article XX

Action: Motion__ ; Second__ . Vote: Yes__ ; No__ ; Absent__ ; Abstain__

3.2.3 Consider Public Employee/Employment/Discipline/Dismissal/Release

Action: Motion__ ; Second__ . Vote: Yes__ ; No__ ; Absent__ ; Abstain__

3.2.4 Conference with Labor Negotiator

Agency Negotiator: Sheila Harrison

Assistant Superintendent of Educational Services & Human Resources

Employee Organization: CSEA, TEA

4. Adjourn to Open Session

5. Call to Order and Pledge of Allegiance

6. Closed Session Issues:

6a Report Out of Action Taken on Foreign Exchange Placement Appeal (13-14/FES#1)

Action: Motion __; Second __. **Vote:** Yes __; No __; Absent __; Abstain __.

6b Report Out of Action Taken on Request to Expunge Records – THS#1013349

Action: Motion __; Second __. **Vote:** Yes __; No __; Absent __; Abstain __.

6c Report Out of Action Taken on Adopt Resolution No. 13-03, Placing Certificated Employee, UC-815, on Compulsory Leave

Action: Motion __; Second __. **Vote:** Yes __; No __; Absent __; Abstain __.

6d Report Out of Action Taken on Consider Leave of Absence Requests for Certificated Employees #UC-816 and #UC-817, Pursuant to Article XX

Action: Motion __; Second __. **Vote:** Yes __; No __; Absent __; Abstain __.

7. Approve Regular Minutes of June 25, 2013.

1-7

Action: Motion __; Second __. **Vote:** Yes __; No __; Absent __; Abstain __.

8. Student Representative Reports: None

9. Recognition & Presentations: An opportunity to honor students, employees and community members for outstanding achievement: None.

10. Hearing of Delegations: Anyone wishing to address the Governing Board on a non-agenda item may be heard at this time. Presentations shall be held to a reasonable length, normally not to exceed five (5) minutes. If formal action is required, the item will be placed on a future agenda and action will be taken at a future date. If information or a report is requested, the request for it must also be submitted in writing to the superintendent. (Please complete a yellow speaker's card).

11. Information & Discussion Items: An opportunity to present information or reports concerning items that maybe considered by Trustees at a future meeting.

11.1 Administrative & Business Services:

11.1.1 Acknowledge the 45 Day Revision to the 2013-14 Annual School District Budget 8-10

11.1.2 Receive Report on the School Facilities Needs Analysis and Adoption of Alternative Developer Fees Pursuant to Government Code Section 65995.6 (d) 11

11.1.3 Receive Informational Report on the Preliminary Environmental Assessment (PEA) for Parcel 3, Kimball High School 12

12. PUBLIC HEARING: None.

13. Consent Items: Actions proposed for consent are consistent with the approved practices of the district and are deemed routine in nature. Trustees receive board agenda background information in advance of scheduled meetings and are prepared to vote with knowledge on the consent items. **Action:** Motion __; Second __. **Vote:** Yes __; No __; Absent __; Abstain __.

13.1	Administrative & Business Services	Pg. No.
13.1.1	Accept the generous donations from the various individuals, businesses, and school site parent teacher associations listed herein with thanks and appreciation from the staff and students of the Tracy Unified School District	13-14
13.1.2	Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda	15-17
13.1.3	Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda	18-20
13.1.4	Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda	21-22
13.2	Educational Services	
13.2.1	Approve Adoption of San Joaquin County SELPA's Independent Educational Evaluation (IEE) Policy, Procedures and Criteria	23-32
13.3	Human Resources	
13.3.1	Accept the Resignations/Retirements/Leaves of Absence for Certificated, Classified and/or Management Employees	33-35
13.3.2	Approve Classified, Certificated and/or Management Employment	36-41
13.3.3	Ratify Agreement for Special Contract Services for Assistant Sophomore Football Coach Robert Eccleston at Kimball High School During the 2013-2014 Season	42-44
13.3.4	Ratify Agreement for Special Contract Services for Assistant Sophomore Football Coach Tobin Cattolico at Kimball High School During the 2013-2014 Season	45-47
13.3.5	Ratify Agreement for Special Contract Services for Assistant Cross Country Coach Kristina Padilla for the 2013-2014 Season	48-51
13.3.6	Ratify Agreement for Special Contract Services for Assistant Football Coach Eric Relova at Kimball High School During the 2013-2014 Season	52-54
14.	Action Items: Action items are considered and voted on individually. Trustees receive background information and staff recommendations for each item recommended for action in advance of scheduled meetings and are prepared to vote with knowledge on the action items.	
14.1	Administrative & Business Services	
14.1.1	Consider Claim No. 462807	55
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.1.2	Adopt Revised Injury and Illness Prevention Program (Second Reading)	56-81
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.1.3	Adopt Resolution 13-02 Deeming Unsalariated Persons Authorized by the Superintendent or District Board to Perform Volunteer Service to be Employees for Purposes of Workers' Compensation Benefits	82-83
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	

14.2	Educational Services:	Pg. No.
14.2.1	Acknowledge Revised Administration Regulation 5141.4 Child Abuse Prevention and Reporting (First Reading)	84-96
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.2	Adopt Board Policy 5141.4 Child Abuse Prevention and Reporting (First Reading)	97-102
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.3	Acknowledge Revised Administrative Regulation 5144, Discipline (First Reading)	103-110
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.4	Adopt Board Policy 5144 Discipline (First Reading)	111-115
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.5	Acknowledge Administrative Regulation 5132, Dress Code (First Reading)	116-119
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.6	Adopt Board Policy 5132, Dress Code (First Reading)	120-123
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.7	Adopt Board Policy 5145.3 Non-Discrimination/Harassment (First Reading)	124-133
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.8	Acknowledge Revised Administrative Regulation 5111.2, Nonresident Foreign Students (First Reading)	134-137
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.9	Acknowledge Administrative Regulation 5125.1 Release of Directory Information (First Reading)	138-142
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.10	Adopt Revised Board Policy 5125.1 Release of Directory Information (First Reading)	143-145
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.11	Acknowledge Revised Administrative Regulation 6145.6, International Exchange (First Reading)	146-151
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.12	Adopt Revised Board Policy 6145.6, International Exchange (First Reading)	152-155
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.13	Acknowledge Administrative Regulation 6164.6, Identification and Education under Section 504 (First Reading)	156-171
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.14	Adopt Board Policy 6164.6, Identification and Education under Section 504 (First Reading)	172-174
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.3	Human Resources	
14.3.1	Approve Student Teaching Agreement with CSU, Stanislaus	175-178
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.3.2	Approve Expenditure of General Fund Money in the Amount of \$2,000 to Cover the Cost of Awards for Employee Accomplishments and/or Contributions	179
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	

15. **Board Reports:** An opportunity for board members to discuss items of particular importance or interest in the district.
16. **Superintendent's Report:** An opportunity for the superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities.
17. **Board Meeting Calendar:**
 - 17.1 August 27, 2013
 - 17.2 September 10, 2013
 - 17.3 September 24, 2013
 - 17.4 October 8, 2013
 - 17.5 October 22, 2013
18. **Upcoming Events:**

18.1 September 2, 2013	No School, Labor Day
18.2 September 9, 2013	District Welcome Back
18.3 November 11, 2013	No School, Veterans' Day
18.4 November 25-29, 2013	No School, Thanksgiving Week
18.5 December 23 – January 3, 2014	No School, Winter Break

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability. To make this request, please telephone the Superintendent's Office at 209.830.3201. If any person with a disability needs a disability-related modification or accommodation, including auxiliary aids or services, he/she should also contact the Superintendent's Office at least 24 hours prior to the meeting.

**Minutes of
Regular Meeting of the Governing Board
For Tracy Unified School District
Held on Tuesday, June 25, 2013**

- 5:30 PM:** President Silva called the meeting to order and adjourned to closed session.
- Roll Call:** Board: J. Costa, W. Gouveia, K. Lewis, G. Silva
Arrived late: G. Crandall, T. Guzman, J. Vaughn
Staff: J. Franco, S. Harrison, C. Goodall, B. Etcheverry
- 7:07 PM** President Silva called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.
- Closed Session:** Report Out of Action Taken on Application for Reinstatement:
AR#12-13/#34, 35, 36, 37, 38, 39
Vote: Yes-4; No-0; Absent-1(Crandall, Guzman, Vaughn)
Report Out of Action Taken on Application for Enrollment: AFE#12-13/#6, 7, 8
Vote: Yes-4; No-0; Absent-1(Crandall, Guzman, Vaughn)
Report Out of Action Taken on Application for Early Graduation:
WHS #10322397, KHS #10323682
Vote: Yes-4; No-0; Absent-1(Crandall, Guzman, Vaughn)
- Employees Present:** J. Cardoza, F. Weinberg, R. Call, L. Nelson, B. Carter, J. Anderson, D. Voloshin, P. Hall
- Press:** D. Rizzo, Tracy Press
- Visitors Present:** The Price Family
- Minutes:** **Approve Regular Minutes of June 11, 2013.**
Action: Crandall, Guzman. **Vote:** Yes-6; No-0; Absent-1(Vaughn)
- Student Rep Reports:** None.
- Recognition & Presentations:** None.
- Hearing of Delegations** Hayden Price introduced his wife, Jodi Price, and their 2 daughters and are here regarding the foreign exchange student policy. They have a foreign exchange student coming to stay with them in August. They met with Paul Hall this morning and he reviewed the board policy. They love this community, his wife is a teacher in Tracy Unified, one of his daughters attends Williams Middle School and the other is at Tracy High. Their children are involved in many activities. They understand the challenges for enrollment. Their exchange student will be a junior and is planning on joining many sports and activities. They want him to

attend Tracy High. If he is placed at West High, this will be very difficult for their family.

Jon Anderson, TEA President, commented that this is the end of the 2012-13 year and they have started working on the 2013-14 year. He thanked the school board members and staff for their hard work. He appreciates and respects staff and the quick responses he gets for any information he requests. His message on behalf of the teachers is that they are the– most valuable resource in every classroom.

**Information &
Discussion Items:**

11.1 Administrative & Business Services:

11.1.1 Acknowledge Updates to the Site Emergency Response plan

Dr. Goodall reported that there is a plan at each school which has been in place for many years. They are revising plans for next school year. They have been working with the Tracy Police Department, teachers, management, and Lt. Sant is here tonight who has been the lead police officer. The SROs are under his supervision. He reviewed the terms “Shelter in place”, “Move away from classroom” and “Lockdown”. He also reviewed language about whether or not adults should try to fight back. The board discussed the matter and felt that adults could fight back if they wanted to, but shouldn’t be obligated to.

Lt. Sant commented that that Tracy Unified has done a stellar job working with the police department on their emergency plan.

Public Hearing:

12.1 Public Hearing:

12.1 Administrative & Business Services:

12.1.1 Conduct a Public Hearing on Item #14.1.4 Approve the 2013-14 Annual School District Budget

Opened public hearing at 7:46 p.m.
No comments were made.
Closed public hearing at 7:47 p.m.

12.2 Educational Services:

12.2.1 Conduct a Public Hearing Regarding the Instructional Minutes Waiver Application to the California Department of Education (CDE) to Extend the Instructional School Day for All First through Third Grade Students at Poet-Christian Magnet School

Opened public hearing at 7:47 p.m.
No comments were made.
Closed public hearing at 7:48 p.m.

Consent Items:

Action: Lewis, Crandall. **Vote:** Yes-7; No-0.

13.1 Administrative & Business Services:

13.1.1 Accept the generous donations from the various individuals, businesses, and school site parent teacher associations listed herein with thanks and appreciation from the staff and students of the Tracy

Unified School District.

- 13.1.2 Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda
- 13.1.3 Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda
- 13.1.4 Authorize the Director of Food Services to Award Contracts for Food and Non-Food items for the 2013/2014 school year
(Separate Cover Item)

- 13.2 **Educational Services:**
- 13.2.1 Approve the Spring 2013-2014 Consolidated Application for the Tracy Unified School District to Receive Categorical Funds
(Separate Cover Item)
- 13.2.2 Approve 2013-2014 Preliminary School Plans and Site Categorical Budgets for 2013-2014
(Separate Cover Item)
- 13.2.3 Approve Special Contract Services for Amy Gottesfeld to Provide Professional Development for Writing Across the Curriculum at Kimball High School (KHS) During the Summer 2013 and the 2013/2014 School Year
- 13.2.4 Approve Agreement for Special Contract Services with Counseling and More (CAM) to Provide Training for Parents at Villalovoz Elementary School for the 2013 – 2014 School Year
- 13.2.5 Approve the Instructional Minutes Waiver Application to the California Department of Education (CDE) to Extend the School Day for all First through Third Grade Students at Poet-Christian Magnet School
- 13.2.6 Approve Agreement for Special Services Contract for Nancy Fetzler, for Coaching in Balanced Literacy including Writing for Teachers at Villalovoz and McKinley Schools for the 2013-2014 School Year
- 13.2.7 Approve Agreement for Special Contract Services and Memorandum of Understanding (MOU) with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at Bohn Elementary School September 17 – November 12, 2013
- 13.2.8 Approve Agreement for Special Contract Services with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at John C. Kimball High School for the 2013-2014 School Year
- 13.2.9 Approve Agreement for Special Contract Service with Rick Bledsoe, ATP
- 13.2.10 Approve Agreement for Special Contract Services with DataWORKS Educational Research and Central School for the 2013-2014 School Year
- 13.2.11 Approve Agreement for Special Contract Services with DataWORKS Educational Research and Central School for Parent Involvement Workshops
- 13.2.12 Approve Agreement for Special Contract Services with San Joaquin County Office of Education (SJCOE) Science Department to Provide Science Standards Training, NGSS Standards Training and GEMS Training at South/West Park Elementary School during the

- 2013-2014 School Year
- 13.2.13 Approve Agreement for Special Contract Services with San Joaquin County Office of Education (SJCOE) Science Department to Provide Interactive Science Days at South/West Park Elementary School during the 2013-2014 School Year
 - 13.2.14 Approve Agreement for Special Contract Services with Soul Shoppe and Tracy Unified School District (Central School) to Provide Four Assembly and/or Workshop Sessions for Students and a One Evening Parent Program
 - 13.2.15 Approve the Annual Report for the 2012-2013 STEPS Program Self-Evaluation
 - 13.2.16 Approve Agreement for Special Contract Services with Counseling and More (CAM) to Provide Parent Liaisons at South/West Park School and Parent Project Workshops for the 2013-2014 School Year
 - 13.2.17 Approve the South/West Park State Preschool Self-Evaluation Annual Report for the 2012/2013 School Year
 - 13.2.18 Approve Agreement for Special Contract Services with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at Jacobson Elementary School during the 2013-2014 School Year
 - 13.2.19 Approve Agreement for Special Contract Services with Nancy Fetzer and Central School for the 2013-2014 School Year
 - 13.2.20 Approve Agreement for Special Contract Services with the Boys and Girls Club to Provide Services at North School for the 2013-14 School Year
 - 13.2.21 Approve Agreement for Special Contract Services with Counseling and More (CAM) at North School for the 2013 - 2014 School Year
 - 13.2.22 Approve Agreement for Special Contract Services with San Joaquin County Office of Education (SJCOE), Teaching Opportunities for Partners in Science (TOPS) Program to Provide Science Enrichment for North School 5th Grade Students for the 2013-2014 School Year
 - 13.2.23 Approve Agreement for Special Contract Services with Valley Community Counseling Services for Mental Health Services at North School for the 2013-2014 School Year
 - 13.2.24 Approve Overnight Travel for West High School Agriculture Department Activities for the 2013-14 School Year
 - 13.2.25 Approve Agreement for Special Contract Services with Jennifer Taps Richard, M.A., CCC-SLP
 - 13.2.26 Approve Agreement for Special Contract Services with DataWORKS and Monte Vista Middle School for Professional Staff Development at a One-Day Workshop on August 7, 2013
 - 13.2.27 Approve Specialized Grant Funding for the Agriculture Incentive Grant for West High School 2013-2014
 - 13.2.28 Approve Tracy Adult School Course Offerings for the 2013-2014 School Year
 - 13.2.29 Approve Agreement for Special Contract Services and Vendor Agreement for The Services of “One Day At A Time”(ODAT) Program; for Service from August 2013 through June 2014
- 13.3 **Human Resources:**

- 13.3.1 Accept the Resignations/Retirements/Leaves of Absence for Certificated, Classified and/or Management Employees
- 13.3.2 Approve Classified, Certificated and/or Management Employment
- 13.3.3 Ratify Special Contract Services for Weightlifting Assistance for the Athletic Program at Kimball High School (KHS) During the Summer 2013 and the 2013-2014 School Year

Dr. Franco introduced the new Director of Staff Development, Dmitriy Voloshin.

Action Items:

- 14.1 **Administrative & Business Services:** None.
- 14.1.1 Adopt Revised Board Policy and Administrative Regulation 1330.1 Facility Use (Second Reading)
Action: Final. Lewis, Crandall. **Vote:** Yes-7; No-0.
- 14.1.2 Approve Resolution No. 12-27 Authorizing the Governing Board to Delegate Powers to the Associate Superintendent of Business Services
Action: Gouveia, Guzman. **Vote:** Yes-7; No-0.
- 14.1.3 Adopt Revised Injury and Illness Prevention Program (First Reading)
Action: Guzman, Vaughn. **Vote:** Yes-7; No-0.
- 14.1.4 Approve the 2013-14 Annual School District Budget (Separate Cover Item)

Associate Superintendent of Business Services, Dr. Casey Goodall, presented a power point on the budget. The Legislature has approved a plan that will entail a complete redesign of the funding formulas for K-12 education. The county has warned districts to proceed with extreme caution in making financial decisions. There is still more that we do not know, than we do know. The state agencies need time to develop the system. There are many questions still to be answered. The big unknown is about accountability provisions related to expenditure of funds derived from supplemental and concentration grants. The county office will evaluate whether planned expenditures align with adopted objectives for improving achievement of ELL and children in poverty.

Dr. Goodall also reviewed the budget timeline. Common Core has been adopted by 45 states. This creates a fundamental shift in expectations and integrated interdisciplinary approach to learning. The changes in expenditures are:

1. Restore site allocations to address concerns regarding fees.
2. Modifications to ISET room to correct HVAC problems...threat of loss of equipment
3. Restored ½ FTE HR and ½ FTE Ed services to focus attention on common core.

He then reviewed various certifications in the budget. We are not out of the woods yet, but we are watching the budget very closely.

- Action:** Lewis, Crandall. **Vote:** Yes-7; No-0.
- 14.1.5 Authorize the Superintendent or his Designee to Enter into Agreements Required to Conduct Feasibility Studies on the Viability of a General

Obligation Bond to Modernize and Improve Facilities
Action: Lewis, Guzman. **Vote:** Yes-7; No-0.

14.2 Educational Services:

14.2.1 Acknowledge Revised Administrative Regulation 5113, Absences and Excuses. (Second Reading)

Action: Guzman, Gouveia. **Vote:** Yes-7; No-0.

14.2.2 Adopt Revised Board Policy 5113, Absences and Excuses (Second reading)

Action: Gouveia, Guzman. **Vote:** Yes-7; No-0.

14.2.3 Acknowledge Revised Administrative Regulation 5116.1, Intra-District Open Enrollment. (Second Reading)

Action: Crandall, Vaughn. **Vote:** Yes-7; No-0.

14.2.4 Adopt Revised Board Policy 5116.1, Intra-District Open Enrollment (Second Reading)

Action: Vaughn, Guzman. **Vote:** Yes-7; No-0.

14.2.5 Acknowledge Administrative Regulation 6173 Education for Homeless Children (Second Reading)

Action: Crandall, Gouveia. **Vote:** Yes-7; No-0.

14.2.6 Adopt Revised Board Policy 6173 Education for Homeless Children (Second Reading)

Action: Guzman, Gouveia. **Vote:** Yes-7; No-0.

14.2.7 Acknowledge Administrative Regulation 6173.1 Foster Youth (Second Reading)

Action: Gouveia, Lewis. **Vote:** Yes-7; No-0.

14.2.8 Adopt Board Policy 6173.1 Foster Youth (Second Reading)

Action: Crandall, Vaughn. **Vote:** Yes-7; No-0.

14.3 Human Resources:

14.3.1 Approved Revised Job Description for Personnel Technician LiveScan Operator

Action: Crandall, Guzman. **Vote:** Yes-7; No-0.

Board Reports:

Trustee Lewis hopes that everyone enjoys the month off. Trustee Costa passed. Trustee Gouveia attended the graduation for “One Day at a Time” for students who may have been gang challenged. The Parks and Commission Services for the City of Tracy is recommending the expansion of the commission from 7 members to 11 members. Trustee Guzman sent his congratulations to Paul DeSupinsky, a Kimball High Sophomore, who made it to semi-finals in debate. He formerly attended Southwest Park and was in the GATE program. Trustee Crandall wished good luck to all seniors and thanked Reed and his staff for the budget. He also thanked the Tracy Police Department for collaborating with the district. Trustee Vaughn passed. Trustee Silva wished everyone a happy summer. He participated in a few facilities meetings for TLC and they are making progress. He wanted to remind everyone that starting Friday the West High Athletic Boosters will be selling fireworks. Their booth is on 11th Street by Kentucky Fried Chicken.

Superintendent Report:

Dr. Franco commented that school safety is our number one priority and thanked the police department for working with us. It’s the end of year and looking back the board should be proud of accomplishments such as opening three transitional

kindergarten classes; the TUSD expulsion/suspension rate has gone down; Monte Vista's, Dawn Arbogast, has been named the San Joaquin County Teacher of the Year; Kimball High's, Cheryl Domenichelli, has been named the 2013 ACSA principal of the year; Proposition 30 passed; completion of renovations and improvements at Mckinley and Monte Vista Middle School using Measure S funds; and the Tracy High Academic Decathlon won first place in the county. He thanked the board for their leadership.

8:27p.m.

Clerk

Date



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: July 25, 2013
SUBJECT: Acknowledge the 45 Day Revision to the 2013-14 Annual School District Budget

BACKGROUND: On June 27, 2013, the Governor signed the 2013-14 Budget (AB 110), and on July 1 he signed education trailer bill AB 97 (and clean-up bill SB 91) which establishes and partially funds the Local Control Funding Formula (LCFF), provides one-time funding to address Common Core implementation, and to support high school Career Technical Education (CTE) programs. While some significant changes were made to the LCFF since the May Revision, the Legislature approved all the major elements of the Governor's landmark school finance reform proposal.

The LCFF eliminates many of the state funded categorical programs that have evolved in recent decades, and shifts those funds to districts as unrestricted dollars, at the same time maintaining the requirement that districts continue to meet the needs of at-risk students previously served by the now obsolete restricted/categorical programs.

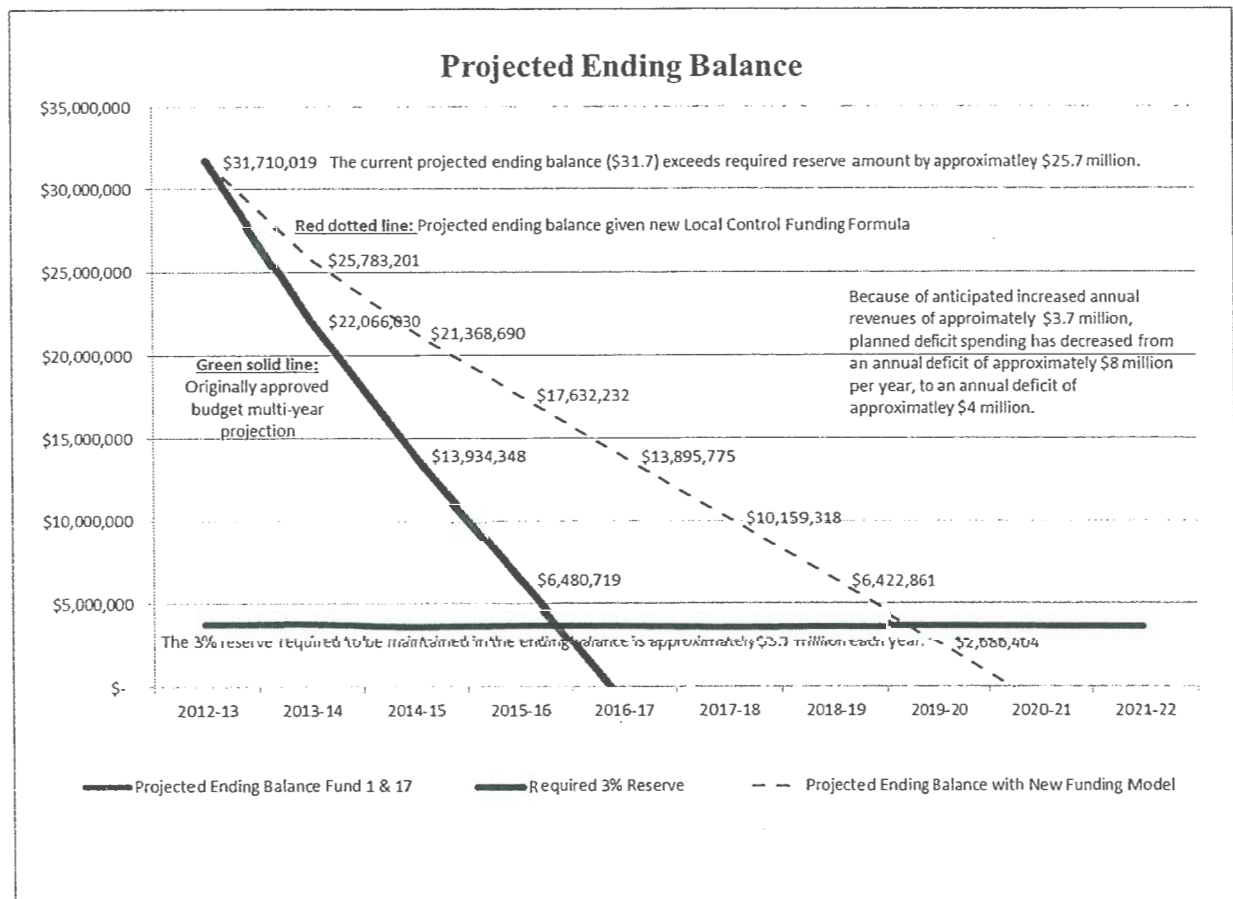
The LCFF is intended to correct historical inequities and increase flexibility, but it also brings new challenges, as school districts must quickly adapt to a new funding model. In addition, many of the details of the new accountability structure are yet to be determined. Key components, including regulations on the use of Supplemental and Concentration Grants and the format for Local Control Accountability Plans, will be not be determined by the State Board of Education until the first quarter of 2014.

RATIONALE: While there are expected to be winners and losers with the newly established funding model, preliminary calculations indicate that the LCFF results in increased funding to Tracy Unified School District.

Total state funding to Tracy Unified School District before implementation of the LCFF was estimated to be \$98,770,926. After implementation of LCFF, total state funding is estimated to be \$102,448,097, a net increase of \$3,717,171. However, as mentioned earlier, accountability measures associated with these additional funds have not yet been determined. Other than knowing that the funds are expected to reduce class sizes, or to address the needs of students who are eligible for free and reduced price meals, or who are

classified as English Learners, or are designated Foster Youth, the restrictions, limitations, or accountability measures associated with expenditures of these “unrestricted funds” will not be established until the first quarter of 2014.

For planning purposes, and considering all other things being equal, the impact on the multi-year spending plan is reflected in the following figure.



The projected increase improves the existing structural deficit spending pattern. Rather than deficit spending approximately \$8 million each year (that is to say that expenditures are expected to exceed revenues by \$8 million per year), the increased revenues essentially cut the problem in half. Thus, because the LCFF funds decrease deficit spending to approximately \$4 million per year, and because the district is currently maintaining an ending balance from the 2012-13 school year of approximately \$32 million, the year by which the district projects it would be unable to meet existing financial obligations shifts from 2015-16 to 2018-19.

The year in which the ending balance falls below the required 3% reserve is important for planning because the district is required to certify each June that is able to meet the financial obligations for the current budget year, and for two subsequent years. Given the old funding formula, TUSD would be required to make budget reductions prior to June of

2014 to ensure financial obligations could be certified for the 2014-15, 2015-16, and 2016-17 school years. The additional funding postpones the need for such reductions for several years.

FUNDING: The San Joaquin County Office of Education, the agency responsible for the financial oversight of Tracy Unified School District, continues to stress that the forthcoming accountability regulations will not be adopted until January 2014. Until those regulations are adopted, districts cannot determine how much, if any, additional discretionary funds are available to address high priority district goals not directly in support of programs for ELL and students in poverty.

RECOMMENDATION: Acknowledge the 45 day revision to the 2013-14 Annual School District Budget

Prepared by: Dr. Casey Goodall, Associate Superintendent of Business Services.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: July 31, 2013
SUBJECT: Receive Report on the School Facilities Needs Analysis and Adoption of Alternative Developer Fees Pursuant to Government Code Section 65995.6 (d)

BACKGROUND: In August 1998, (“SB-50”) legislation was passed that made major changes in the State School Building Program as well as the level of permissible school mitigation fees. Education Code 17620 was amended to include the revised provisions of Government Code Sections 65995, 65995.5, 65995.6 and 65995.7. Prior to the passage of SB-50 school districts had the power to withhold land use approvals until the impact on school facilities was fully mitigated. These measures included the ability to levy mitigation payments in excess of the statutory fees also referred to as Level I fees. SB-50 limited the powers cities and counties had requiring mitigation of school facilities impact on new development. The amended law required school districts meet certain conditions in order to impose higher fees known as: Level II fees which are based on a 50% contribution from the State School Building Program and Level III fees which is based on 100% of the school facilities cost and may be imposed if the State School Building Program is out of bond funds.

The alternative fees must be adopted by resolution at the end of a public hearing period of not less than 30 days. The public hearing period began on July 22, 2013 and will close at the August 27, 2013 board meeting.

RATIONALE: As a condition to levy alternative fees, TUSD must conduct and adopt a School Facilities Needs Analysis (SFNA). The purpose of the SFNA is to: establish the need for new school facilities for unhoused students attributable to new residential development over the next five years; establish the amount of the fees and demonstrate that the fees are proportionate and reasonable as related to the cost of future facilities within the District.

Due to the configuration of TUSD, two SFNAs have been developed, one for the K-12 boundaries of the District which yields Level II fees of \$4.70 and Level III fees of \$9.40 per square foot of residential construction. The fees for the K-8 feeder Districts which are only responsible for mitigation of high school facilities, Level II fees are \$1.92 and Level III fees of \$3.84 per square foot of residential construction.

FUNDING: No funding implications

RECOMMENDATIONS: Receive Report on the School Facilities Needs Analysis and Adoption of Alternative Developer Fees Pursuant to Government Code Section 65995.6 (d)

Prepared by: Bonny Carter, Director of Facilities & Planning



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: July 31, 2013
SUBJECT: **Receive Informational Report on the Preliminary Environmental Assessment (PEA) for Parcel 3, Kimball High School**

BACKGROUND: As part of the California Department of Education (CDE) school site approval process, proposed sites must receive “clearance” from the Department of Toxic Substances Control (DTSC). As required, TUSD conducted a Phase 1 Environmental Site Assessment (ESA) of the Kimball High School site to identify any potential or existing environmental concerns and conducted a follow up PEA. Parcel 3 of the Kimball High School site could not be included as part of the PEA, as it was occupied by a Site tenant at the time this work was being completed. Due to an unintentional oversight, TUSD proceeded with the construction of the high school without first receiving DTSC clearance for Parcel 3 (approximately .37 acres) of the site.

Conestoga Rovers, TUSD’s environmental consultant, has since conducted a PEA on parcel 3 that included the collection and analysis of shallow soil samples from parcel 3’s native soils. The results of the sample analyses indicated that the organic compound concentrations were either non-detect, below the California CHHSLs and/or presented minimal to no risk or hazard and that the inorganic concentrations detected fell within the range of the background data. Hence, no potential concerns exist at the Site that would indicate a threat to human health and/or the environment. Based on the results of the PEA, no further action is recommended at the site.

RATIONALE: As required by the environmental review process, the School District published and opened a public comment period on the PEA on August 7, 2013 and the Board will hear public comments on the PEA as well as close the public comment period during its September 10, 2013 Board meeting. DTSC shall complete its review of the PEA and either approve or disapprove the assessment within 30 calendar days of the close of the public review period.

FUNDING: No funding implications

RECOMMENDATIONS: Receive Informational Report on the Preliminary Environmental Assessment (PEA) for Parcel 3, Kimball High School

Prepared by: Bonny Carter, Director of Facilities & Planning



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: August 13, 2013
SUBJECT: **Accept the Generous Donations From the Various Individuals, Businesses, and School Site Parent Teacher Associations Listed Herein With Thanks and Appreciation From the Staff and Students of the Tracy Unified School District.**

BACKGROUND: In order to assist the various school sites and departments in the District with the continued effort to enhance the educational, technological, health, and environmental needs of our students and staff, the following funds, materials, and/or equipment are to be considered for acceptance as donations:

Kimball High School:

1. Tracy Unified School District/Kimball High School: From Aaron's Inc. in the amount of \$1,500.00. This donation will benefit the Kimball High School Cheer squads.

RATIONALE: Acceptance is recommended in order to meet the District's strategic goals and to enhance and benefit the educational experiences of the students of the Tracy Unified School District.

This agenda item meets Strategic Goal #2 -- Create a quality and effective learning environment for all students.

FUNDING: Sites and departments of the District will incur responsibilities and costs associated with (some) of the donations which include, but are not limited to, supplies, repairs, maintenance of equipment, disposal/recycling. All items accepted by the Board of Trustees of the Tracy Unified School District are directed to the District's warehouse through the Materials Management Department for inclusion on the inventory list, marking for distribution and identification prior to site or department use or placement. All items needing inspection prior to installation or use are scheduled through the Materials Management and Operations and/or the Facilities Developments and budgeted accordingly. All technology items are reviewed and approved by the Director of Information Services and Educational Technology, prior to Board presentation.

RECOMMENDATION: Accept the generous donations from the various individuals, businesses, and school site parent teacher associations listed herein with thanks and appreciation from the staff and students of the Tracy Unified School District.

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: July 31, 2013
SUBJECT: **Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda**

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

RATIONALE: The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

FUNDING: Per attached summary of requisitions.

RECOMMENDATION: Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services

BUSINESS SERVICES
FACILITIES DEVELOPMENT DEPARTMENT
SUMMARY OF SERVICES

A. Vendor: PARC Services, Inc. - Ratify
Site: Central, Monte Vista, Tracy Learning Center and Tracy High School
Item: Agreement
Services: Abatement, Transport and Disposal of Asbestos Containing Building Materials
Cost: < \$20,000.00
Project Funding: General Fund – Environmental Compliance

B. Vendor: Hazard Management Services, Inc.
Site: Central, Monte Vista, Tracy Learning Center and Tracy High School
Item: Agreement
Services: Professional Consulting Services for Asbestos Abatement Project
Cost: \$6,500.00
Project Funding: General Fund – Environmental Compliance

C. Vendor: Restoration Development Center/Counseling and More (RDC/CAM)
Site: North, South/West Park, Monte Vista and Williams Middle School
Item: Memorandum of Understanding
Services: Provide support services and assistance to the students. The programs goal is to reconnect youth to their schools, families and their neighborhoods by strengthening developmental assets in youth exhibiting high risk behaviors to enable them to become productive members of society.
Cost: N/A
Project Funding: Grant through the Mayor's Community Youth Support Network

D. Vendor: DK Enterprises Inc. dba King's Roofing
Site: West High School
Item: Agreement - Ratify
Services: Contractor to provide and install a PVC/Single Ply Roofing system to the Main Gym, Subgym & Administration Building.
Cost: \$241,481.00
Project Funding: General Fund – Deferred Maintenance

E. Vendor: Lawrence Backhoe Services
Site: Central Elementary School
Item: Change Order #1 - Ratify
Services: Demolition of additional 80 sf of concrete and pour back concrete for the domestic water line on the Central campus.
Cost: \$636.13
Project Funding: General Fund – Unrestricted Facilities Fund/Deferred Maintenance

F. Vendor: Lawrence Backhoe Service
Site: Central Elementary School
Item: Notice of Completion
Services: Contractor to installed new domestic water line on the Central campus.
Cost: \$30,785.00 Change Orders: \$636.13 Total Contract: \$31,421.13
Project Funding: General Fund – Unrestricted Facilities Fund/Deferred Maintenance

G. Vendor: California Pavement Maintenance
Site: Monte Vista Middle School
Item: Notice of Completion
Services: Contractor overlaid asphalt and sealed/striped existing basketball courts on campus.
Cost: \$58,979.00 Change Orders: \$0.00 Total Contract: \$58,979.00
Project Funding: General Fund – Deferred Maintenance



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: July 31, 2013
SUBJECT: **Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda**

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

RATIONALE: The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

FUNDING: Per attached summary of requisitions.

RECOMMENDATION: Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.

**BUSINESS SERVICES
FACILITIES DEVELOPMENT DEPARTMENT
MEASURE E BOND
SUMMARY OF SERVICES**

A. Vendor: Infosend, Inc.
Site: District Wide
Item: Proposal - Ratify
Services: Measure E Annual Report; print annual report inserts for the Bond Oversight Committees, including insertion fee and fed ex fees.
Cost: \$1,447.13
Project Funding: Measure E Bond Funds

B. Vendor: Charles Walker Inspection Services
Site: Monte Vista Middle School – Tracy High School Baseball Fields
Item: Proposal - Ratify
Services: DSA inspection services for the Tracy High School JV and Varsity ball fields at Monte Vista Middle School.
Cost: \$3,500.00/Estimated
Project Funding: Measure E Bond Funds

C. Vendor: Diede Construction, Inc.
Site: Monte Vista Middle School – Tracy High School Baseball Fields
Item: Agreement BP#1 - Ratify
Services: Contractor to prepare all concrete flatwork, which includes excavation and off-haul & dispose of all spoils per specifications.
Cost: \$157,000.00
Project Funding: Measure E Bond Funds

D. Vendor: Calco Fence, Inc.
Site: Monte Vista Middle School – Tracy High School Baseball Fields
Item: Agreement BP#2 - Ratify
Services: Contractor to provide and install JV Field Backstop, Foul Poles and Chain Link Fencing and Gates of the entire project, including demolition of existing fencing per specifications.
Cost: \$136,730.00
Project Funding: Measure E Bond Funds

E. Vendor: Silva Electrical, Inc.
Site: Monte Vista Middle School – Tracy High School Baseball Fields
Item: Agreement BP#3 - Ratify
Services: Contractor to provide and install JV and Varsity Field Scoreboards, Scoreboard Structures/Mounting Brackets and Site Electrical per specifications.
Cost: \$43,878.00
Project Funding: Measure E Bond Funds

F. Vendor: Hazard Management Services, Inc.
Site: Tracy High School – Weight Room Building
Item: Proposal - Ratify
Services: Consultant to provide services for the abatement of asbestos-containing vinyl floor tiles in the weight room.
Cost: \$1550.00 Estimated
Project Funding: Measure E Bond Funds

G. Vendor: PARC Services, Inc.
Site: Tracy High School – Weight Room Building
Item: Proposal - Ratify
Services: Contractor to provide abatement services; removal and dispose of asbestos-containing vinyl flooring and cut plywood subfloor with assumed asbestos mastics to allow others to access below for testing.
Cost: \$1600.00
Project Funding: Measure E Bond Funds

H. Vendor: Roebbelen Contracting, Inc.
Site: Tracy High School – Stadium and Improvement Project
Item: Change Order #7 - Ratify
Services: Scope of work documented on the change order summary.
Cost: \$42,030.00 Deduction from contingency allowance previously included in contract.
Project Funding: Measure E Bond Funds and State School Building Fund (SSBF) Savings

I. Vendor: Southern Bleacher Company
Site: Tracy High School Stadium and Improvement Project
Item: Notice of Completion
Services: Contractor manufactured and installed new bleachers for the home and visitors side.
Cost: \$1,094,410.00 Change Orders: \$34,748.75 Total Contract: \$1,129,158.75
Project Funding: Measure E Bond Funds and State School Building Fund (SSBF) Savings



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: July 31, 2013
SUBJECT: **Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda**

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

RATIONALE: The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

FUNDING: Per attached summary of requisitions.

RECOMMENDATION: Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services

**BUSINESS SERVICES
FACILITIES DEVELOPMENT DEPARTMENT
MEASURE S BOND
SUMMARY OF SERVICES**

A. Vendor: Infosend, Inc.
Site: District Wide
Item: Proposal - Ratify
Services: Measure S Annual Report; print annual report inserts for the Bond Oversight Committees, including insertion fee and fed ex fees.
Cost: \$1,447.12
Project Funding: Measure S Bond Fund

B. Vendor: Warren Lane Surveying, Inc.
Site: South/West Park Elementary School Modernization
Item: Proposal - Ratify
Services: Consultant to provide a topographical survey of the project area.
Cost: \$7,000.00
Project Funding: Measure S Bond Fund and State School Building Fund (SSBF)

C. Vendor: Winn's Painting Company
Site: McKinley Elementary School Modernization
Item: Quote - Ratify
Services: Contractor to restore soffits on school site; which includes, paint removal, etching, priming and repainting to match existing color.
Cost: \$4,560.00
Project Funding: Measure S Bond Fund and State School Building Fund (SSBF)



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 29, 2013
SUBJECT: **Approve Adoption of San Joaquin County SELPA's Independent Educational Evaluation (IEE) Policy, Procedures and Criteria**

BACKGROUND: School districts may be required to provide independent education evaluations at parents' requests. The San Joaquin County SELPA has developed updated policies and administrative regulations for this process. It is recommended that Tracy Unified adopt these policies. Board approval is required and recommended.

RATIONALE: Districts should have specific policies connected to state and federal statutes regarding parent requests of independent education evaluations.

FUNDING: No funding required for adoption of the policy.

RECOMMENDATION: Approve Adoption of San Joaquin County SELPA's Independent Educational Evaluation (IEE) Policy, Procedures and Criteria

Prepared by: Janet Skulina, Ed.D., Director of Special Education

Parent's Packet

(_____) District

Procedures and Guidelines for the Provision of Independent Educational Evaluations at District Expense

Purpose

The purpose of these procedures is to provide for a process for responding to a parental request for the District to fund an Independent Educational Evaluation (IEE).

The Parental Right to an IEE

Under the IDEA, a parent has the right to an IEE at public expense *only* when the parent disagrees with an individual evaluation completed or obtained by the District (e.g., OT, PT, achievement). If the District has not conducted or obtained an evaluation of the student, the parental right to an IEE does not arise until the District has completed its evaluation. A parent is entitled to only one IEE at public expense each time the District conducts an individual evaluation(s) with which the parent disagrees.

Definition of an IEE

An IEE is an evaluation conducted by a qualified evaluator who is not an employee of the District. The IEE is funded by the District or otherwise provided at no cost to the parent of a student with a disability. The purpose of an IEE is for determining a student's eligibility for special education or related services and for meeting a student's educational needs.

District's General Response to a Request for an IEE

If a parent requests an IEE at public expense, the District must, without unnecessary delay, either: 1) file a due process hearing request to show that its evaluation is appropriate; or 2) agree to fund the IEE and ensure that the IEE is provided, unless the District demonstrates in a due process hearing that the evaluation obtained by the parent did not meet agency criteria. If the final decision in a due process hearing is that the District's evaluation is appropriate, the parent continues to have the right to an IEE, but not at public expense.

Specific procedures for responding to a request for an IEE are set forth below and are to be followed when a parent makes a request for an IEE.

Consideration of IEE Results

Parent's Packet

If a parent obtains an IEE at public expense or shares with the District an evaluation obtained by the parent at private expense, the results of the evaluation will be considered by the District in any decision made with respect to the provision of FAPE to the student. However, the District is not required to adopt the findings or recommendations contained in an IEE.

Specific Procedures for Responding to a Request for an IEE

1. Parents are encouraged to notify the District and ask for funding prior to obtaining an IEE. However, the District will not necessarily deny funding or reimbursement for an IEE already obtained, as long as the IEE meets District evaluation criteria, including cost and location of the evaluation and the qualifications of the evaluator that the District uses when it initiates an evaluation.
2. All parental requests for an IEE must be made in writing and forwarded to the District's Special Education Director or designee for decision. When a parent makes a request for an IEE, a copy of the Procedures and Guidelines for the Provision of Independent Educational Evaluations at District Expense, Information Regarding Qualified Evaluators and Applicable Criteria for Conducting Independent Educational Evaluations, and Independent Educational Evaluations - Qualifications/Cost Criteria shall be provided to the parent. The Request for IEE form should be completed by the parent making the IEE request and returned to the Special Education Director or designee. The refusal of a parent to complete the Request for IEE form cannot ultimately serve as a basis for unnecessarily delaying the funding decision if an otherwise proper request for an IEE has been made.
3. Upon receipt of the Request for an IEE, the Special Education Director or designee will decide whether the requested IEE will be publicly funded or, in the alternative, whether the District will seek a due process hearing to obtain a ruling that its evaluation is appropriate or that the parents' privately funded IEE (if they have already obtained one) does not meet District criteria. Once it is clear to the District that the parent disagrees with an evaluation conducted by the District and has properly and clearly requested an IEE, a decision will be made, without unnecessary delay, as to whether it will be funded. Generally, the time period for responding to the request will be 10 school days, unless more flexibility is needed to accommodate good-faith discussion and negotiations regarding the need and arrangements for an IEE.
4. In selecting an evaluator to conduct the IEE, a parent may choose whom they wish to conduct the IEE. The evaluation must meet the District's criteria, including those related to the qualifications of the evaluator, the cost and location of the evaluation and the criteria for performing evaluations. Should the parent's requested IEE not meet criteria, the parent will be given the opportunity to provide an explanation of any unique circumstances that exist that would justify any deviation from the criteria. The evaluator must submit a copy of his/her fingerprints as well as the results of a TB test.

Parent's Packet

5. Once the parent has selected an independent evaluator that meets District criteria or is otherwise approved pursuant to the guidelines, the Special Education Director or designee will contact the evaluator in order to make appropriate contractual arrangements for the evaluation to be performed and funded. An independent evaluator will not be paid for the independent evaluation until the Director receives a written evaluation report from the evaluator and is given the opportunity to discuss the evaluation results with the evaluator, if needed, and at the same time that the results are discussed with the parent.
6. If the District decides to refuse funding for the IEE, prior written notice of the refusal must be provided to the parent and a request for due process hearing will be initiated by the District to prove its evaluation is appropriate or that the IEE requested or obtained by the parent does not meet agency criteria.

Parent's Packet

(_____) District

Request for an Independent Educational Evaluation (IEE)

(To be completed by or on behalf of a parent requesting an IEE)

Student's name: _____ School: _____

Parent(s) name, address and phone:

Address _____ City _____ Zip _____ Phone _____

Address _____ City _____ Zip _____ Phone _____

Do you disagree with an evaluation conducted by the District? Yes No
If so, with which evaluation(s) do you disagree?

Why do you disagree with the District's evaluation(s)?

What kind of independent evaluation do you wish to be done or in what area(s) do you wish for your child to be evaluated?

A copy of the District's 1) Procedures and Guidelines for the Provision of Independent Educational Evaluations at District Expense, 2) Information Regarding Qualified Evaluators and Applicable Criteria for Conducting Independent Educational Evaluations, and 3) Independent Educational Evaluations - Qualifications/Cost Criteria has been provided to you, along with applicable criteria related thereto.

Please identify the evaluator you have chosen to conduct the independent evaluation. Describe the qualifications of the selected examiner, the location of the evaluation, the estimated cost of the evaluation and the contact information for the evaluator. **In addition, please describe the unique circumstances that justify any deviation from the District's IEE criteria (add additional pages, if needed).**

Submit this Request to _____. The District will respond to your request without unnecessary delay and will either agree to fund it or will initiate a due process hearing to show the appropriateness of its own evaluation or to prove that the IEE requested does not meet applicable criteria.

Parental Signature: _____ Date: _____

Date Received by Special Education Director/designee: _____

Independent Educational Evaluations – Qualifications/Cost Criteria

Type of Assessment	Qualifications	Cost
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist	\$1,000
Adaptive Behavior	Credentialed School Psychologist Licensed Educational Psychologist	\$500
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher Licensed Occupational Therapist Registered (OTR)	\$800
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist	\$350
Auditory Perception	Licensed or Credentialed Speech/Language Pathologist	\$500
Central Auditory Processing	Licensed Audiologist	\$500
Behavioral	Credentialed School Psychologist Licensed Educational Psychologist	\$800
Behavior Analysis/BIP	Board Certified Behavior Analyst	\$2,000
Cognitive	Licensed Educational Psychologist Credentialed School Psychologist	\$750
Health (including neurological)	Licensed Physician Credentialed School Nurse	\$350
Motor	Licensed Physical Therapist Licensed Occupational Therapist Registered (OTR) Credentialed Teacher of Pupils with Physical & Health Disabilities Adaptive Physical Education Teacher	\$750
Occupational Therapy	Licensed Occupational Therapist Registered (OTR)	\$1,200
Speech and Language	Credentialed or Licensed Speech/Language Pathologist	\$1,200
Social/Emotional	Credentialed School Psychologist Licensed Educational Psychologist	\$800
Visual Acuity Developmental Vision	Licensed Ophthalmologist Optometrist	\$500
Functional Vision	Credentialed Teacher of the Visually Impaired	\$350
Vision Perception	Credentialed Special Education Teacher Credentialed School Psychologist	\$500
Transition	Credentialed Special Education Teacher	\$1,000
Psycho-Educational	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist	\$3,500

(_____) District

Information Regarding Qualified Evaluators and Applicable Criteria For Conducting Independent Educational Evaluations (IEEs)

You have indicated that you disagree with an evaluation conducted by the District and have requested that the District fund an Independent Educational Evaluation (IEE). The criteria under which an IEE is conducted or obtained, including the location and cost of the evaluation and the qualifications of the evaluator, must be the same as the criteria the District uses when it conducts the same kind of evaluation.

Below is information related to the District criteria for conducting an IEE. You must ensure that the qualifications of the evaluator and the District's criteria are met or provide the District with an explanation as to any unique circumstances that would justify deviation from the criteria.

District's Evaluation Criteria

Where an IEE is at the expense of the District, the criteria under which the evaluation is conducted or obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria the District uses when it initiates an evaluation, to the extent the criteria are consistent with the parent's rights to an IEE. The following are the District's criteria applicable to the performance of evaluations. An IEE must be conducted based upon these criteria, unless the parent can demonstrate that unique circumstances justify deviation from them.

1. Applicable Overall Criteria for Conducting an Evaluation

An independent evaluation must include an observation of the student in an educational setting (if the student is in an educational setting) and review and consideration of current education records;

The evaluator must obtain direct information concerning the performance of the student from not less than one current teacher or other service provider of the child, unless the child does not have a current teacher/service provider;

All assessment instruments must be administered by a qualified evaluator, be age-appropriate to the child, and be administered and scored in conformance with the test publisher's instructions. The evaluation instruments are to be chosen on the basis of their relevancy to the educational question to be addressed by the evaluation. This means that the instruments should be those which are commonly known to and used by public school professionals. All instruments used must be current editions and reported in standard scores;

The evaluator must prepare and sign a full evaluation report containing:

- A list of all information/data reviewed;
- A clear explanation of the testing and assessment results;

- A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format;
- A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator;
- Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

2. Location of Evaluators conducting IEEs

An independent evaluator must be located within the same geographic area that the District uses for its own evaluations, which is within the SELPAs of Region 6, i.e., Amador, Calaveras, Tuolumne, San Joaquin and Stanislaus Counties. These location requirements may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents can demonstrate the necessity of using an evaluator outside the specified geographic area.

3. Qualifications of Evaluators Conducting IEEs

All assessments must be conducted by persons qualified to perform the assessment as determined by the District/SELPA (California Education Code Section 56322). All assessments must be conducted in accordance with all requirements of Federal and State law, including but not limited to, observing the student in the appropriate setting (California Education Code Section 56327), and conducting evaluations in accordance with California Education Code Section 56320. Evaluators with credentials other than those listed in the Independent Educational Evaluations – Qualifications/Cost Criteria will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.

Additionally, evaluators must meet the criteria for any school employee who works with children, i.e. TB testing and fingerprinting, as well as any other contract requirements enforced by the School District.

4. Cost for IEEs

The cost of an IEE shall reflect reasonable and customary rates for such services in the Region 6 area. Unreasonable costs for travel will not be reimbursed as part of the funding for an IEE. Costs above customary amounts will be approved only if the parent can demonstrate that the cost reflects a reasonable and customary rate for such evaluative services or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary in order to exercise their right to an IEE.

The cost of an IEE shall be comparable to those costs that the District incurs when it uses its own employees or contractors to perform a similar assessment, as identified above. Costs may include observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting; costs will be delineated on the independent evaluator's contract with the School District. Reimbursement will be in an amount no greater than the actual cost to the parent or the maximum cost identified above (whichever is more), and will be subject to proof of payment.

Maximum costs for all independent educational evaluations are calculated by considering time required for the assessment and the appropriate School District employee hourly rate. Costs above these amounts will not be approved unless the parent can demonstrate that such costs reflect unique circumstances justifying the selection of an evaluator whose fees fall outside these criteria.

5. Timeline for Completing the IEE

If the IEE has not already been conducted, it must be completed within a reasonable period of time from the date that the District finalizes its agreement with the evaluator to fund the IEE. Generally, the IEE should be completed within sixty (60) calendar days from the date that the District finalizes the agreement with the evaluator.

6. Provision of Evaluation Report to District

The evaluator must have parental permission to communicate and share information with the District and, as part of the contracted evaluation, must agree to prepare an evaluation report and release their assessment information and results directly to the District prior to the receipt of payment for services. Results must be sent to the District prior to or on the same day that results are provided to the parents.

7. Conflict of Interest Requirements

The independent evaluator must be free of any conflict of interest and the independent evaluation must not be of benefit to any particular public, non-public or private school, agency or institution.



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: August 5, 2013
SUBJECT: Accept Resignations/Retirements/Leave of Absence for Classified, Certificated, and/or Management Employment

BACKGROUND:

CERTIFICATED MANAGEMENT RESIGNATION

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>	<u>REASON</u>
Vera, Vanessa Psychologist	Special Education	6/18/13	Personal

BACKGROUND:

CERTIFICATED RESIGNATION

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>	<u>REASON</u>
Anders, Christina 6 th Grade Core	Kelly	7/31/13	Personal
Baligad, Leo Biology Teacher	KHS	7/31/13	Personal
Clark, William Carpentry Teacher	KHS	7/22/13	Personal
Fontana, Melinda SDC/RSP Teacher	WHS	6/28/13	Personal
Harvey, Christopher Math Teacher	North	7/29/13	To accept Assistant Principal Position at George Kelly School
Hunley-Seabrooks, Deborah SDC Teacher	WMS	7/31/13	Personal

Koon, S. Renee English Teacher	KHS	6/14/13	Personal
Lish, Titian Drama Teacher	THS	8/6/13	Personal
Loggins, Matthew Physical Education Teacher	KHS	6/21/13	Personal
Perkins, Eric Social Science Teacher	WHS	6/28/13	Personal
Pittman, Heidi Math Teacher	WHS	6/25/13	Personal
States, Bret Biology Teacher	KHS	6/20/13	Personal

BACKGROUND:

CLASSIFIED RESIGNATION

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>	<u>REASON</u>
Artiga, DeDe School Supervision Assist.	Bohn	07/12/13	Personal
Burgstrom, Pamela Special Ed Para Educator I	Central	08/01/13	Personal
Cortes Alvarez, Jose Utility Person II	KHS	06/26/13	Accepted an 8 hour Utility Person II position at KHS
DeLosAngeles, Lorena School Supervision Assist.	S/WP	07/25/13	Personal
Harris, Michelle Site Supervisor -- STEPS	Stein	07/15/13	Personal
Johnson, Shundra ISET Technician Level I	ISET	07/22/13	Personal
Lewis, Debbie H.S. Admin. Secretary	WHS	07/22/13	Personal
McIntyre, Samantha Food Service Worker	S/WP	08/05/13	Personal
Nolan, James Utility Person III	Transport.	06/24/13	Accepted an 8 hour Utility Person II day position

Pacheco, Leonard Utility Person III	Transport.	07/07/13	at Central Accepted an 8 hour Bus Driver/Cust./Grounds day Position
Pereira, Michelle School Supervision Assist.	Jacobson	07/19/13	Accepted a teaching position at MVMS
Phenix, Kay H.S. Admin. Secretary	KHS	07/28/13	Accepted School Secretary Position at Hirsch
Pine, Molly Para Educator I	McKinley	07/13/13	Accepted a teaching position at McKinley
Plato, Sandra Preschool Instructor	North/ Preschool	07/15/13	Personal
Sigua, Leonor Food Service Worker	KHS	07/05/13	Personal
Villasenor, Lucia Clerk Typist I	Continuous Improvement	07/07/13	Accepted the Secretary to the Director of IMC position

RECOMMENDATION: Accept Resignations/Retirements/Leave of Absence for Classified, Certificated, and/or Management Employment

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: August 5, 2013
SUBJECT: Approve Classified, Certificated, and/or Management Employment

BACKGROUND:

Averill, Erin

Boswell, Zachary

Dawson, Mary

Harvey, Christopher

Stagnaro, Michael

BACKGROUND:

Arnaudo, Stacey

CERTIFICATED MANAGEMENT

Psychologist (New)
Special Education
Class 8, Step A - \$65,896.08
Funding: Restricted Funds

Assistant Principal (Replacement)
West High School
Class 48, Step A - \$83,172.60
Funding: General Fund

Psychologist (Replacement)
Special Education
Class 8, Step A - \$65,896.08
Funding: Restricted Funds

Assistant Principal (Replacement)
George Kelly Elementary School
Class 40, Step A - \$69,767.10
Funding: General Fund

Assistant Principal (Replacement)
Kimball High School
Class 48, Step A - \$83,172.60
Funding: General Fund

CERTIFICATED

Kindergarten (Replacement)
Central School
Class III, Step 2, "B"
\$43,976.00
Funding: General Fund

Bermodes, Jennene	Biology (Intern) (Replacement) Kimball High School Class I, Step 1, "A" \$42,004.00 Funding: General Fund
Bragen, Lawrence	English-Speech & Debate (Replacement) Kimball High School Class III, Step 1, "A" \$43,975.00 Funding: General Fund
Browning, Chastity	6 th Grade (Replacement) Freiler School Class II, Step 1, "A" \$42,004.00 Funding: General Fund
Castor, Brandon	Social Science Teacher (Replacement) West High School Class I, Step 1, "A" \$42,004.00 Funding: General Fund
Gomez, Joy	Biology Teacher (Replacement) Kimball High School Class I, Step 1, "A" \$42,004.00 Funding: General Fund
Grover, Jennifer	Music – 80% Choir, 20% Piano (Replacement) Tracy High School Class II, Step 2, "A" \$42,004.00 Funding: General Fund
Harmsen, Holly	1 st Grade Teacher (New) Bohn School Class I, Step 1, "A" \$42,004.00 Funding: General Fund
Hawkins, Susan	4 th Grade Teacher (Replacement) North School Class V, Step 8, "B" \$59,441.00 Funding: General Fund 80%, Restricted Funds 20%
Kleckner, James	Art (Graphic Arts/Printshop) (Replacement) Kimball High School Class VI, Step 5, "B" \$55,618.00

	Funding: General Fund
Maldonado, Adriana	20% Spanish Teacher (New) Kimball High School Class III, Step 2, "B" \$35,180.80 (New 80% contract) Funding: General Fund
Marty, Danielle	SDC 4 th /5 th (Intern) (Replacement) Central School Class III, Step 1, "A" \$43,627.00 Funding: Restricted Funds
Ochoa, Zenobia	Bilingual 5 th Grade (Replacement) South/West Park Class I, Step 1, "A" \$43,627.00 Funding: General Fund
Osgood, Andrea	1 st Grade (New) Bohn School Class I, Step 1, "A" \$42,004.00 Funding: General Fund
Pereira, Michelle	Math Teacher (Replacement) Monte Vista Middle School Class III, Step 1, "B" \$43,975.00 Funding: General Fund
Perkins, Derek	Social Science Teacher (Replacement) West High School Class III, Step 1, "B" \$43,975.00 Funding: General Fund
Pine, Molly	5 th Grade (Replacement) McKinley School Class III, Step 1, "B" \$43,975.00 Funding: General Fund
Pressly, Matt	60% English (New) Kimball High School Class I, Step 1, "A" \$25,202.40 Funding: General Fund

Quintana, Antonio

6th Grade Core (Replacement)
George Kelly School
Class I, Step 1, "A"
\$42,004.00
Funding: General Fund

Rocci, Donald

SDC Pre School (Intern) (Replacement)
Hirsch School
Class I, Step 1, "A"
\$43,627.00
Funding: Restricted Funds

Velarde, Cecilia Maciel

5th Grade (Replacement)
George Kelly School
Class I, Step 1, "A"
\$42,004.00
Funding: General Fund

Zuniga, Claudia

Transitional Kindergarten (New)
South/West Park
Class I, Step 1, "A"
\$41,550.15
Funding: General Fund

BACKGROUND:

CLASSIFIED

Cortes Alvarez, Jose

Utility Person II (Replacement)
*Filled by current TUSD employee
Kimball High School
Range 35, Step B - \$16.93 per hour + ND
8 hours per day
Funding: General Fund

Castro Vazquez, Ma Veronica

STEPS Early Childhood Development
Associate Instructor (Replacement)
Stein Continuation High School/STEPS
Range 24, Step C - \$13.73 per hour
5 hours per day
Funding: General Fund

Elhag, Elhag

Utility Person II (Replacement)
Kimball High School
Range 35, Step A - \$16.16 per hour
8 hours per day
Funding: General Fund

Kinyon, Kenneth

School Security Person (Replacement)
Tracy High School
Range 31, Step C - \$16.16 per hour
8 hours per day
Funding: General Fund

Nolan, James	Utility Person II (Replacement) *Filled by current TUSD employee Central Elementary School Range 35, Step B - \$16.93 per hour 8 hours per day Funding: General Fund
Pacheco, Leonard	Bus Driver/Custodian/Groundskeeper (New) *Filled by current TUSD employee Transportation/Warehouse Range 36, Step C - \$18.15 per hour 8 hours per day Funding: Transportation Special Ed – 50% and General Fund – 50%
Ramirez Torres, Maria	School Supervision Assistant (Replacement) Villalovoz Elementary School Range 21, Step A - \$11.69 per hour 1.5 hours per day Funding: General Fund
Soares, Rafael	Utility Person II (New) West High School Range 35, Step A - \$16.16. per hour 8 hours per day Funding: General Fund – 75% and Child Nutrition School Program – 25%
Villasenor, Lucia	Secretary to the Director of IMC (Replacement) Instructional Media Center Range 36, Step C - \$18.15 per hour 8 hours per day Funding: State Lottery
Young, Nicole	STEPS Early Childhood Development Associate Instructor (Replacement) Stein Continuation H.S./STEPS Range 24, Step C - \$13.73 per hour 6 hours per day Funding: General Fund

BACKGROUND:

**CLASSIFIED/CONFIDENTIAL
MANAGEMENT**

Phenix, Kay	Elementary School Secretary K-5/K-8 (Replacement) *Filled by current TUSD employee Hirsch Elementary School Range 8, Step C - \$22.15 per hour 8 hours per day Funding: General Fund
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BACKGROUND:

Allmon, Randall

Dell'Aringa, Dante

Garcia, Michael

Graber, Gaye

Guzman, Emilio

Luera, David

Myers, Nicole

Rebeiro, Robert

Spikes, Charles

Sterni, Charles

Van Drimmelen, Jon

Windschitl, Candy

COACHES

Assistant Varsity Football
West High School
Stipend: \$4,221.60

Assistant Sophomore Football
West High School
Stipend: \$3,896.19

Freshman Softball
West High School
Stipend: \$3,245.36

Assistant Pep Squad Advisor
West High School
Stipend (2) \$1,948.09 per stipend

Freshman Boys' Basketball
West High School
Stipend: \$3,245.36

Head Freshman Football
West High School
Stipend: \$4,547.02

Pep Squad Advisor
West High School
Stipend: (2) \$2,436.22

Assistant Varsity Football
West High School
Stipend: \$4,221.60

Varsity Head Football
Kimball High School
Stipend: \$6,169.69

Sophomore Volleyball
Kimball High School
Stipend: \$3,896.19

Boys' Golf
West High School
Stipend: \$3,245.36

Assistant Swim (Diving)
West High School
Stipend: \$3,245.36

RECOMMENDATION: Approve Classified, Certificated and/or Management Employment

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: July 31, 2013
SUBJECT: **Ratify Agreement for Special Contract Services for Assistant Football Coach Robert Eccleston at Kimball High School During the 2013-2014 Season**

BACKGROUND: The Kimball High School football program has undergone many changes during the last few months; therefore, there is a need in the football program for additional football coaches to ensure a smooth transition and positive and safe experience for the players.

RATIONALE: Robert Eccleston is qualified to assist and enhance Kimball's football program, and his experience will ensure the overall success and safety of the program. His duties will be to assist the head coach with the supervision and safety of the football team.

This agenda item needs to be ratified due to the unexpected turnover in the football coaching staff during summer break at Kimball High School.

This agenda item aligns with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: Expenses for assistant football coach will be paid by the District and reimbursed by the Kimball High School ASB account. Expenses will not exceed \$2,000.00 for the 2013-2014 football season.

RECOMMENDATION: **Ratify Agreement for Special Contract Services for Assistant Football Coach Robert Eccleston at Kimball High School During the 2013-2014 Season**

Prepared by: Cheryl Domenichelli, Principal, Kimball High School

TRACY UNIFIED SCHOOL DISTRICT
1875 W. Lowell Ave., Tracy, California 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and Robert Eccleston, hereinafter referred to as "Contractor," is for consultant or special services to be performed by a non-employee of the District. District and Contractor, herein named, do mutually agree to the following terms and conditions:

1. Contractor shall perform the following duties: ASSISTANT FOOTBALL COACH

2. Contractor will provide the above services(s), as outlined in Paragraph 1, for a period of up to a total of 120 () HOURS DAY(s), under the terms of this agreement at the following location KIMBALL HS

3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:

- a. District shall pay \$ 2,000.00 per HOUR DAY FLAT RATE, not to exceed a total of \$ 2,000.00 Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.
- b. District SHALL; SHALL NOT reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services, including: mileage, meals and lodging in the district rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$ for the term of this agreement.
- c. District shall make payment on a MONTHLY PROGRESS BASIS, SINGLE PAYMENT UPON COMPLETION OF THE DUTIES and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by District. Original paid receipts are required for lodging, air fare (passenger coupon or ticket stub), automobile rental, and parking. Claims for unusual expenses, such as teaching materials, photocopying, etc., must be accompanied by original paid invoices.

4. The terms of the agreement shall commence on: AUG 5, 2013, and shall terminate on DEC. 14, 2013

5. This agreement may be terminated at any time during the term by either party upon 30 days written notice.

6. Contractor shall contact the District's designee, Steve Thouton at () KIMBALL HS with any questions regarding performance of the services outlined above. District's designee shall determine if and when Contractor has completed the services described.

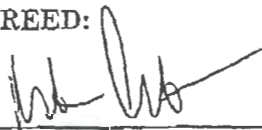
7. The parties intend that an independent contractor relationship be created by this contract and District assumes no responsibility for workers' compensation liability. District likewise assumes no responsibility for liability for loss, damage, or injury to person(s) or property resulting from, or caused by, the contractor's activities during or relating to the performance of service under this Agreement.

Contractor agrees to hold harmless and to indemnify District for:

Any injury to person or property sustained by Contractor or by any person, firm, or corporation employed directly or indirectly by the Contractor or by any of the individuals participating in or associated with him or her, however caused; and any injury to person or property sustained by any person, firm or corporation, caused by act, neglect, default or omission, of Contractor, or any person, firm or corporation directly or indirectly employed by Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of their term of this Agreement, and Contractor at his or her own cost, expense, and risk, shall defend any and all actions, suits or other legal proceedings that may be instituted against District for any such claim or demand, and pay or satisfy any judgment that may be rendered against District in any such action, suit or legal proceedings or the result thereof. Nothing herein provided shall be construed to require Contractor to hold harmless or indemnify District for liability or damages resulting from the negligence or willful act, or omission of District or its officers, agents, or employees.

- 8. This Agreement is for the personal services of the Contractor and Contractor may not assign the performance of the services to any person or persons who are not parties to this Agreement except for employees of Contractor.
- 9. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state, or local statutes, rules or regulations or with any policies of Contractor's current employer.
- 10. District shall become the owner or, and entitled to, exclusive possession of all records, documents, graphs, photographic or other reproductions of any kind produced in the scope of services performed and no other uses thereof will be permitted except by permission of the District. Proprietary materials will be exempted from this clause.

AGREED:



 Consultant Signature (1)

 Social Security Number (2)

Asst Football Coach

 Title

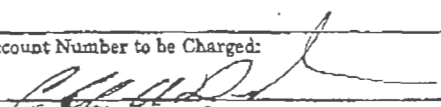
 Address

Tracy, CA 95376

 Tracy Unified School District

 Date

 Account Number to be Charged:



 Department/Site Approval

 Budget Approval

 Date Approved by the Board

Send all copies to the Business Office:

- (1) Whenever organizational names are used, the authorized signature must include title, such as president.
- (2) Whenever organizational names are used, the employer IRS Identification Number must be used instead of a Social Security Number.



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: July 31, 2013
SUBJECT: **Ratify Agreement for Special Contract Services for Assistant Sophomore Football Coach Tobin Cattolico at Kimball High School During the 2013-2014 Season**

BACKGROUND: The Kimball High School football program has undergone many changes during the last few months; therefore, there is a need in the football program for additional football coaches to ensure a smooth transition and positive and safe experience for the players.

RATIONALE: Tobin Cattolico is qualified to assist and enhance Kimball's sophomore football program, and his experience will ensure the overall success and safety of the program. His duties will be to assist the head coach with the supervision and safety of the football team.

This agenda item needs to be ratified due to the unexpected turnover in the football coaching staff during summer break at Kimball High School.

This agenda item aligns with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: Expenses for assistant football coach will be paid by the District and reimbursed by the Kimball High School ASB account. Expenses will not exceed \$2,000.00 for the 2013-2014 football season.

RECOMMENDATION: Ratify Agreement for Special Contract Services for Assistant Sophomore Football Coach Tobin Cattolico at Kimball High School During the 2013-2014 Season.

Prepared by: Cheryl Domenichelli, Principal, Kimball High School

TRACY UNIFIED SCHOOL DISTRICT

1875 W. Lowell Ave., Tracy, California 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and TOBIN CATTOLICO, hereinafter referred to as "Contractor," is for consultant or special services to be performed by a non-employee of the District. District and Contractor, herein named, do mutually agree to the following terms and conditions:

1. Contractor shall perform the following duties: ASSISTANT Sophomore Football COACH

2. Contractor will provide the above services(s), as outlined in Paragraph 1, for a period of up to a total of 120 () [] HOURS [X] DAY(s), under the terms of this agreement at the following location Kimball

3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:

a. District shall pay \$2,000.00 per [] HOUR [] DAY [X] FLAT RATE, not to exceed a total of \$2,000.00. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.

b. District [] SHALL; [X] SHALL NOT reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services, including: mileage, meals and lodging in the district rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$[] for the term of this agreement.

c. District shall make payment on a [] MONTHLY PROGRESS BASIS, [X] SINGLE PAYMENT UPON COMPLETION OF THE DUTIES and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by District. Original paid receipts are required for lodging, air fare (passenger coupon or ticket stub), automobile rental, and parking. Claims for unusual expenses, such as teaching materials, photocopying, etc., must be accompanied by original paid invoices.

4. The terms of the agreement shall commence on 8/12/13 and shall terminate on 12/10/13

5. This agreement may be terminated at any time during the term by either party upon 30 days written notice.

6. Contractor shall contact the District's designee, Steve Thornton at 969-0012 with any questions regarding performance of the services outlined above. District's designee shall determine if and when Contractor has completed the services described.

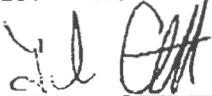
7. The parties intend that an independent contractor relationship be created by this contract and District assumes no responsibility for workers' compensation liability. District likewise assumes no responsibility for liability for loss, damage, or injury to person(s) or property resulting from, or caused by, the contractor's activities during or relating to the performance of service under this Agreement.

Contractor agrees to hold harmless and to indemnify District for:

Any injury to person or property sustained by Contractor or by any person, firm, or corporation employed directly or indirectly by the Contractor or by any of the individuals participating in or associated with him or her, however caused; and any injury to person or property sustained by any person, firm or corporation, caused by act, neglect, default or omission, of Contractor, or any person, firm or corporation directly or indirectly employed by Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of their term of this Agreement, and Contractor at his or her own cost, expense, and risk, shall defend any and all actions, suits or other legal proceedings that may be instituted against District for any such claim or demand, and pay or satisfy any judgment that may be rendered against District in any such action, suit or legal proceedings or the result thereof. Nothing herein provided shall be construed to require Contractor to hold harmless or indemnify District for liability or damages resulting from the negligence or willful act, or omission of District or its officers, agents, or employees.

- 8. This Agreement is for the personal services of the Contractor and Contractor may not assign the performance of the services to any person or persons who are not parties to this Agreement except for employees of Contractor.
- 9. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state, or local statutes, rules or regulations or with any policies of Contractor's current employer.
- 10. District shall become the owner or, and entitled to, exclusive possession of all records, documents, graphs, photographic or other reproductions of any kind produced in the scope of services performed and no other uses thereof will be permitted except by permission of the District. Proprietary materials will be exempted from this clause.

AGREED:



 Consultant Signature (1)

 Social Security Number (2)
 TOBIH CATTOLICO


 Title
 S

 Address
 TRACY, CA 95376

 Tracy Unified School District

 Date

 Account Number to be Charged



 Department/Site Approval

 Budget Approval

 Date Approved by the Board

Send all copies to the Business Office:

- (1) Whenever organizational names are used, the authorized signature must include title, such as president.
- (2) Whenever organizational names are used, the employer IRS Identification Number must be used instead of a Social Security Number.



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: August 2, 2013
SUBJECT: **Ratify Agreement for Special Contract Services for Assistant Cross Country Coach Kristina Padilla at Tracy High School for the 2013-2014 Season**

BACKGROUND: There is a need in the cross country program at Tracy High for adequate supervision by knowledgeable coaches to ensure the players have a safe, educational and positive experience. Having exceptionally qualified staff is the primary aim of the program. This agenda needs to be ratified due to the season starting before the first board meeting of the school year.

RATIONALE: Kristina Padilla is uniquely qualified to assist and enhance the cross country program at Tracy High School. She has extensive distance running experience as an athlete and was a wonderful asset to the team at Tracy High School last year. The experience and enthusiasm she brings to the runners will ensure the overall success and safety of the program. Her duties will consist of assisting with daily practice, competitions, scoring, and athlete supervision.

This aligns with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: Expenses for the Assistant Cross County coach will be paid by the District and reimbursed from the Tracy High School ASB Athletics account. Expenses will not exceed \$3000.00.

RECOMMENDATION: Ratify Agreement for Special Contract Services for Assistant Cross Country Coach Kristina Padilla at Tracy High School for the 2013- 2014 Season

Prepared by: Mr. Jason Noll, Principal, Tracy High



TRACY UNIFIED SCHOOL DISTRICT
District Education Center
1875 West Lowell Avenue
Tracy, CA 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

(NOTE: This agreement must be accompanied by a purchase requisition or purchase order with the account number noted on the agreement and all insurance certificates including endorsements)

This Agreement, by and between Tracy Unified School District, hereinafter referred to as "District" and _____ Kristina Padilla _____, hereinafter referred to as "Contractor," is for consultant or special services to be performed by a non-employee of the District. District and Contractor, herein named, do mutually agree to the following conditions:

1. Contractor shall perform the following duties:
____ Coaching cross country by assisting with daily practice, competitions, scoring, and athlete supervision. _____.
2. Contractor will provide the above service(s), as outlined in Paragraph 1, for a period of up to a total of _____ 4 _____ months under the terms of this agreement.
3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:
 - a. Districts shall pay \$____ 3000.00 _____ flat rate, not to exceed a total of \$____ 3000.00 _____. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.
 - b. Districts shall/shall not reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services. Reimbursement of expenses shall not exceed \$____ 0 ____.
 - c. District shall make payment within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by District. Original paid receipts are required for printing and equipment rental.

Agreement for Special Contract Services:

4. The term of this agreement shall commence on Aug 1, 2013 and shall terminate on Dec. 1, 2013.
5. This agreement may be terminated at any time during the term by either party upon thirty (30) days written notice.

Agreement for Special Contract Services: Contractor shall contact the District's designee, Gary Henderson, at (209) 8303360, with any questions, regarding performance of the services outlined above. District's designee shall determine if and when Contractor has completed the services described.

6. The parties intend that an independent contractor relationship be created by this contract and District assumes no responsibility for worker's compensation liability. District likewise assumes no responsibility for liability for loss, damage, or injury to person(s) or property resulting from, or caused by, contractor's activities during or relating to the Contractor and agrees to hold harmless and to indemnify District for: (an insurance certificate and endorsement shall be provided to the District upon completion and/or signing of this agreement, which must accompany the Board Agenda Request form and Agenda Item).

Any injury to person and property sustained by Contractor or by any person, firm or corporation employed directly or indirectly by the Contractor or by any of the individuals participating in or associated with him or her, however caused; and any injury to person or property sustained by any person, firm or corporation directly or indirectly employed by Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of their term of this Agreement, and Contractor at this or her own cost, expenses and risk, shall defend any and all actions, suits or other legal proceedings that may be instituted against District for any such claim or demand, and pay or satisfy any judgment that may be rendered against District in any such action, suit or legal proceedings or the result thereof.

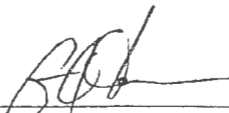
7. This Agreement is for the personal services of the Contractor and may not assign the performance of the services to any person or persons who are not parties to this contract/agreement except for employees of Contractor.
8. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments thereunder are not in conflict with any federal, state or local statutes, rules or regulations, or with any policies of Contractor's current employer.

Agreement for Special Contract Services:

- 9. District shall become the owner of, and entitled to, exclusive possession of all records, documents, graphs, photographic or other reproductions of any kind produced in the scope of services performed and no other uses thereof, will be permitted except by permission of the District. Proprietary materials will be exempted from this clause.
- 10. Consultant/Contractor certifies that he or she is not an employee of the District and is self-employed in the performance of the services specified. Consultant agrees that he or she assumes all responsibility in relation to providing the District with an Employer Identification number or Social Security number as required by IRS regulations in relation to the conduct of his or her business.

AGREED:

Kristina Padilla
 Consultant Signature (1)

Gary Henderson 
 Tracy Unified School District (Superintendent or designee)

5/21/13
 Date

5/21/13
 Date

THS AD
 Title

Title

Account number to be charged

Tracy CA 95316
 Address


 Department / Site Approval

Phone No. (with area code)

Date Approved by the Board

Send copies to: _____, Financial Services with purchase requisition for processing of payment(s) as noted in the agreement, Facilities Use, Business Services Office, Superintendent's Office with Agenda Item material, Site file

Ref: <https://staff.tusd.net/personal/clyons/Private Documents/Agreements/Agreement for Use of Consultant Services 1 14 05.doc>



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: July 31, 2013
SUBJECT: **Ratify Agreement for Special Contract Services for Assistant Football Coach Eric Relova at Kimball High School During the 2013-2014 Season**

BACKGROUND: The Kimball High School football program has undergone many changes during the last few months; therefore, there is a need in the football program for additional football coaches to ensure a smooth transition and positive and safe experience for the players.

RATIONALE: Eric Relova is qualified to assist and enhance Kimball's football program, and his experience will ensure the overall success and safety of the program. His duties will be to assist the head coach with the supervision and safety of the football team.

This agenda item needs to be ratified due to the unexpected turnover in the football coaching staff during summer break at Kimball High School.

This agenda item aligns with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: Expenses for assistant football coach will be paid by the District and reimbursed by the Kimball High School ASB account. Expenses will not exceed \$2,500.00 for the 2013-2014 football season.

RECOMMENDATION: Ratify Agreement for Special Contract Services for Assistant Football Coach Eric Relova at Kimball High School During the 2013-2014 Season.

Prepared by: Cheryl Domenichelli, Principal, Kimball High School



TRACY UNIFIED SCHOOL DISTRICT

1875 W. Lowell Ave., Tracy, California 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and ERIC KETOVA, hereinafter referred to as "Contractor," is for consultant or special services to be performed by a non-employee of the District. District and Contractor, herein named, do mutually agree to the following terms and conditions:

1. Contractor shall perform the following duties: ASSISTANT FOOTBALL COACH

2. Contractor will provide the above services(s), as outlined in Paragraph 1, for a period of up to a total of () HOURS DAY(s), under the terms of this agreement at the following location KIMBALL H.S.

3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:

a. District shall pay \$ 2500.00 per () HOUR () DAY FLAT RATE, not to exceed a total of \$ 2500.00. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.

b. District SHALL; SHALL NOT reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services, including: mileage, meals and lodging in the district rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$ () for the term of this agreement.

c. District shall make payment on a () MONTHLY PROGRESS BASIS, SINGLE PAYMENT UPON COMPLETION OF THE DUTIES and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by District. Original paid receipts are required for lodging, air fare (passenger coupon or ticket stub), automobile rental, and parking. Claims for unusual expenses, such as teaching materials, photocopying, etc., must be accompanied by original paid invoices.

4. The terms of the agreement shall commence on AUG. 5, 2013, and shall terminate on DEC. 14, 2013

5. This agreement may be terminated at any time during the term by either party upon 30 days written notice.

6. Contractor shall contact the District's designee, STEVE THORNTON at (()) KIMBALL H.S. with any questions regarding performance of the services outlined above. District's designee shall determine if and when Contractor has completed the services described.

7. The parties intend that an independent contractor relationship be created by this contract and District assumes no responsibility for workers' compensation liability. District likewise assumes no responsibility for liability for loss, damage, or injury to person(s) or property resulting from, or caused by, the contractor's activities during or relating to the performance of service under this Agreement.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent of Business Services
DATE: July 25, 2013
SUBJECT: Consider Claim No. 462807

BACKGROUND: On March 19, 2012, a claim was received by the Tracy Unified School District in which the claimant stated that an injury occurred on or about February 17, 2012.

The District's insurance providers reviewed the subsequent claim and determined:

- a. The information provided to date does not suggest that there is a liability on behalf of the School District.

The District's insurance providers recommend a rejection/denial of this claim by the Board of Trustees.

The amount of the claim is noted as exceeding \$10,000.00.

RATIONALE: District's insurance advisors, legal advisors, and District staff recommend rejection/denial of this claim. This is standard practice in order to protect the District from future litigation.

FUNDING: District insurance account covers costs up to the Board approved deductible amount.

RECOMMENDATIONS: Reject Claim No. 462807

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: July 25, 2013
SUBJECT: Adopt Revised Injury and Illness Prevention Program (Second Reading)

BACKGROUND: The Tracy Unified School District is required by a number of governing agencies to formalize, describe, and disseminate an Injury and Illness Prevention Program stipulating the responsibilities of district employees, and address compliance, hazard identification, scheduled safety inspections, unscheduled safety inspections, accident investigation, hazard correction, training, hazard communication, and program documentation requirements. The program is based on the assumption and belief that making employee safety a high priority, the district can reduce injuries and illnesses, increase productivity, and promote a safer and healthier environment for every employee.

RATIONALE: While the district adopted a plan in the late 1990s and revised that plan in 2004, the plan was cumbersome to use. Therefore, the attached document represents a complete rework of the original document. The document has been developed by district staff with input from the risk management advisor from Keenan and Associates, the insurance provider of the district.

This plan was proposed for adoption a year ago, but listed hand sanitizers as an unauthorized material. Based on input from the California Department of Education, the restriction on hand sanitizers has been removed. However, hand sanitizers are still listed as an ignitable hazard, and, as for any hazardous material, its presence in a work area must be accompanied by an accurate Safety Data Sheet (formerly Material Safety Data Sheet) for each brand and type of hazardous material in a work area.

FUNDING: There are no costs associated with this agenda item

RECOMMENDATION: Adopt Revised Injury and Illness Prevention Program (Second Reading)

Tracy Unified School District
Injury and Illness Prevention Program

Rough Draft
June 11, 2013

Tracy Unified School District
Injury and Illness Prevention Program

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Introduction

The Tracy Unified School District has developed this Injury and Illness Prevention Program to formalize, describe, and disseminate the goals of the program, the statutory authority on which the program is based, and the responsibilities of each employee within the program. It addresses compliance, hazard identification, scheduled safety inspections, unscheduled safety inspections, accident investigation, hazard correction, training, hazard communication, and program documentation requirements. The program is based on the assumption and belief that making employee safety a high priority, the district can reduce injuries and illnesses, increase productivity, and promote a safer and healthier environment for every employee.

Goals

A focus on safe working habits, practices, and conditions will:

1. Protect the health and safety of employees, and decrease the potential for disease, illness, injury, and harmful exposure.
2. Minimize worker's compensation claims and costs.
3. Improve efficiency by reducing the time spent replacing or reassigning injured employees, as well as reduce the need to identify and replace employees.
4. Improve employee morale and efficiency, based on employees see that their safety is important to management.
5. Minimize the potential for penalties assessed by various enforcement agencies by maintaining compliance with health and safety laws and regulations.

Statutory Authority

The Tracy Unified School District Injury and Illness Prevention Program (IIPP) is based on authority from the:

1. California Labor Code Section 6401.7;
2. Health and Safety Code, Sections 25160, 25163, 25185, 25189, 25201, 25211, 25212, 25217, 25244, 25250, 25262,
3. California Code of Regulations Title 5, Sections 66262, 66263, 66265, 66266, 66268, 66273
4. California Code of Regulations Title 8, Sections 1509 and 3203;

Responsibility for Workplace Health and Safety

Immediate responsibility for workplace health and safety rests with each individual employee. Employees are responsible for following established work procedures and safety guidelines in their work area, as well as those detailed in the Tracy Unified School District Injury and Illness Prevention Program (IIPP). Employees are also responsible for using the personal protective equipment issued to protect them from identified hazards, and for reporting any unsafe conditions to their supervisor.

However, it is the responsibility of each site administrator, supervisor, and manager to know the safety and health hazards to which employees under their immediate direction and control may be exposed. In addition, these supervisory personnel are responsible for instructing each employee of general safe working practices as well as how to protect themselves from the hazards specific to their individual job duties.

General safe work practices include, but are not limited to:

1. Proper housekeeping, such as keeping stairways and aisles clear, work areas neat and orderly, and promptly cleaning up spills.
2. Proper storage to prevent stacking goods in an unstable manner and storing goods against doors, exits, fire extinguishing equipment and electrical panels.
3. Prohibiting horseplay, scuffling, or other acts that adversely influence safety.
4. Proper storage and handling of toxic and hazardous substances including the prohibition of eating or storing food and beverages in areas where they can become contaminated, as well as limited use of perfumes, dyes, scents, and other chemicals that cause or exacerbate allergic reactions.
5. Proper lifting practices and prevention of musculoskeletal disorders.
6. Scrupulous adherence to emergency action and fire prevention plans.
7. Provisions for medical services and first aid, including emergency response procedures.
8. Proper reporting of hazards and accidents to supervisors.
9. Reporting of workplace hazards, including the presence and management activities associated with asbestos, pest control procedures, and methods of ensuring worker awareness of potential chemical hazards, and proper purchasing, handling, labeling, storage, and removal of hazards.
10. Implementation of the Injury and Illness Prevention Program (IIPP).

At a minimum, specific safety training must include instruction in the proper use of workplace equipment, and the safe handling and management of hazardous materials, hazardous waste, universal waste, and the proper management of asbestos and pesticides, and the proper use of personal protective equipment (PPE). However, for a supervisor to know of hazards, the process by which hazards are introduced into work areas must be managed. Hazardous materials or wastes include those which are ignitable, corrosive, reactive, or toxic.

Ignitable hazards are those which can create fires under certain conditions, are spontaneously combustible, or have a flash point less than 140 °F. Examples include hand sanitizers, oils, and solvents.

Corrosive materials or wastes are acids or bases with a pH less than or equal to 2, or greater than or equal to 12.5, capable of corroding metal containers or causing burns. Battery acid and science classroom chemicals are examples.

Reactive materials and wastes are unstable under “normal” conditions. They can cause explosions, toxic fumes, gases, or vapors when heated, compressed, or mixed with water. Examples include lithium-sulfur batteries and explosives.

Toxic materials and wastes are harmful or fatal when ingested or absorbed. Toxicity is defined through a laboratory procedure called the Toxicity Characteristic Leaching Procedure (TCLP) Method. Examples include materials containing mercury, lead, or other poisons.

Employees should not bring hazards into the classroom unless approved through his or her supervisor, and only then when the hazardous material is essential to the instructional program or other purpose of the classroom or work area.

Compliance

Compliance with this Injury and Illness Prevention Program will be achieved in the following manner:

1. All employees will conduct an annual review of their work site and report safety concerns to their supervisor. Those employees with specialized credentials or training which provide them a particular expertise on safety concerns will share their expertise with other site staff, supervisors, and administrators, and will ensure their own behaviors are in keeping with best safety practices.
2. Site Administrators, Supervisors, and Managers will set positive examples for working safely and require that all staff under their direction work safely.
3. Site Administrators, Supervisors, and Managers will use all disciplinary and evaluation procedures available to them to ensure that employees follow established safety policies and procedures.
4. Site Administrators, Supervisors, and Managers will identify the resources necessary to provide a safe work environment for their employees and include them in budget planning and requests.
5. Site Administrators, Supervisors, and Managers may establish means of recognition for employees who demonstrate safe work practices.

Hazard Identification

A health and safety inspection program is essential in order to reduce unsafe conditions, which may expose employees to incidents that could result in personal injuries or property damage. It is the responsibility of the District Office to ensure that appropriate, systematic safety inspections are conducted periodically. The District Office will assign personnel at each location to conduct these inspections.

Scheduled Safety Inspections

Upon initial implementation of this Program, inspections of all areas will be conducted. All inspections will be documented using the attached forms (or equivalent) with appropriate abatement of any hazards detected.

Thereafter, safety inspections will be conducted at the frequency described below:

1. Each employee will inspect his or her own work location at the beginning of each school year and complete a copy of the attached IIPP for each space inspected. Upon completion, a copy will be forwarded to the Secretary for Business Services, where the document will be maintained for one complete year. The custodian at each site is required to inspect fire extinguishers in his/her workspaces monthly. However, as a secondary check, each employee should also inspect fire extinguishers in his/her work areas.
2. During the course of each school year, each site or department administration will inspect a random sample of 10% of the spaces for which he, she, they is/are and complete a copy of the attached IIPP for each space inspected. Upon completion, a copy will be forwarded to the Secretary for Business Services, where the document will be maintained for one complete year.
3. During the course of each year, the Associate Superintendent for Business Services, the Director of Building Maintenance, and the Director of Materials Management will conduct a random inspection of at least twelve spaces (for an average of one space per month) for which they are not directly responsible. Upon completion, a copy will be forwarded to the Secretary for Business Services, where the document will be maintained for one complete year.
4. Playground and perimeter inspections. (See attachment)
5. Fire Extinguishers – refilled yearly and inspected monthly. Each is individually tagged, and inspection of the fire extinguisher is an integral part of the space inspections listed in inspections 1 through 3, above. The custodian assigned to each site is required to inspect fire extinguishers in his/her workspaces monthly. However, as a secondary check, each employee should also inspect fire extinguishers in his/her work areas.

Unscheduled Safety Inspections

1. Additional safety inspections will be conducted by the site or department supervisor whenever new equipment or changes in procedures are introduced into the workplace that presents new hazards. Upon completion, a copy will be forwarded to the Secretary for Business Services, where the document will be maintained for one complete year.
2. During the course of each year, the Associate Superintendent for Business Services, the Director of Building Maintenance, and the Director of Materials Management will conduct a random inspection of at least twelve spaces (for an average of one space per month) for which they are not directly responsible. These inspections may be focused on any potentially hazardous areas to assist in the maintenance of a safe and healthful workplace. Upon completion, a copy will be forwarded to the Secretary for Business Services, where the document will be maintained for one complete year.

3. Safety reviews will be conducted when occupational accidents occur to identify and correct hazards that may have contributed to the accident.

Accident Investigations

Superintendents, Site Administrators, Supervisors, or Managers will investigate all accidents, injuries, occupational illnesses, and near-miss incidents to identify the root cause (See Supervisor's Accident Investigation Report Form). Appropriate repairs or procedural changes will be implemented promptly to correct the hazards implicated in these events.

To ensure timely accounting for Workers' Compensation procedures, both employee and supervisor must complete their respective portions on the Report of Employee Injury/Exposure Form and District Accident Investigation Form available at the District Office or school site.

Procedures for investigating workplace accidents and hazardous substance exposures include:

1. Interviewing injured workers and witnesses;
2. Examining the workplace for factors associated with the accident/exposure;
3. Determining the cause of the accident/exposure;
4. Taking corrective action to prevent the accident/exposure from reoccurring
5. Recording the findings and actions taken.

Hazard Correction

All identified hazards must be reported through normal channels. Corrections requiring maintenance work should be reported through appropriate channels to ensure a work-order is completed. **The District recognizes that hazards range from** imminent dangers to hazards of relatively low risk. To ensure imminent risks are addressed in a timely manner, employees are responsible to follow up with site or district administrators until the hazard is corrected. In addition, it is the responsibility of site, and district administrators to ensure serious safety hazards are corrected in a timely manner.

Training

All employees must be trained in general safe work practices. A set of annual training sessions are mandated for all employees. Site administrators are responsible to ensure training is completed for certificated employees. In addition, specific instruction with respect to hazards unique to each employee's job assignment will be communicated to ensure they can safely and legally complete their work duties. It is the responsibility of each employee to attend all required training sessions and ensure certifications are maintained. Supervisors of employees must facilitate participation in, and hold employees accountable for satisfactory completion of required training. Training and instruction must be provided:

1. When the IIPP is first established;
2. To all new workers;
3. To all workers given new job assignments for which training has not previously provided;

4. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
5. Whenever the employer is made aware of a new or previously unrecognized hazard;
6. To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed
7. To all workers with respect to hazards specific to each employee's job assignment.

Communication

Effective two-way communication, which involves employee input on matters of workplace safety, is essential to maintaining an effective Injury and Illness Prevention Program. To foster better safety communication the following guidelines will be implemented:

The District will use Employee Bulletin Boards at each facility for posting information on safety in a location accessible to all employees. Changes in protocol, safety bulletins, accident statistics, training announcements, and other safety information will be posted, as they become available.

Site Administrators, Managers, and Supervisors will provide time at periodic staff meetings to discuss safety topics. Status reports will be given on safety inspections, hazard correction projects, and accident investigation results, as well as feedback to previous employee suggestions. Employees will be encouraged to participate and give suggestions without fear of reprisal. The attached attendance sheet should be used to document attendance and topics covered. Additional communication methods to be used may include posters/postings, manuals, meetings, newsletters, bulletins, or warning labels.

Employees are encouraged to bring to the District's attention any potential health or safety hazard that may exist in the work area. The attached Employee Safety Recommendation form (or equivalent) can be used for this purpose. These forms are available in the District Office and at each school site.

Supervisors will follow up all suggestions and investigate the concerns brought up through these communication methods. Feedback to the employees is critical, and must be provided for effective two-way communication.

Documentation

Many standards and regulations of Cal/OSHA contain requirements for the maintenance and retention of records for occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections and other activities relevant to occupational health and safety. To comply with these regulations, as well as to demonstrate that the critical elements of this Injury and Illness Prevention Program are being implemented, the following records will be kept on file in the District Office and school site for at least the length of time indicated below:

1. Copies of all IIPP Safety Inspection Forms. Retain 5 years in the Business Services Department.

2. Copies of all Employee Accident Investigation Forms. Retain 5 years in the Human Resources Department.
3. Copies of all District-wide Mandated Employee Training Documents. Retain for duration of each individual's employment.
4. Copies of all Safety Meeting Agendas. Retain 5 years.

The Secretary to the Associate Superintendent for Business Services will maintain files of these documents and present them to Cal/OSHA or other regulatory agency representatives if and when requested. A review of these records will be conducted by the Program Administrator, or designee, during routine inspections to measure compliance with the Program.

A safe and healthy workplace must be the goal of everyone at Tracy Unified School District, with responsibility shared by management and staff alike. If any employee has questions regarding this Injury and Illness Prevention Program, please contact the Maintenance and Operations department at (209)830-3265 or the Director of Materials Management at (209)830-1134 or (209)830-3240.

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General Work Area (Classroom/Office) Safety Inspection Checklist

Date: _____ Location/Room # _____ Phone: _____

Supervisor: _____ Department: _____

Inspector: _____ Job Title: _____

Interior surfaces, equipment, and infrastructure in good condition (includes floors, walls, ceilings, windows, doors, sinks, structural damage, and cleanliness. (Use proper equipment while inspecting spaces.)

Yes	No	
		1. Are all aisles, corridors & exits unobstructed to allow unimpeded evacuations? No trip hazards.
		2. Are all cabinets, shelves, or furniture above 5 feet in height secured to prevent toppling during an earthquake? (Be careful while inspecting so as not to injure yourself) Are all books and supplies stored so as not to fall during an earthquake? (Store heavy items low to the floor, shelf lips on shelves above work areas.)
		3. The most common employee accidents in school districts are slips, trips, and falls. To mitigate that threat, are floors maintained clean, spills wiped up promptly, and anti-slip materials used where moisture is prevalent?
		4. Do all installed light fixtures and lights operate properly throughout the work environment?
		5. Do you know if there are any asbestos hazards in your workspace or classroom? Do you know the location of the School Asbestos Inspections and Management Plan (labeled AHERA) for your workspace?
		6. Is the classroom emergency bucket complete? Are emergency reference materials posted? (See multi-colored School Emergency Response Plan for a complete inventory.)

Fire/Electrical Safety

Yes	No	
		7. Is an unobstructed and clearly identified, charged, tagged, wall-mounted fire extinguisher available within 75 feet of all work areas? (No empty wall hooks, charge needle must be in the green zone, plastic pin securely in place, clearly labeled and annotated on tag as inspected monthly. Has each employee received annual training for proper use?)
		8. Are all exits, fire alarms, pull boxes, extinguishers, sprinklers, and fire notification devices clearly marked and unobstructed? (Exit signs are required when occupation is greater than 50 persons.)
		9. Are all plugs, electrical panels, and receptacles in good condition (no exposed conductors or broken insulation)? Are adequate outlets available? Are extension cords being used correctly? <i>[Extension cords must not be run through walls, doors, ceilings; not represent a trip hazard running across aisle ways; not to be used as a permanent source of electrical supply--use fused outlet strips or have additional outlets installed; not to be linked together. No "thin" zip cords.]</i>
		10. Are all circuit breaker panels unobstructed and accessible with each breaker appropriately labeled? Is at least 30 inches of clear space available in front of each electrical panel?
		11. Are extension cords being used correctly? (They must not be run through walls, doors, ceilings; not represent a trip hazard running across aisle ways; not to be used as a permanent source of electrical supply--use fused outlet strips or have additional outlets installed; not to be linked together. No "thin" zip cords.)
		12. Is the workplace free of portable electric heaters, refrigerators, microwaves, fans, coffee pots, space heaters, radios, or any personal equipment that consumes energy unless in designated break areas jointly approved by the site administrator and the Director of Maintenance? (See appendix A. If unauthorized equipment is present, please report to site administrator and the Director of Maintenance.)

Hazardous Materials, Hazardous Waste, and Universal Waste

Yes	No	
		<p>13. Are medications properly stored and secure from improper access by students or unauthorized staff?</p>
		<p>14. Are you familiar with the location of Material Safety Data Sheets (MSDS) and their purpose? <i>[Note: as per 29 CFR 1910.1200, exempt items generally include food or beverages which are sold, used, or prepared in a retail establishment (such as a grocery store or restaurant, and foods intended for personal consumption by employees while in the workplace. However, if under normal conditions of use, the product could result in a hazardous exposure to staff or students, then an MSDS is required. For example, in an industrial setting, flour dust or metal shavings poses an explosion hazard and would require an MSDS.]</i></p>
		<p>15. Is the work area free of all unauthorized chemicals, such as cleaning supplies, dishwashing liquid, oil or latex paint, air fresheners, cleanser, bleach, aerosol cans, etc. Are hazardous materials kept from ready access by students?</p> <ul style="list-style-type: none"> a. Chemicals are authorized only when a prescribed component of the curriculum (such as science or ROP courses), or when purchased through the district purchasing system. If present, authorized chemicals must be properly stored, labeled, and scheduled for use within the shelf-life of the chemical (generally not to exceed one year) b. Chemicals brought from home, or purchased without using the district purchase order system are unauthorized work hazards, are not compliant with safety requirements, and are not authorized. c. Where chemicals are required to support instruction (science and similar classes) is an eyewash station present with evidence of monthly inspections?

	<p>16. Is the work area free of unauthorized hazardous wastes?</p> <ol style="list-style-type: none"> a. Hazardous wastes include any discarded material which is ignitable, corrosive, reactive, or toxic, and includes chemicals, paints, solvents, and oils. b. Generators of hazardous wastes are required to complete an annual training program, and are responsible for proper storage, labeling, and removal of said materials. c. If hazardous wastes are present, are they properly stored, labeled, and scheduled for removal. (See appendix E for storage and labeling requirements.)
	<p>17. Is the work area free of Universal Wastes or e-wastes in the classroom?</p> <ol style="list-style-type: none"> a. Universal wastes are hazardous wastes that are more common and pose a lower risk to people and the environment than other hazardous wastes. Universal wastes include, but are not limited to, mercury thermostats and switches, discarded consumer electronic devices including computer monitors and projectors, cathode ray tubes, light bulbs, batteries, ballasts, and aerosol cans, etc. b. Universal wastes are subject to similar storage, labeling, and removal requirements as riskier hazardous wastes. If universal waste is present, please notify your site administrator or site custodian for proper storage, labeling, and removal. See appendix E for storage and labeling requirements.

Specialized Work Area Hazards

Some specialized work areas or classrooms may present specific hazards. For example, employees working in chemistry labs, shop areas, nursing stations must comply with more rigorous standards. Such hazards may include the inspection, determination, or implementation of:

1. Proper storage methods for gas cylinders.
2. Properly inspected, maintained, and operable eyewash stations or gas valves.
3. Stairs and/or railings on risers or steps.
4. Proper ventilation to eliminate excessive suspended particles in the air.
5. Stage curtains, ropes, counter-weights, light bars and lighting systems, scenery construction chemicals and tools properly used and stored and secondary containment in good repair.
6. Noise warnings in place.
7. Fuel tanks and alarms operating properly.

If you are aware that such hazards exist, please notify your supervisor. Details may be written on the remainder of this page or on an attached sheet.

Quick Reference Guide for Accident Investigation

This quick reference guide is information for supervisors and managers to use while investigating work related injuries and illnesses. Remember, prior to investigating an accident, employees' should be trained to report injuries to supervision, no matter how minor they may be. "Near-accidents" should also be reported and investigated by supervision. **Please follow these 4 easy steps when investigating work related injuries:**

Step 1:

- A. Act at once. Talk with injured employee immediately if possible. (one on one is best) Use fact-finding, not fault-finding questions to determine what occurred. Ask the injured person or a witness to show you how the accident happened. Use the Accident Investigation Checklist (attached) for a list of sample questions that you may need to ask during an investigation.
- B. Review physical causes, such as poor housekeeping, improper guards, improper apparel (such as a lack of properly soled shoes or safety shoes, eye, hand, or head protection), defective equipment, slippery floors, or other working conditions. Completely describe location of incident: including lighting, walking surface, weather, measurements, and any other condition that could have contributed to or prevented the incident.
- C. Review personal causes, such as dangerous practices, inability, inexperience, poor judgment, disobeying rules. Review employees' safety record for past accidents, if any.
- D. Trace down each item of information to find every contributory cause. Decide the necessary preventive measures to prevent accidents in the future. Report any defective equipment to the person responsible. Tell other exposed employees about the accident and how they could have avoided it.
- E. Non-injury accidents (an accident that nearly caused an injury of any severity) should also be investigated.

Step 2: Complete an Accident, Injury and Illness investigation form within 24 hours. Describe how the incident occurred; state facts, contributing factors, cite witnesses and support evidence. Keep a copy for your records and send original to the Human Resources Department.

Step 3: Provide injured employee with an "Employee's Claim for Workers' Compensation Benefits" form before or after treatment or as he or she is able. Have employee fill out an Injury Information Form as soon as possible after the incident.

Step 4: Follow-up with employee after he or she receives treatment to find out if they are doing well. In addition, ensure contributing factors to the accident, if any, are fixed (work orders sent) and all exposed employees' are aware of the contributing causes of the accident. **It is vital for supervisors to re-evaluate completed work orders to ensure problems have been resolved.**

Accident, Injury and Illness Investigation Form

GENERAL INFORMATION:

Administrator conducting investigation: _____ Date: _____

Location of accident: _____

Date of accident: _____ Date Reported: _____ Time of accident: _____

Name of Injured Employee: _____

Other workers involved in accident: _____

INJURY INFORMATION (Use back of form if necessary)

Description of accident, illness, or injury (what happened):

Accident Type:	<input type="checkbox"/> Struck against	<input type="checkbox"/> Caught on	<input type="checkbox"/> Contact with (what caused)
	<input type="checkbox"/> Struck by	<input type="checkbox"/> Caught between	<input type="checkbox"/> Radiation physical harm)
	<input type="checkbox"/> Fall from height	<input type="checkbox"/> Contact with	<input type="checkbox"/> Caustics
	<input type="checkbox"/> Fall on same level	<input type="checkbox"/> Electricity	<input type="checkbox"/> Noise
	<input type="checkbox"/> Overexertion (strain)	<input type="checkbox"/> Heat	<input type="checkbox"/> Toxic
	<input type="checkbox"/> Caught in	<input type="checkbox"/> Cold	<input type="checkbox"/> Other

Nature of Injury:	<input type="checkbox"/> Foreign particle in eye	<input type="checkbox"/> Cut or laceration	<input type="checkbox"/> Bruise or contusion
	<input type="checkbox"/> Burn	<input type="checkbox"/> Amputation	<input type="checkbox"/> Illness
	<input type="checkbox"/> Puncture	<input type="checkbox"/> Fracture	<input type="checkbox"/> Repeated trauma
	<input type="checkbox"/> Insect bite	<input type="checkbox"/> Strain or sprain	<input type="checkbox"/> Other
	<input type="checkbox"/> Dermatitis	<input type="checkbox"/> Multiple injuries	

Part of Body Affected:	<input type="checkbox"/> Head	<input type="checkbox"/> Chest	<input type="checkbox"/> Wrist
	<input type="checkbox"/> Eyes	<input type="checkbox"/> Abdomen	<input type="checkbox"/> Knee
	<input type="checkbox"/> Arms	<input type="checkbox"/> Legs	<input type="checkbox"/> Face
	<input type="checkbox"/> Hands	<input type="checkbox"/> Feet	<input type="checkbox"/> Neck

Back
 Ankle

Fingers

Other

CONTRIBUTING FACTORS:

Workplace conditions that contributed to the accident:

- Inadequate guard or protection
- Defective tools or equipment
- Congestion
- Inadequate warning system
- Fire or explosion hazard
- Substandard housekeeping
- Hazardous atmospheric conditions
- Excessive noise
- Radiation exposure
- Inadequate illumination
- Other

Unsafe work practices that contributed to the accident:

- Operating equipment w/o authority
- Failure to warn or secure
- Operating at improper speed
- Making safety devices inoperable
- Using equipment improperly
- Failure to use personal protective equipment violated? If so, which one.
- Other
- Improper loading or placement
- Improper lifting
- Taking improper position
- Servicing equipment in motion
- Horseplay
- Was a code of safe practices

CORRECTIVE ACTIONS:

What corrective actions need to be taken to prevent another accident. (check all that apply)

- Operator training needed
- Provide better warning
- Operating procedures posted
- Replacement of safety devices
- Specific equipment instruction
- Use of necessary personal protective equipment
- Loading or placement training
- Safe lifting training
- Lockout and tagout of energy sources
- Training on code of safety practices
- Disciplinary actions
- Other

MANAGEMENT ACTIONS:

What actions were taken to correct unsafe condition or unsafe practice:

Signature of Investigator

Date

Injury Information Form

TO BE COMPLETED BY EMPLOYEE.

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

PHONE NUMBER: _____ SOCIAL SEC.#: _____

SITE WHERE INJURY OCCURRED: _____

DEPARTMENT WHERE INJURY OCCURRED: _____

TIME YOU BEGAN WORKING: _____ am/pm.

WHAT WERE YOU DOING WHEN INJURED and HOW DID THE ACCIDENT OCCUR?
(Be specific. Identify tools, equipment, etc. you were using.)

DESCRIBE INJURY (i.e. cut, strain, fracture, rash, etc.) _____

PART OF BODY AFFECTED (i.e. left wrist, right eye, etc.) _____

ARE YOU GOING TO THE DOCTOR? _____ IF SO, DATE _____

IF SO, NAME AND ADDRESS OF PHYSICIAN: _____

DATE OF INJURY: _____ TIME OF DAY: _____ am/pm

DATE YOU REPORTED INJURY TO SUPERVISOR: _____

List witnesses, if any: _____

Employees Signature: _____ DATE: _____

Appendix A: Energy Conservation Reminder

Please forward to your staff:

Dear Tracy Unified School District Staff,

In these tight budgetary times, it is important that every staff member shares the responsibility for conserving energy and reducing our utility costs. The Tracy Unified School District has set the thermostats at 68 degrees for heating and 78 degrees for cooling.

Please do your part to conserve energy and reduce utility costs by doing the following:

- Remove personal appliances such as refrigerators, fans, coffee pots, space heater, radios or any personal equipment that consumes energy;
- Turn off and unplug computers, printers, televisions, copiers, fax machines, radios, water coolers, etc., when your classroom or office is closed;
- Minimize interior and exterior lighting whenever possible;
- Keep exterior doors closed;
- Operate air conditioning in the smallest zones possible. For example, whenever possible operate air conditioning only in the area of the facility in use or where work is being done.

The district also has implemented an energy accounting system that provides specific information about energy usage patterns at each school site and in the central offices. We'll continue to review this information with school sites and central office departments to identify more steps we can take to conserve energy and reduce costs. Sharing your suggestions with your site principal or our Material Management and Operations Department will be appreciated.

With all staff members taking these simple steps to conserve energy, a significant overall cost savings will be realized. Your partnership in helping the district reach these important energy conservation and cost-savings goals during tough financial times is critical. Thanks in advance for your continued support.

Sincerely,

Appendix B: Open Flames, California Fire Code Section 308

Please forward to your staff:

The District office would like to remind everyone that no open flames are permitted anywhere on school property without a permit. Please refer to the specific California Fire Code below.

Section 308.3 Open Flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in Group A or E occupancies in accordance with Appendix Chapter 1, Section 105.6.

Please remind your staff and approved assembly vendors that candles, incense, cigarettes, or any items with an open flame are not permitted anywhere on school property. Per the Tracy Fire Inspector, failure to comply with this requirement can result in personal and/or District fines ranging from \$250 – \$1,000. It is extremely important that we all do our part in providing a safe and controlled environment for our students and staff.

I would also like to remind you that any fire, no matter how small, found on campus must be immediately reported to the District Education Center. Even if the fire is quickly extinguished, the incident still needs to be reported timely.

If you have any questions please do not hesitate to contact me at my office at 209-830-3230 or by e-mail bwillner@tusd.net. Thank you.

Sincerely,

Appendix C: Holiday Decoration Reminder

Date: November 28, 2012
To: TUSD Administrators and Staff
From: Gary Jayne
Re: Holiday Decorations, Christmas Trees and Fire Hazards

With the holidays quickly approaching, each site may be planning on decorating for the upcoming holidays. The District office would like to remind everyone that no live Christmas Trees, Christmas lights, or any flammable decorations are allowed to be used as part of your decorations. It is extremely important that we all do our part in providing a safe and controlled environment for our students and staff.

Please remind your staff so that no one purchases or receives donations of live trees or wreath decorations.

If you have any questions please do not hesitate to contact me at my office at 209-830-3240 or by e-mail gjayne@tusd.net .

Thank you. Have a great Holiday Season.

Gary Jayne
Director of Materials Management

Appendix D: AHERA Letter

To: Parents, Teachers, and Staff
From: Casey Goodall, Associate Superintendent of Business Services
AHERA Designee, Tracy Unified School District
Subject: School Asbestos Inspections and Management Plan
Annual Notification to Parents and Staff (2013-14)
Date: June 3, 2013

The U. S. Environmental Protection Agency (EPA) requires all school districts to have an ongoing program to make sure that we are identifying and taking care of any hazardous asbestos materials which may occur in our facilities. Our district has hired HAZARD MANAGEMENT SERVICES, INC. (HMS, INC.), a consulting company, to complete the EPA requirements to re-inspect our schools for asbestos and update the management plan for the control of any asbestos that may be found. All these activities are standard requirements and **DO NOT** reflect any unusual circumstances or unsafe conditions at this time.

The management plan includes the results of inspections, response actions, post response action activities and periodic re-inspection and maintenance activities. It also includes the names of the inspector, the management planner and the documentation of any significant events, including any fiber release episodes. All data relating to asbestos activities is entered into the plan within 30 days of the event.

A copy of the district's entire plan is available in the district office building at the office of the designee. Individual plans are available at the principal's office at each site.

This is our annual notification of the Asbestos Hazard Emergency Response Act (AHERA) inspection and management plan. Annual notifications will be made each year.

The management plan(s) will be available for review during regular business hours. A nominal duplicating fee may be charged for those who wish to keep copies of the plans.

If you have any questions regarding the above procedure, please don't hesitate to contact me at (209) 830-3230.

Appendix E: Hazardous and Universal Waste Labeling Requirements

Hazardous Wastes:

Hazardous wastes include any discarded material which is ignitable, corrosive, reactive, or toxic, and includes chemicals, paints, solvents, oils, batteries, thermostats, light bulbs, electronic devices including computer monitors, and aerosol cans. Generators of hazardous wastes are required to complete an annual training program, and are responsible for proper storage, labeling, and removal.

If hazardous wastes are present, they must be properly stored, containerized, labeled, and scheduled for removal. The container must be compatible with the waste. Incompatible wastes may not be stored together, and should not be placed into common containers.

Hazardous waste containers must be marked with the following:

1. Hazardous Waste
2. Generators Name and Address
3. Contents
4. Physical State
5. Hazardous Properties
6. Accumulation Start Date

Labeled containers must be kept closed except when adding or removing waste. Liquids and dispersible solids must be air tight. Each site must have one or more designated or central accumulation areas. The accumulation areas must be labeled as the accumulation area.

If you have questions about whether a hazardous material or hazardous waste is properly labeled and containerized, please contact your site custodian, a science teacher at your school site, your administrator, or the Director of Materials Management.

Universal Wastes:

Universal wastes are hazardous wastes that are more common and pose a lower risk to people and the environment than other hazardous wastes. Universal wastes include, but are not limited to, mercury thermostats and switches, discarded consumer electronic devices including computer monitors and projectors, cathode ray tubes, light bulbs, batteries, ballasts, and aerosol cans (note: aerosol cans without lids are considered universal waste and must be removed.), etc.

Universal are subject to similar storage, labeling, and removal requirements as hazardous wastes. If universal waste is present, please notify your site administrator or site custodian for proper storage, labeling, and removal. See appendix E for storage and labeling requirements.

Universal wastes are not required to be accumulated at a specified location but handlers must designate a location where each type or all universal wastes are accumulated on site. The designated location for universal waste accumulation must be labeled as such. Aerosol cans temporarily stored on campus must be held within a closed and properly labeled container.

If you have questions about whether a universal waste is properly labeled and containerized, please contact your site custodian, a science teacher at your school site, your administrator, or the Director of Materials Management.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: July 25, 2013
SUBJECT: **Adopt Resolution 13-02 Deeming Unsalariated Persons Authorized by the Superintendent or District Board to Perform Volunteer Service to be Employees for Purposes of Workers' Compensation Benefits**

BACKGROUND: In accordance with Administrative Regulation 1240 Volunteer Assistance, and in compliance with authorization by Labor Code 3364.5

...a volunteer, unsalaried person authorized by the governing board of a school district or the county superintendent of schools to perform volunteer services for the school district ...shall, upon the adoption of a resolution of the governing board of the school district or the county board of education so declaring, be deemed an employee of the district...for the purposes of this division and shall be entitled to the workmen's compensation benefits provided by this division for any injury sustained by him while engaged in the performance of any service under the direction and control of the governing board of the school district or the county superintendent.

RATIONALE: Since at least 1996, when AR 1240 was adopted, volunteers in the Tracy Unified School District who have met the requirements of Labor Code 3364.5, have been considered district employees for purposes of workers' compensation. At that time, it is believed that a resolution was adopted, but a signed copy is no longer available in the Human Resources Office. Therefore, to ensure compliance with Labor Code 3364.5, the attached resolution is submitted for approval.

FUNDING: There are no costs associated with this agenda item

RECOMMENDATION: Adopt Resolution 13-02 Deeming Unsalariated Persons Authorized by the Superintendent or District Board to Perform Volunteer Service to be Employees for Purposes of Workers' Compensation Benefits.



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 13-02
Deeming Unsalariated Persons
Authorized by the Superintendent or District Board
to be Employees for
Purposes of Workers' Compensation Benefits**

WHEREAS, Tracy Unified School District desires to provide Workers' Compensation insurance coverage for persons authorized to perform volunteer services for said district, and

WHEREAS, the Legislature of the State of California, as evidenced in Labor Code Labor Code 3364.5, has provided authorization for inclusion of such coverage in the Tracy Unified School District Workers' Compensation program.

NOW, THEREFORE, BE IT RESOLVED, the Tracy Unified School District hereby adopts the policy for purposes of Workers' Compensation Benefits that an unsalaried person(s) authorized by the Superintendent, or District Board to perform volunteer service for the Tracy Unified School District shall be deemed to be an employee of the Tracy Unified School District should they sustain an injury while engaged in the services of the Tracy Unified School District under the direction and control of the Tracy Unified School District Board, or the Tracy Unified School District Superintendent.

PASSED AND ADOPTED this 13TH day of August, 2013, by the Board of Trustees of the Tracy Unified School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**President
Board of Trustees
Tracy Unified School District**

**Clerk
Board of Trustees
Tracy Unified School District**



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 28, 2013
SUBJECT: Acknowledge Revised Administration Regulation 5141.4 Child Abuse Prevention and Reporting (First Reading)

BACKGROUND: The Tracy Unified School District Board acknowledged Administrative Regulation 5141.4 on June 9, 1998, pursuant to Penal Code 11164 - 11174.4 Child Abuse and Neglect Reporting Act. Penal Code 11164 – 11174.4 Child Abuse and Neglect Reporting Act mandates training of District employees on the identification and reporting of known or suspected child abuse to a child protective agency by telephone or as soon as possible and in writing within 36 hours.

RATIONALE: Review and update existing Administrative Regulation 5141.4 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Revised Administration Regulation 5141.4 Child Abuse Prevention and Reporting (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

CHILD ABUSE REPORTING PROCEDURES (Continued)**A. Purpose and Scope**

Certificated employees and classified employees trained in child abuse identification and reporting shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166.

B. General**1. Definitions**

a. "Child Abuse" includes the following:

- (i) A physical injury inflicted by other than accidental means on a child by another person.
- (ii) Sexual abuse of a child. **Penal Code 11165.1**
- (iii) Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody. **Penal Code 11165.3**
- (iv) Unlawful corporal punishment or injury resulting in a traumatic condition. **Penal Code 11165.4**
- (v) Neglect of a child or abuse in out-of-home care. **Penal Code 11165.2**

Child abuse or neglect does not include:

- 1. A mutual affray between minors (**Penal Code 11165.6**)
- 2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (**Penal Code 11165.6**)
- 3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same

CHILD ABUSE REPORTING PROCEDURES (Continued)

degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)
 5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)
- b. "Mandated Reporters" are those people defined by law as "child care custodians," "health practitioners," "child visitation monitors" and "employees of a child protective agency." Mandated reporters include virtually all school employees. The following school personnel are required to report.

Teachers, administrators, supervisors of child welfare and attendance, certificated student personnel employees, employees of a child care institutions, headstart teachers, school psychologists, licensed nurses, counselors, presenters of child abuse prevention programs, **security personnel, bus drivers, food service personnel, office staff**, and those instructional aides or other classified employees trained in child abuse reporting. (Penal Code 11165.7)

- c. "Child Protective Agencies" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department and child protective services.
- d. "Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse. **Reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect.** (Penal Code 11166)

CHILD ABUSE REPORTING PROCEDURES (Continued)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse

CHILD ABUSE REPORTING PROCEDURES (Continued)

or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

C. Forms and References

Child Abuse Report Form

D. Reporting Procedures**1. Initial Telephone Report**

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency and/or local police department.

Child Protective Agency
P. O. Box 201056
Stockton, CA 95201
(209) 468-1330

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include:

- a. The name of the person making the report.
- b. The name of the child.
- c. The present location of the child.
- d. The nature and extent of any injury.
- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

When the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

CHILD ABUSE REPORTING PROCEDURES (Continued)**2. Written Report**

Within 36 hours of making the telephone report, the mandated reporter shall ~~complete and mail~~ **then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report** to the local child protective agency a written report which includes a completed Department of Justice form (DOJ SS 8572). **(Penal Code 11166, 11168)**

Mandated reporters may obtain copies of the above form either from the district or the local child protective agency.

Instructions are included on the form, and reporters may ask the site administrator for help in completing and mailing it; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. **The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter**
- b. **The child's name and address, present location, and, where applicable, school, grade, and class**
- c. **The names, addresses, and telephone numbers of the child's parents/guardians**
- d. **The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child**
- e. **The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information**

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to

CHILD ABUSE REPORTING PROCEDURES (Continued)

an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. When so notified, the site administrator shall inform the Superintendent or designee.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing these forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

If the mandated reporter does not disclose his/her identity to a district administrator, he/she shall at least provide or mail a copy of the written report to the district without his/her signature or name.

Training

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect. (Penal Code 11165.7)

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

Victim Interviews by Social Services

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it

CHILD ABUSE REPORTING PROCEDURES (Continued)

necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for

CHILD ABUSE REPORTING PROCEDURES (Continued)

reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

CHILD ABUSE REPORTING PROCEDURES (Continued)

1. **A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)**
2. **If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)**
3. **No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)**
4. Legal Responsibility and Liability
 1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
 2. If a mandated reporter fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000, or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.
 3. When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.
 3. The duty to report child abuse is an individual duty and no supervisor of administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.

Victim Interviews

CHILD ABUSE REPORTING PROCEDURES (Continued)

~~Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)~~

~~A staff member or volunteer aide selected by a child may decline to be present at the interview takes place, of the following legal requirements:~~

- ~~1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.~~
- ~~2. The selected person shall not participate in the interview.~~
- ~~3. The selected person shall not discuss the facts or circumstances of the case with the child.~~
- ~~4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.~~

~~If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)~~

Release of Child to Peace Officer or Child Protective Services Agent

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Superintendent or designee and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers and child protective services agents may be asked to sign an appropriate release or acceptance of responsibility form.

When School Employees are Accused of Child Abuse

CHILD ABUSE REPORTING PROCEDURES (Continued)

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to 1) identify incidents of suspected child abuse, and 2) comply with laws requiring the reporting of suspected abuse to the proper authorities. Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, the employee may be subject to reassignment or a paid leave of absence.

Upon filing formal charges or upon conviction, the district may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements. The Superintendent or designee shall seek legal counsel in connection with either the suspension or dismissal of the employee.

E. Records Required

Child Abuse Report Form

F. Record Retention

Permanent

G. Responsible Administrative Unit

Educational Services
Human Resources
Student Services
Site Principals

CHILD ABUSE REPORTING PROCEDURES (Continued)

H. Approved by the Administrator of the Division

Assistant Superintendent of Educational Resources





EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 28, 2013
SUBJECT: **Adopt Board Policy 5141.4 Child Abuse Prevention and Reporting (First Reading)**

BACKGROUND: The Tracy Unified School District Board Adopted Board Policy 5141.4 on June 9, 1998, pursuant to Penal Code 11164-11174.4 Child Abuse and Neglect Reporting Act which mandates training of District Employees of the identification and reporting of known or suspected child abuse to a child protective agency by telephone or as soon as possible and in writing within 36 hours.

RATIONALE: Review and update existing Board Policy 5141.4 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Adopt Board Policy 5141.4 Child Abuse Prevention and Reporting (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

DISCIPLINE

~~The Governing Board desires to prepare youth for responsible citizenship by fostering self-discipline and personal responsibility.~~ **The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.**

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching pro-social behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn.

Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

DISCIPLINE

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the District's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

At the beginning of every school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in each school in the immediately preceding school year and their effect on student learning in the school.

Discipline

Discipline based on faith in the worth and dignity of each individual is a positive form of guidance, rather than a punishing device. Any form of discipline that impairs that student's self-respect should be avoided. The teacher's role is one of a strong leader, helping students grow toward self-discipline and self-direction. A dynamic school program that is adapted to the needs and interests of the students will help keep discipline problems to the minimum.

It is the intention of the governing board that teachers should administer discipline in a kind, firm and judicious manner.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school(s) shall develop disciplinary rules in accordance with law to meet the school's individual needs.

Staff shall enforce disciplinary rules fairly and consistently, without regard to race, creed, color or sex.

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001) The use of corporal punishment as a means of discipline is not permitted in Tracy Schools. Other disciplinary measures must be used to insure a satisfactory learning environment. Even when parents request the use of corporal punishment, the school personnel may not use any means of physical force.

DISCIPLINE

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

Physical Control

Teachers, vice-principals, principals, or other certificated personnel shall not typically use physical control over students. The only time physical control may be used is to protect the safety of the student, other students and employees. In no event shall the physical control exceed the amount of physical control that is reasonably necessary to protect the individuals involved.

DISCIPLINE (Continued)**Legal Reference:****EDUCATION CODE**

32280-32288	School safety plans
35146	Closed sessions
35291	Rules
35291.5- 35291.7	School-adopted discipline rules
35291.7	School-adopted discipline rules: additional employees
37223	Weekend classes
44807.5	Restriction from recess
48630-48644.5	Opportunity schools
48900-48925	Suspension and expulsion
48980-48985	Notification of parents or guardians
49000-49001	Prohibition of corporal punishment
49330-49335	Injurious objects

CIVIL CODE**1714.1 Parental liability for child's misconduct****CODE OF REGULATIONS, TITLE 5**

307	Participation in school activities until departure of bus
353	Detention after school

Management Resources**CSBA PUBLICATIONS****Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011****Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009****CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES****Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000****STATE BOARD OF EDUCATION POLICIES****01-02 School Safety, Discipline, and Attendance, March 2001****WEB SITES****CSBA: <http://www.csba.org>****California Department of Education: <http://www.cde.ca.gov>****U.S. Department of Education: <http://www.ed.gov>****CDE PROGRAM ADVISORIES**

1023.88 _____ Corporal Punishment, CIL: 88/9-5

1110.89 _____ Physical Exercise as Corporal Punishment, CIL 89/9-3

DISCIPLINE (Continued)



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 25, 2013
SUBJECT: Acknowledge Revised Administrative Regulation 5144, Discipline (First Reading)

BACKGROUND: The Tracy Unified School District Board acknowledged Administrative Regulation 5144 on June 9, 1998, pursuant to Education Codes 35291.5 - 35291.7 School-adopted discipline rules.

RATIONALE: In amending Education Code 48900 through AB 1729 (Ch. 425, Statutes of 2012), the legislature declared that the public policy guiding the development of discipline policies for California schools should be for the creation of a safe, positive, supportive, and equitable school environment which enables students to learn rather than unnecessary exclusion of students from instruction and other school activities. As amended, Education Code 48900 authorizes the use of age-appropriate alternatives to suspension and expulsion of students. In addition, Education Code 48900.5, as amended by AB 1729, provides alternative methods of discipline that should be considered before suspension is imposed. Such alternative methods include conferences with the student and his/her parents/guardians, use of study teams, and participation in restorative justice programs. Education Code 48900.5 also authorizes a district to document in a student's records other means of correction that may have been used to address the student's behavior. Review and update existing Administrative Regulation 5144 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Revised Administrative Regulation 5144, Discipline (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

DISCIPLINE (Continued)

A. Purpose and Scope

Rules for student discipline shall be developed at each school(s) site **collaboratively with grade level specific schools (K-5, 6-8, 9-12) and Director of Student Services and Curriculum.** ~~filed with the district office.~~ These rules shall be adopted jointly by the principal or designee and a representative selected by classroom teachers employed at the school. The views of administrators, teachers, security personnel, parents/guardians and secondary school students shall be obtained when the rules are developed. The rules shall be consistent with law, Governing Board policy and district regulations; they shall be revised as necessary and shall undergo the site-level review and adoption process at least every four years. (Education Code 35291.5)

All avenues of discipline provided in policy, regulation and law may be used in developing **site grade-level** rules. These include but are not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, and the use of alternative educational environments, suspension and expulsion.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

B. General

1. Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49000, 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to district property. (Education Code 49001)

Whenever physical control is used with students, the principal shall be notified in writing of the events and the circumstances involved. The principal will maintain a record of such events and forward a copy of the report to the Director for Student Services. Reports of the use of (and need for) physical control may be made to the Board of Trustees.

DISCIPLINE (Continued)**C. Disciplinary Strategies**

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians.
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling.
3. Convening of a study, guidance, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians
4. When applicable, referral for a comprehensive psycho-social or psycho-educational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
9. Recess restriction as provided in the section below entitled "Recess Restriction"
10. Detention after school hours as provided in the section below entitled "Detention After School"

DISCIPLINE (Continued)

11. Community service as provided in the section below entitled "Community Service"
12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
3. Reassignment to an alternative educational environment
14. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

Recess Restriction

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After-School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

DISCIPLINE (Continued)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during non-school hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the District.

~~2. Community Service~~

~~Except when suspension or expulsion is required by law, the Superintendent, principal or principal's designee, at his/her discretion, may require a student to perform community service on school grounds during nonschool hours instead imposing other disciplinary action. Such service may include, but is not limited to, outdoor beautification, campus betterment, and teacher or peer assistance programs. (Education Code 48900.6)~~

DISCIPLINE (Continued)**3.—Recess Restriction**

~~Certificated staff may restrict a student's recess time under the following conditions when he/she believes that this action is the most effective way to bring about improved behavior.~~

- ~~a.—The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.~~
- ~~b.—The student shall remain under a certificated employee's supervision during the period of detention.~~
- ~~c.—Teachers shall inform the principal of any recess restrictions they impose.~~

4.—Detention After School

~~Students may be detained for up to one hour after the close of the maximum school day under the following conditions:~~

- ~~a.—A student who is transported by school bus shall be detained only until the time when the bus departs. (Code of Regulations, Title 5, Section 307, 353) Pupils to be detained, who would miss the bus, should be given at least one day's notice in order to arrange for other means of transportation.~~
- ~~b.—The student shall remain under the supervision of a certificated employee during the period of detention.~~

5.—Saturday School

~~Students may be offered the choice of service their detention on Saturday rather than after school. Students must obey all Saturday School Rules.~~

6.—Classroom Discipline

~~The classroom teacher under California law is given the authority to act in the place of the parent during the time the student is under the teacher's direction. To ensure suitable control, the teacher in this school district may use the following means of control:~~

DISCIPLINE (Continued)

- a. ~~Confer with student and explain the district's school behavior policy.~~
- b. ~~Take away privileges enjoyed by other students.~~
- c. ~~Lower a student's citizenship rating.~~
- d. ~~Assign special tasks, which must be completed at a specified time.~~
- e. ~~Contact the parents so that mutual action can be taken to correct the atypical behavior patterns of the student.~~
- f. ~~Give student detention for disciplinary or other reasons for not more than one hour after the close of the school day.~~
- g. ~~Suspend the student for any of the acts contained in Education Code Section 48900 from his/her class for the day of the suspension and the following day.~~
- h. ~~Refer student to school administration for correction.~~

7. ~~Notice to Parents/Guardians and Students~~

~~The principal of each school shall ensure that students and parents/guardians are notified in writing of all Board policies, administrative regulations and individual school rules related to discipline at the beginning of each school year. Transfer students and their parents/guardians shall be so advised upon enrollment.~~

~~The notice shall state that these rules and regulations are available on request at the principal's office in all district schools.~~

C. Forms & Additional References

None

D. Procedures

None

E. Records Required

DISCIPLINE (Continued)

~~None~~ Discipline shall be recorded in students discipline files, showing all interventions put in place to document actions for success of students.

F. Records Retention

None

G. Responsible Administrative Unit

Educational Services

H. Approved by the Administrator of the Unit

Assistant Superintendent of Educational Services



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services
DATE: July 28, 2013
SUBJECT: Adopt Board Policy 5144 Discipline (First Reading)

BACKGROUND: The Tracy Unified School District Board Adopted Board Policy 5144 on June 9, 1998, pursuant to Education Codes 35291.5 - 35291.7 School-adopted discipline rules.

RATIONALE: In amending Education Code 48900 through AB 1729 (Ch. 425, Statutes of 2012), the legislature declared that the public policy guiding the development of discipline policies for California schools should be for the creation of a safe, positive, supportive, and equitable school environment which enables students to learn rather than unnecessary exclusion of students from instruction and other school activities. As amended, Education Code 48900 authorizes the use of age-appropriate alternatives to suspension and expulsion of students. In addition, Education Code 48900.5, as amended by AB 1729, provides alternative methods of discipline that should be considered before suspension is imposed. Such alternative methods include conferences with the student and his/her parents/guardians, use of study teams, and participation in restorative justice programs. Education Code 48900.5 also authorizes a district to document in a student's record other means of correction that may have been used to address the student's behavior. Review and update existing Board Policy 5144 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Adopt Board Policy 5144 Discipline (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

DISCIPLINE

~~The Governing Board desires to prepare youth for responsible citizenship by fostering self-discipline and personal responsibility.~~ **The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.**

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The administrative staff at each school may develop disciplinary rules to meet the school's particular needs. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn.

Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

DISCIPLINE

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the District's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

At the beginning of every school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in each school in the immediately preceding school year and their effect on student learning in the school.

Discipline

Discipline based on faith in the worth and dignity of each individual is a positive form of guidance, rather than a punishing device. Any form of discipline that impairs that student's self-respect should be avoided. The teacher's role is one of a strong leader, helping students grow toward self-discipline and self-direction. A dynamic school program that is adapted to the needs and interests of the students will help keep discipline problems to the minimum.

It is the intention of the governing board that teachers should administer discipline in a kind, firm and judicious manner.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school(s) shall develop disciplinary rules in accordance with law to meet the school's individual needs.

Staff shall enforce disciplinary rules fairly and consistently, without regard to race, creed, color or sex.

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DISCIPLINE

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

Physical Control

Teachers, vice-principals, principals, or other certificated personnel shall not typically use physical control over students. The only time physical control may be used is to protect the safety of the student, other students and employees. In no event shall the physical control exceed the amount of physical control that is reasonably necessary to protect the individuals involved.

DISCIPLINE (Continued)

Legal Reference:EDUCATION CODE

32280-32288	School safety plans
35146	Closed sessions
35291	Rules
35291.5- 35291.7	School-adopted discipline rules
35291.7	School-adopted discipline rules: additional employees
37223	Weekend classes
44807.5	Restriction from recess
48630-48644.5	Opportunity schools
48900-48925	Suspension and expulsion
48980-48985	Notification of parents or guardians
49000-49001	Prohibition of corporal punishment
49330-49335	Injurious objects

CIVIL CODE**1714.1 Parental liability for child's misconduct**CODE OF REGULATIONS, TITLE 5

307	Participation in school activities until departure of bus
353	Detention after school

Management ResourcesCSBA PUBLICATIONS

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

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

WEB SITES

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

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

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

CDE PROGRAM ADVISORIES

~~1023.88~~ Corporal Punishment, CIL: 88/9-5

~~1110.89~~ Physical Exercise as Corporal Punishment, CIL 89/9-3



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services
DATE: August 5, 2013
SUBJECT: Acknowledge Administrative Regulation 5132, Dress Code (First Reading)

BACKGROUND: There is no Administrative Regulation for 5132, Dress Code.

RATIONALE: Each site is required to create its Dress Code to preclude unauthorized groups and other dangerous environment/climate issues. Create Administrative Regulation 5132 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Administrative Regulation 5132, Dress Code (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

Dress and Grooming

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Governing Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Gym shorts may not be worn in classes other than physical education.
6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

Dress and Grooming

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Uniforms

In schools where a school-wide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.

Dress and Grooming

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)





EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 24, 2013
SUBJECT: Adopt Board Policy 5132, Dress Code (First Reading)

BACKGROUND: The Tracy Unified School District Board adopted Board Policy 5132 on June 9, 1998, pursuant to Education Codes 4119.22, 4219.22, 4319.22 (Dress and Grooming) and 5145.2 (Freedom of Speech Expression). The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

RATIONALE: Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action. Review and update existing Board Policy 5132 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Adopt Board Policy 5132, Dress Code (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

DRESS AND GROOMING (Continued)

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. Noting that when they are neatly attired and take pride in their appearance, there is less misbehavior and a better learning atmosphere is created. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction, which would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

According to the Administrative Code, Title 5, Section 302

“A pupil who goes to school without proper attention having been given to personal cleanliness or neatness of dress, may be sent home to be properly prepared for school, or shall be required to prepare himself for the school room before entering.”

In addition, the Governing Board requires that a student's clothing shall not be unsafe either for the student or those around the student (e.g., long, loose sleeves or hair while the student is operating power machinery or working with open fire), nor be disruptive of school operations and the educational process in general, nor be contrary to law.

No restrictions on freedom of dress and adornment shall be imposed by the district which may violate a student's civil rights, which impose particular codes of morality of religious tenets, which attempt to dictate style or taste, or which do not fall within the direct or implied powers of the Governing Board.

The superintendent is directed to establish any needed regulations consistent with this policy through cooperative planning with staff, students, and parents.

Gang-Related Apparel

The principal, staff and parents/guardians at a school, under district guidelines, may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan

DRESS AND GROOMING (Continued)

and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the schools students.

School Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Eighth Grade Graduation Dress and Grooming

The following guidelines shall be observed in determining appropriate school attire for the eighth grade graduation ceremony:

- ~~1. All students participating in the 8th grade graduation will wear the school adopted graduation gown during the entire ceremony. Students must wear the gowns in their original condition and without modification. Students not conforming to this requirement will not be allowed to participate in the graduation ceremony.~~
- ~~2. The cost of the gowns will be paid for by the participants. The District will make arrangements for students whose families are unable to purchase the gowns.~~
- ~~3. Guidelines for gown selection will be determined by each middle school.~~
4. Regular school dress code will also be in effect throughout the graduation.

DRESS AND GROOMING (Continued)

Legal Reference:

EDUCATION CODE:

35183	School dress codes; uniforms
35294.132281	School safety plans
48907	Student exercise of free expression
49066	Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302	Pupils to be neat and clean on entering school Hartzell v. Connell (1984) 35 Cal. 3d 899 Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251 Marvin H. Jeglin et al v. San Jacinto Unified School District et al 827 F. Supp. 1459 (C.D. Cal. 1993)
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EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 28, 2013
SUBJECT: Adopt Board Policy 5145.3 Non-Discrimination/Harassment (First Reading)

BACKGROUND: The Tracy Unified School District Board adopted Board Policy 5145.3 on June 9, 1998 and revised January 24, 2006, pursuant to Education Codes 200-262.4 School-adopted discipline rules.

RATIONALE: The following mandated policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual, including Education Code 220, which prohibits discrimination based on race, nationality, ethnicity, gender, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55; Title VI (42 USC 2000d-2000e-17), which prohibits discrimination based on race, color, or national origin; and Title IX (20 USC 1681-1688), which prohibits discrimination based on sex. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of these characteristics. Education Code 234.1, as amended by AB 9 (Ch. 728, Statutes of 2011), mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the foregoing characteristics, as well as gender identity and gender expression, at school or in any school activity related to school attendance or under the authority of the district. The California Department of Education (CDE), through its compliance monitoring program, reviews districts' uniform complaint procedures and other related policies and practices to ensure compliance with these requirements. Review and update existing Board Policy 5145.3 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Adopt Board Policy 5145.3 Non-Discrimination/Harassment (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

NONDISCRIMINATION/HARASSMENT

~~The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.~~

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Members of the school community are expected to treat each other with dignity and mutual respect and to accept the rich diversity that makes up the community. Disrespect among members of the school community is unacceptable behavior which is disruptive to the learning environment and potentially damaging to self-esteem.

The California Education Code states that "all pupils have the right to participate fully in the educational process, free from discrimination and harassment." California Education Code Section 201(a), Section 220 of the Education Code provides that no person shall be subject to discrimination on the basis of gender in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. California Education Code Section 201(b).

The California Code of Regulations similarly provides that "No person shall be excluded from participation in or denied the benefits of any local agency's program or activity on the basis of sex or person's actual or perceived sexual orientation, gender identity/expression, ethnic group identification, race, color, ancestry, national origin, religion, or mental or physical disability in any program or activity conducted by an 'educational institution' or any other 'local agency'...that receives or benefits from any state financial assistance." 5 CCR Section 4900(a).

The California Code of Regulations defines "gender" as: "a person's actual sex or perceived sex and includes a person's perceived identity, appearance or behavior,

whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth." 5 CCR Section 4910(k).

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

District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, ancestry, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

Policies and procedures related to harassment must also be consistent with First Amendment rights to free speech. Education Code 48950 provides that no district with one or more high schools shall make or enforce any rule subjecting a high school student to disciplinary sanctions solely on the basis of speech of other communication that would be constitutionally protected if engaged in outside of campus. Education Code 48950 specifically states that it does not prohibit discipline for harassment, threats or intimidation unless constitutionally protected. As a general rule, harassment, threats and intimidation directed at an individual or group are constitutionally protected, and whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct, which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

No teacher may enforce a rule in class which is in conflict with a student's rights or, with any other rules set by the school administration.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to,

the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

In providing instruction, guidance, supervision, or other services to District students, employees and volunteers shall carefully guard against segregating or stereotyping students.

Sports and Gym Class

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is exclusively and consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

The schools may provide girls and boys with separate shower rooms and sex education classes when appropriate in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

Dress Codes

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site. This regulation does not limit a student's right to dress in accordance with the District and/or site Dress/Appearance standards.

Gender Segregation in Other Areas

As a general rule, in circumstances where students are separated by gender for school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Grievance Procedures

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the District's nondiscrimination policies:

School Principals

Director of Student Services and Curriculum

Director of Special Projects and Curriculum

Director of Special Education

Assistant Superintendent of Educational Services

1875 W. Lowell Avenue

Tracy, CA 95376

Phone: 832-3200

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board Policy, or Administrative Regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the District's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

Adopted 06/09/98-TBD

Revised 01/24/06

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students.

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Retaliation

It is a violation of District policy to retaliate against any person who reports incident(s) of alleged harassment or testifies, assists or participates in an investigation, proceeding or hearing relating to such alleged harassment. An alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is subsequently not found to be in violation of this policy.

Retaliation includes, but is not limited to, an adverse action, intimidation, threats, reprisal or harassment, against a complainant or someone acting on the complainant's behalf, who complained about or otherwise protested about harassment. Retaliation may be readdressed through application of the same reporting, investigation and enforcement procedures as for harassment.

Retaliation against the complainant, the alleged harasser, and/or any witnesses, by breach of confidentiality or otherwise, is strictly prohibited, will not be tolerated, and will be dealt with by appropriate disciplinary consequences including expulsion and/or referral to legal authority. Any person who knowingly makes a false report may be subject to the same action that the District may take against any other individual who violates this policy. The term "false report" refers only to those made in bad faith and does not include a complaint that could not be corroborated or which did not rise to the level of unlawful harassment.

~~Students who harass other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.~~

~~Any student who feels that he/she is being harassed should immediately contact the principal or designee. If a situation involving harassment is not promptly remedied by the principal or designee, a complaint can be filed in accordance with administrative~~

regulations. The Superintendent or designee shall determine which complaint procedure is appropriate.

Copies of a statement of rights and responsibilities, as well as any other rules and regulations to which students are subject, are available to all students.

Any student who feels that he/she is being harassed should immediately contact the Coordinator for Nondiscrimination, the principal or any other staff member. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

Definitions

- a) **School Community:** Includes, but is not limited to, all teachers, support staff, administrators, students, coaches, volunteers, school board members and agents of the school site or district.
- b) **Unlawful Harassment:** Includes verbal, visual or physical conduct based on a student's sex, actual or perceived sexual orientation, gender identity/expression identification, ethnic group, race, national origin, age, marital status, religion, color, mental or physical disability, or physical size or characteristics which has the purpose or effect of substantially interfering with a student's academic performance or otherwise creating an intimidating, hostile or offensive educational environment. Harassment can include any verbal, visual or physical conduct that offends, denigrates or belittles any individual because of any of the actual or perceived characteristics described herein:
- c) **Racial/Color Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived skin color, race or ethnic characteristics.
- d) **Religious/Creed Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived religious practices, beliefs, clothing or other religious expression.
- e) **National Origin Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived national origin, body features, clothing or other expression or display reflecting national origin.
- f) **Marital Status Harassment:** Includes any of the above unlawful acts on a person's actual or perceived marital status including a women's pregnancy or parenthood of family members.
- g) **Age Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived chronological age, including appearance or abilities.

- h) **Disability Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived disability, mental or physical, including mode of ambulating, intelligence, or abilities.
- i) **Size Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived physical size, including height, weight, abilities, or perceived physical characteristics.
- j) **Sexual Orientation Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived sexual orientation, including mannerisms or family composition including gay, lesbian, bisexual, transgender and questioning youth.
- k) **Gender Identity/Expression:** Includes any of the above unlawful acts based on an individual's gender identity/expression, which includes mannerisms and/or atypical gender roles. In addition to all of the above actual or perceived characteristics, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system.
- l) **Harassment of a General Nature:** Includes any comments or actions towards others that, lead to embarrassment, a feeling of inferiority or personal discomfort.

Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

Employees who become aware of an act of harassment shall immediately report the incident to the principal and/or Coordinator for Nondiscrimination. Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site level grievance procedures.

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex, especially:
- 221.5 Prohibited sex discrimination
- 221.7 School-sponsored athletic programs; prohibited sex discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression

Adopted 06/09/98-TBD

Revised 01/24/06

48950	Freedom of speech
49020-49023	Athletic programs
51006-51007	Equitable access to technological education programs
51500	Prohibited instruction or activity
51501	Prohibited means of instruction
60044	Prohibited instructional materials
CIVIL CODE	
1714.1	Liability of parents/guardians for willful misconduct of minor
CODE OF REGULATIONS, TITLE 5	
4621	District policies and procedures
4622	Notice requirements
PENAL CODE	
186.21	Street terrorism; legislative findings and declarations
422.55 -422.86	Interference with constitutional right or privilege
628-628.1	School Crime Reporting
11410-11414	Terrorism
13023	Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability
13519.6	Hate crimes, training courses and guidelines
UNITED STATES CODE, TITLE 18	
245	Federally protected activities
UNITED STATES CODE, TITLE 42	
<u>2000d-2000e-17</u>	Title VI & VII Civil Rights Act of 1964 as amended
<u>2000h-2-2000h-6</u>	Title IX, 1972 Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34	
<u>100.3</u>	Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

Management Resources:

OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January, 1999

Racial Incidents and Harassment Against Students at Educational Institutions;
Investigative Guidance, 59 FR 47, March, 1994

WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

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

~~TUSD revised: 1/30/06~~

~~TUSD Adopted: 6/9/98~~



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 25, 2013
SUBJECT: Acknowledge Revised Administrative Regulation 5111.2, Nonresident Foreign Students (First Reading)

BACKGROUND: November 30, 1996, Federal Immigration Law prohibits foreign students from obtaining an F-1 Visa to attend public adult or elementary schools (grades K-8). However, pursuant to 8 USC 1184, students may be granted an F-1 Visa to attend public school in grades 9-12 for a maximum of one year, as long as the student pays tuition. This new law does not affect students who are currently enrolled with a previously approved F-1 Visa. However, when the Visa expires or the student leaves the country, he/she will need to meet these new requirements in order to return to school.

RATIONALE: Update Administrative Regulation 5111.2 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This revision complies with District Strategic Goal #1: Prepare all students for college and careers; and District Strategic Goal 3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Revised Administrative Regulation 5111.2, Nonresident Foreign Students (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

NONRESIDENT FOREIGN STUDENTS (Continued)**A. Purpose and Scope**

Effective November 30, 1996, federal immigration law prohibits foreign students from obtaining an F-1 Visa to attend public adult or elementary schools (grades K-8). However, pursuant to 8 USC 1184, students may be granted an F-1 Visa to attend public school in grades 9-12 for a maximum of one year, as long as the student pays tuition. This new law does not affect students who are currently enrolled with a previously approved F-1 Visa. However, when the Visa expires or the student leaves the country, he/she will need to meet these new requirements in order to return to school.

Students in the United States with an F-1 Visa designation are, by definition, non-residents. Public schools still must provide education to all school-age students who reside within their boundaries, whether or not they are legal residents.

Nonresident Foreign Students attend public schools to gain first hand experience with American culture, pursue education and share experiences with other students.

B. General**Definitions**

F-1 Visa Students: An F-1 Visa student is a nonimmigrant Visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184).

J-1 Visa Students: A J-1 Visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (9 USC 1184).

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

The new federal law does not affect the admission requirements of students with a J-1 Visa designation, such as students participating in the AFS program.

C. Procedures**F-1 Visa Students**

TUSD Acknowledged: TBD

NONRESIDENT FOREIGN STUDENTS (Continued)

On a case-by-case basis, students with or seeking an F-1 Visa designation shall be accepted for admission to district schools in grades 9-12 through the Student Services office.

In determining whether to admit the student, under F-1 or J-1 status, the Superintendent or designee shall consider whether the following conditions exist: (8CFR 214.3, 22 CFR 41.61).

1. A suitable program exists at the school the student has selected.
2. The student’s English proficiency is sufficient for successful study at that school.
3. Space is available.
4. The student has provided proof of financial responsibility and insurance.
5. The host family shows proof of address and any other verification requested by and with the districts designee.

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

A student shall be admitted for maximum of one year. In addition, under F-1 status a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8USC 1184).

D. Forms

None

E. Records Required

Verification document

F. Records Retention

None

G. Responsible Administrative Unit

TUSD Acknowledged: TBD

NONRESIDENT FOREIGN STUDENTS (Continued)

Educational Services
Student Services

H. Approved By

Assistant Superintendent of Educational Services

Legal Reference:

EDUCATION CODE

48050-48054 Nonresidents

UNITED STATES CODE, TITLE 8

1184 Foreign students

CODE OF FEDERAL REGULATIONS, TITLE 8

214.3 Petition for school approval

214.4 Withdrawal of school approval

CODE OF FEDERAL REGULATIONS, TITLE 22

41.61 Students; academic and nonacademic

Management Resources:

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services of Human Resources
DATE: July 28, 2013
SUBJECT: Acknowledge Administrative Regulation 5125.1 Release of Directory Information (First Reading)

BACKGROUND: The Tracy Unified School District Board adopted Board Policy 5125.1 on June 9, 1998, pursuant to Education Codes 49703 and 2 USC 1232g, the Family Educational Rights and Privacy Act (FERPA), mandates that school districts adopt a policy identifying those categories of student records considered to be "Directory Information," which may generally be released unless the parent/guardian notifies the district of his/her refusal. "Directory Information" is defined in Education Code 49061 and 34 CFR 99.3.0. AB 143 (Ch. 434, Statutes of 2011) amended Education Code 49061 to redefine directory information to include the student's email address (see item #4 below), thereby aligning state law with 34 CFR 99.3. However, Education Code 49061, as amended, does not include three types of information defined as directory information in 34 CFR 99.3: The student's place of birth, grade level, and photograph.

RATIONALE: Review and update existing Board Policy 5125.1 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Administrative Regulation 5125.1 Release of Directory Information (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

RELEASE OF DIRECTORY INFORMATION

A. Purpose and Scope Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to what categories of directory information the school or district plan to release ~~and to whom~~ and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37) ~~(Education Code 49063, 49073)~~

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

B. Definition

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance

RELEASE OF DIRECTORY INFORMATION

10. Degrees and awards received

11. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded. (34 CFR 99.37)

B. General

~~Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information may not be disclosed. (Education Code 49073)~~

Based on its determination of the best interest of the student, the district's is designee, may limit or deny the release of specific directory information to any public or private nonprofit organization. (Education Code 49073)

Directory information may be released to the following:

- 1. Federal, state and local governmental agencies

RELEASE OF DIRECTORY INFORMATION

2. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations.
3. Employers or prospective employers
4. Nonprofit youth organizations

No information may be released to a private profit making entity other than employers, prospective employers and representatives of the news media.

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, and representatives of the news media. Private schools and colleges may be given the names and addresses of 12th grade students and students who are no longer enrolled provided they use this information only for purposes directly related to their institution's academic or professional goals. (Education Code 49073)

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RELEASE OF DIRECTORY INFORMATION (Continued)

C. Forms Used and Additional References

Log

D. Procedures

1. Directory information can be released by schools under specified guidelines.
2. All other student information can only be released as per guidelines in Board Policy 5125 and Administration Regulation 5125.2

E. Reports Required

None

F. Record Retention

Permanent

G. Responsible Administrative Unit

Education Services Division
Student Services
School Principals

H. Approved by:

Assistant Superintendent of Educational Services



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 23, 2013
SUBJECT: **Adopt Revised Board Policy 5125.1 Release of Directory Information (First Reading)**

BACKGROUND: The Tracy Unified School District Board adopted Board Policy 5125.1 on June 9, 1998, pursuant to Education Codes 49703 and 2 USC 1232g, the Family Educational Rights and Privacy Act (FERPA), mandates that school districts adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless the parent/guardian notifies the district of his/her refusal. "Directory Information" is defined in Education Code 49061 and 34 CFR 99.3.0. AB 143 (Ch. 434, Statutes of 2011) amended Education Code 49061 to redefine directory information to include the student's email address (see item #4 below), thereby aligning state law with 34 CFR 99.3. However, Education Code 49061, as amended, does not include three types of information defined as directory information in 34 CFR 99.3: The student's place of birth, grade level, and photograph.

RATIONALE: Review and update existing Board Policy 5125.1 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This policy complies with District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Adopt Revised Board Policy 5125.1 Release of Directory Information (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

RELEASE OF DIRECTORY INFORMATION

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board Policy, and Administrative Regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board Policy. Private schools and colleges may be given the names and addresses of 12th grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

~~The Superintendent or designee may authorize the release of student directory information to representatives of the news media, prospective employers or nonprofit organizations as provided by law. Unless prohibited by the parent/guardian in accordance with law, directory information which school officials may disclose consists of the following: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended.~~

~~Telephone numbers shall be released only with express parental consent.~~

RELEASE OF DIRECTORY INFORMATION

Legal Reference:

EDUCATION CODE

- 49061 Definitions
- 49063 Notification of parents of their rights
- 49073 Release of directory information
- 49073.5 Directory information; military representatives;
telephone numbers
- 49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

- 503 **Military Recruiter access to Directory Information**

UNITED STATES CODE, TITLE 20

- 1232g **Family Educational Rights and Privacy Act**
- 7908 **Armed forces Recruiter access to students and
student recruiting information**

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 **Family Educational Rights and Privacy**

Management Resources:

WEB SITES

**U.S. Department of Education, Family Policy Compliance Office:
<http://www.ed.gov/policy/gen/guid/fpco/index.html>**

U.S. DEPARTMENT OF EDUCATION GUIDANCE

**Access to High School Students and Information on Students by Military
Recruiters, 2002**



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: July 28, 2013
SUBJECT: Acknowledge Revised Administrative Regulation 6145.6, International Exchange (First Reading)

BACKGROUND: The Governing Board recognizes that personal contact between students of different countries and cultures promotes global awareness and international understanding. To that end, the Board welcomes the enrollment of international exchange students and further encourages District students to take any opportunities that they may have to participate in such programs and study in another country.

With Board approval, a District school may establish a sister-school relationship with a school in another country

RATIONALE: Update Administrative Regulation 6145.6 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This revision complies with District Strategic Goal #1: Prepare all students for college and careers; and District Strategic Goal 3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Revised Administrative Regulation 6145.6, International Exchange (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

INTERNATIONAL EXCHANGE (Continued)**A. Purpose and Scope**Admission

In order to approve the admission of a ~~foreign~~ international exchange student, the Superintendent or designee must receive a written request for enrollment by May 20 of the preceding school year unless special circumstances exist.

Tracy Unified School District Board shall set the amount of international exchange students that shall be accepted for the upcoming school year with recommendations from Superintendent or designee.

All ~~foreign~~ international exchange students must meet state and district immunization requirements.

B. General

1. Athletics

~~Foreign exchange students shall be eligible for participation in interscholastic sports if their sponsoring program is listed in the California Interscholastic Federation (CIF) bylaws. Participation by other foreign students must be approved by the CIF section.~~

International exchange students shall be eligible for participation in interscholastic sports in accordance with state bylaws of the California Interscholastic Federation, as well as applicable section bylaws. (CIF bylaws, Article 2, Section 212)

2. Transfer of Credits

Students who seek graduation credits for academic work completed in a foreign country must provide the Superintendent or designee with official transcripts, translated into English, which indicate:

- a. Classes successfully completed
- b. The amount of time each class met and the total number of class periods held during the grading period, and
- c. A descriptive or numerical evaluation of the student's academic performance.

INTERNATIONAL EXCHANGE (Continued)

At his/her discretion, the Superintendent or designee may assign pass or fail grades whenever the above transcript provides descriptive evaluations rather than letter or numerical grades.

3. Diploma

International exchange students may be considered for a diploma if they have satisfactorily completed the district's graduation requirements.

Each international exchange student wishing to be granted a Tracy Joint Union High School diploma must meet the same standards for graduation as all other Tracy Joint Union High School graduates.

At the discretion of the principal or designee, ~~foreign~~ international exchange students who do not meet requirements for a regular or an honorary diploma may, at the end of their visit, be given a letter certifying the time period for which they were enrolled.

Honorary Diploma

International exchange students who are not eligible for a regular diploma may receive an honorary diploma, provided they have completed at least one semester of full-time enrollment and achieved at least a 2.0 grade point average.

~~Those students who do not satisfy the graduation requirements may be awarded an honorary diploma. Honorary diplomas will be clearly distinguishable from regular diplomas.~~

4. OtherDiscipline

The exchange student shall have the same rights and responsibilities as all other students at Tracy Joint Union High School. Therefore, exchange students will abide by all district policies.

Attendance

The exchange student is required to follow the compulsory attendance laws of the state and district. The district policy numbers 5112 and 5113 shall be followed. Grades may be

INTERNATIONAL EXCHANGE (Continued)

affected by poor attendance or excessive tardies as dictated by law and district policy as applied to all students.

Academic Standards

The exchange student must be enrolled in a minimum of five classes (25 credits) but no more than seven classes (35 credits) a semester. The exchange student is expected to meet the same standards as all other students in a class. Grades for exchange students are to be given on the same basis as grades for all other students.

Drivers Training and Education

The exchange student may elect to take Driver's Education but is not required to do so.

Activities

The exchange student will be permitted to participate in dances other school sponsored activities, the graduation ceremony, and all related senior activities unless such privileges are withdrawn for disciplinary purposes. The exchange student will have the same appeal rights as afforded all students.

Transcripts

The counselor and the high school administration shall determine the student's status and courses on the transcript which satisfy requirements toward graduation. The student's academic status will be provided in writing to the student and host parents. If a student should disagree with the decision of the counselor and the high school administration, he/she may appeal to the Director of Student Services (Superintendent's designee). (Translation of transcripts is a mutual concern of the school, the student, and the sponsoring program.)

Immunizations

Exchange student must meet all California immunization requirements. A waiver may be allowed if some immunizations are missing, and the taking of these would be against the student's beliefs, and/or contraindicated medically.

Meeting of School Officials, Exchange Student, & Host Parents

INTERNATIONAL EXCHANGE (Continued)

In order to help ensure mutual understanding of and compliance with these requirements a meeting shall be called by school officials in which the exchange student, the host parents, and school officials shall be in attendance. It is anticipated that this meeting shall be in the evening and held no later than the second week of school.

C. Forms Used and Additional References

None

D. Procedures

Admissions

Before a student may be registered in Tracy's High Schools, he/she must have approval by the Director of Student Services. This will ensure that the student is with a recognized exchange, is living with a family within the school district, and is capable of having a successful year of high school study. There must also be a school transcript for the student prior to enrollment. It is to the benefit of both school personnel and the student to have this enrollment accomplished as early as possible. As soon as a student knows who his/her host family will be and a school transcript is available, school officials shall arrange to register the student for classes at Tracy's High Schools; **school selection shall be by space availability**. The student's natural parents shall be encouraged to write a letter explaining their expectations for their son or daughter's stay at Tracy's High Schools.

E. Reports Required

None

F. Record Retention

None

G. Responsible Administrative Unit

Educational Services
School Principal
Student Services

INTERNATIONAL EXCHANGE (Continued)

H. Approved by the Administrator of the Division

Assistant Superintendent of Educational Services

DRAFT



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: July 28, 2013
SUBJECT: Adopt Revised Board Policy 6145.6, International Exchange (First Reading)

BACKGROUND: The Governing Board recognizes that personal contact between students of different countries and cultures promotes global awareness and international understanding. To that end, the Board welcomes the enrollment of international exchange students and further encourages district students to take any opportunities that they may have to participate in such programs and study in another country.

RATIONALE: Revise Board Policy 6145.6 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This revision complies with District Strategic Goal #1: Prepare all students for college and careers; and District Strategic Goal 3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Adopt Revised Board Policy 6145.6, International Exchange (First Reading)

Prepared by: Mr. Paul Hall, Director Student Services & Curriculum

INTERNATIONAL EXCHANGE (Continued)

The Governing Board recognizes that personal contact between students of different countries promotes global awareness and international understanding. **To that end, the Board welcomes the enrollment of international exchange students and further encourages District students to take any opportunities that they may have to participate in such programs and study in another country.** Letters, computer links, visits and student exchange programs all can benefit students and the community at large.

With Board approval, a District school may establish a sister-school relationship with a school in another country.

International Exchange Students

As no country can isolate itself from the rest of the world, it is important that communications and understanding be fostered through knowledge and appreciation of each other's language and customs. Those students from another country who live and study in Tracy benefit from the opportunity to gain firsthand knowledge of another culture. The community of Tracy and district, in turn, benefit from the opportunity to learn about other cultures through interaction with exchange students.

The Tracy **Unified School District** ~~Joint Union High School~~ Board of Trustees also supports the exchange programs by accommodating, when appropriate, the travel of students to study in other countries. The students who travel elsewhere shall meet with school administration and counselors prior to departure to sign an agreement to ascertain what the student is expected to do to ~~insure~~ **ensure** the student's success after return to Tracy's schools.

District staff shall provide relevant counseling to District students who wish to study in a foreign country. District credit for courses successfully completed in the foreign country shall be granted in accordance with Board Policy and Administrative Regulation.

Ultimately all students, including exchange students, are held to the same standards of academics, conduct, and attendance. For incoming exchange students their educational needs shall take precedence over the granting of a regular High School diploma. Each incoming exchange student will receive either a regular diploma or an honorary diploma at the completion of one year of study in 12th grade in Tracy's High Schools.

~~With Board approval, a district school may establish a sister-school relationship with a school in another country.~~

INTERNATIONAL EXCHANGE (Continued)

International Student Exchange Programs

To enroll in a District school, an international exchange student must be participating in an exchange program registered with the California Attorney General's Office, designated by the U.S. Department of State and accepted for listing on the Council for Standards for International Educational Travel's Advisory List.

The Board welcomes the enrollment of foreign **international** exchange students participating in programs that meet criteria established by the United States Information Agency for teenager exchange visitor programs. The Board further encourages district students to take any opportunities they may have to participate in such programs and study in another country.

To ensure that district facilities will not be overcrowded, the Superintendent or designee may limit the number of **international** exchange students to be accepted at any district high school during any school year.

The district shall incur no financial obligations when sending or receiving foreign exchange students. Program sponsors shall provide assurance of their responsibility for health, accident and liability insurance, the student's home placement, and the resolution of any related personal difficulties which may arise.

The Superintendent or designee shall establish District criteria for issuing regular or honorary diplomas to international exchange students. The principal or designee shall refer to these criteria when assisting international exchange students in selecting classes and co-curricular activities based on the student's individual qualifications, needs and interests.

Legal Reference:

EDUCATION CODE

- | | |
|---------|--|
| 35160 | Authority of governing boards |
| 35160.1 | Broad authority of school districts |
| 51225.5 | Honorary diplomas; foreign exchange students |

GOVERNMENT CODE

12620-12630 International Student Exchange Visitor Placement Organizations

CODE OF FEDERAL REGULATIONS, TITLE 22

INTERNATIONAL EXCHANGE (Continued)

62.25 Secondary school students, exchange visitor program

Management Resources:

California Attorney General's Office: <http://www.caag.state.ca.us>

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

California Interscholastic Federation Bylaws: Article 2, Section 212

Council on Standards for International Educational Travel: <http://www.csiet.org>

U.S. Department of State, Bureau of Educational and Cultural Affairs:

<http://exchanges.state.gov>

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: August 6, 2013
SUBJECT: Acknowledge Administrative Regulation 6164.6, Identification and Education under Section 504 (First Reading)

BACKGROUND: The following policy addresses the identification and education of students who may be eligible for services under the provisions of Section 504 of the Rehabilitation Act of 1973 (29 USC 794). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the students' individual educational needs as adequately as the needs of nondisabled students are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance. Students may be identified as disabled under Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for services under IDEA is addressed at BP/AR 6164.6 - Identification and Evaluation of Individuals for Special Education.

RATIONALE: Update Administrative Regulation 6164.6 in accordance with the current existing California Education Codes, laws, and California School Advisory Board (GAMUT). This revision complies with District Strategic Goal #1: Prepare all students for college and careers; and Strategic Goal 3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: None.

RECOMMENDATION: Acknowledge Revised Administrative Regulation 6164.6, Identification and Education under Section 504 (First Reading)

Prepared by: Janet Skulina Ed.D., Director Special Education

IDENTIFICATION AND EDUCATION UNDER SECTION 504**A. Purpose and Scope**

The Governing Board recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The district shall provide a free appropriate public education (FAPE) to students who reside within the district and who are classified as disabled under Section 504 of the Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

Students who, because of a Section 504 disability, need or are believed to need regular or special education and services are addressed in this policy. Students who are identified as eligible for special education and related services under the criteria set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") are not addressed under this policy, as the needs of such students are provided for elsewhere under district Board Policies and Regulations, state and federal law, and Special Education Local Plan Area ("SELPA") procedures.

B. Procedure**Definitions and Eligibility**

Free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

Eligibility to receive FAPE under Section 504 means a student has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.33)

1. A student with a disability is one who
 - a. Has a physical or mental impairment that substantially limits one or more major life activities, including learning;

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

- b. Has a record of such an impairment; or
- c. Is regarded as having such impairment.

However, only students qualifying under subdivision (a) (i.e., those with an actual physical or mental impairment that substantially limits one or more major life activities) are entitled to a FAPE and a Section 504 Service Plan under Section 504.

2. A physical or mental impairment means: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.
3. The term substantially limits shall be interpreted consistently with the findings and purpose of the Amendments to the Americans with Disabilities Act ("ADA") that went into effect on January 1, 2009. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Whether an impairment substantially limits a major life activity shall be determined without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether impairment substantially limits a major life activity.

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

4. Major life activities include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

Referral, Identification, and Evaluation

1. Any student may be referred by a parent/guardian, teacher, other school employee, student success team, or community agency for consideration of eligibility as a disabled student under Section 504. This referral may be made to a site-level or district-level Section 504 Coordinator. The principal at each school site (or designee) is designated as the site-level Section 504 Coordinator. The Director of Special Education (or designee) is designated as the district-level Section 504 Coordinator. For information or questions concerning the site-level or district-level Section 504 Coordinator, please contact the Tracy Unified District Office at 1875 W. Lowell Ave. Tracy, CA 95376.
2. Upon receipt of a referral for eligibility, the site-level or district-level 504 Coordinator shall within a reasonable time consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professional, and the parent/guardian, as appropriate; and analysis of the student's needs and any other relevant information.

If it is determined that an evaluation is unnecessary, the site-level or district-level 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as describe in the "Procedural Safeguards" section below.

3. If it is determined that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

evaluation of the student prior to initial placement and before any significant change in placement, unless agreed otherwise. (34 CFR 104.35)

4. Prior to conducting an evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.
5. The district's evaluation procedures shall ensure tests and other evaluation materials, if any: (34 CFR 104.35)
 - a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
 - b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score
 - c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits

Section 504 Services Plan and Placement

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including such sources as aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

that the student receives FAPE. The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 service plan shall be kept in his/her student record. The district staff members who provide services to the student shall be informed of the student's Section 504 services plan's requirements.

Review and Reevaluation

1. The 504 team shall monitor the progress of the student and the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. The team shall review the student's plan periodically. In addition, the student's eligibility under Section 504 and whether the services provided in the 504 plan are appropriate and adequate should be reevaluated periodically. In determining the need for periodic review and evaluation, the 504 team shall be guided by the IDEA provisions requiring annual review and triennial reevaluation. Additionally, the need for periodic review and reevaluation shall be considered on a case-by-case basis – e.g. prior to a significant change in placement or upon parental request.

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

Procedural Safeguards

1. Parents/guardians shall be notified in writing of all district decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their right to: (34 CFR 104.36)
 - a. Examine relevant records
 - b. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
 - c. Have a review procedure

Notification shall also set forth the procedure for requesting an impartial hearing. Requests shall be made to the Director of Special Education.

If a parent/guardian disagrees with decisions regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

(Note: If a parent/guardian wishes to file a complaint alleging that a student with a disability has been subjected to discriminatory treatment (e.g., harassment or accessibility issues), he/she may file a complaint in accordance with the district's uniform complaint procedures.)

1. Within 30 days after receipt of the district's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision in writing.

The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.

2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

a hearing shall be made within 30 days of receiving the district's decision or within 14 days of completion of the administrative review. The request shall include:

- a. The specific nature of the decision with which the parent/guardian disagrees
- b. The specific relief the parent/guardian seeks
- c. Any other information the parent/guardian believes pertinent

Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

To ensure impartiality, such officers shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate

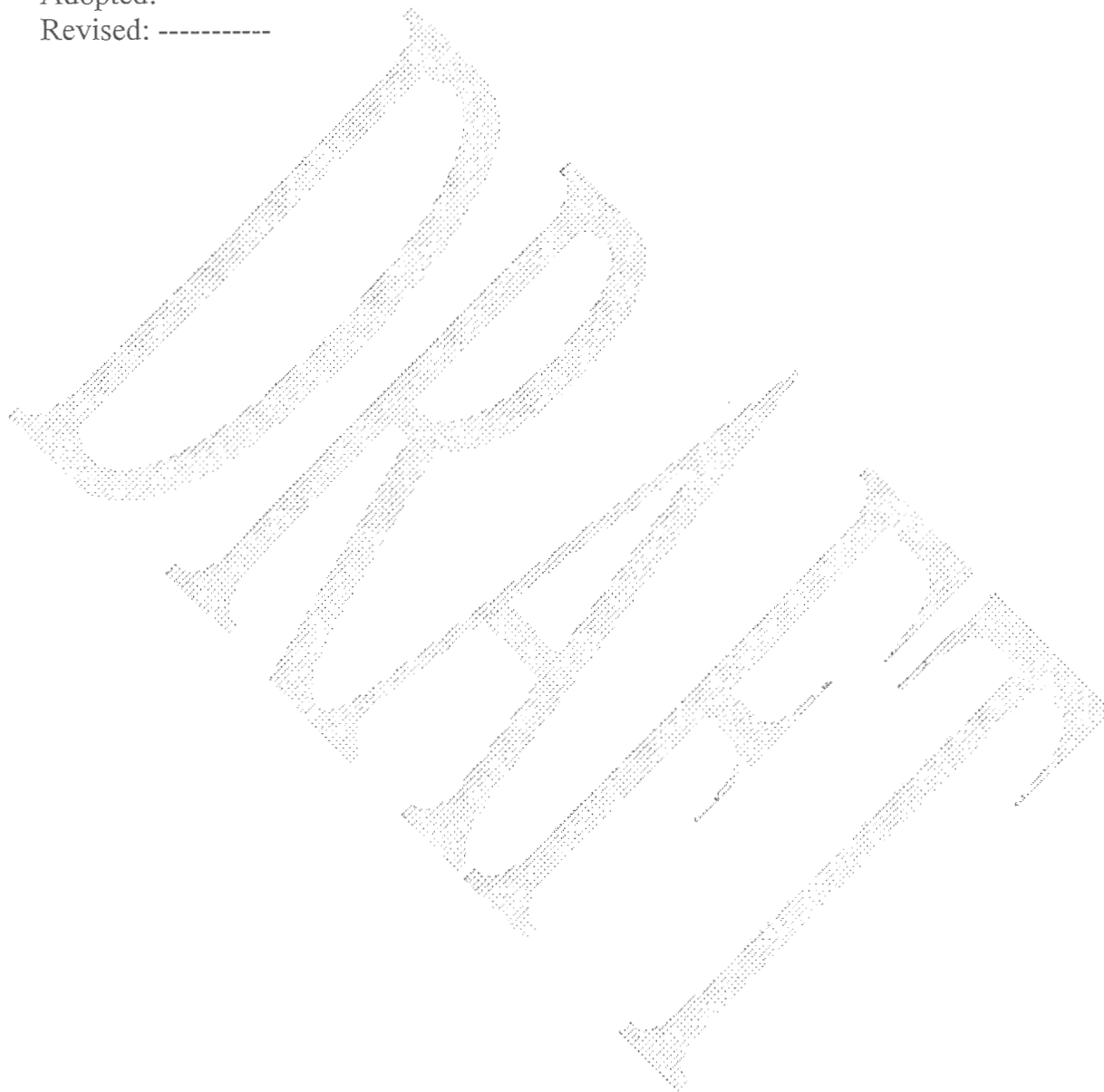
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IDENTIFICATION AND EDUCATION UNDER SECTION 504

steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

Adopted: -----

Revised: -----



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IDENTIFICATION AND EDUCATION UNDER SECTION 504**A. Purpose and Scope**

The Governing Board recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The district shall provide a free appropriate public education (FAPE) to students who reside within the district and who are classified as disabled under Section 504 of the Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

Students who, because of a Section 504 disability, need or are believed to need regular or special education and services are addressed in this policy. Students who are identified as eligible for special education and related services under the criteria set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") are not addressed under this policy, as the needs of such students are provided for elsewhere under district Board Policies and Regulations, state and federal law, and Special Education Local Plan Area ("SELPA") procedures.

B. Procedure**Definitions and Eligibility**

Free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

Eligibility to receive FAPE under Section 504 means a student has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.33)

1. A student with a disability is one who
 - a. Has a physical or mental impairment that substantially limits one or more major life activities, including learning;
 - b. Has a record of such an impairment; or
 - c. Is regarded as having such impairment.

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

However, only students qualifying under subdivision (a) (i.e., those with an actual physical or mental impairment that substantially limits one or more major life activities) are entitled to a FAPE and a Section 504 Service Plan under Section 504.

2. A physical or mental impairment means: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.
3. The term substantially limits shall be interpreted consistently with the findings and purpose of the Amendments to the Americans with Disabilities Act ("ADA") that went into effect on January 1, 2009. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active:

Whether an impairment substantially limits a major life activity shall be determined without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether impairment substantially limits a major life activity.

4. Major life activities include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life ac-

IDENTIFICATION AND EDUCATION UNDER SECTION 504

tivities utilized to determine Section 504 eligibility in the schools.

Referral, Identification, and Evaluation

1. Any student may be referred by a parent/guardian, teacher, other school employee, student success team, or community agency for consideration of eligibility as a disabled student under Section 504. This referral may be made to a site-level or district-level Section 504 Coordinator. The principal at each school site (or designee) is designated as the site-level Section 504 Coordinator. The Director of Special Education (or designee) is designated as the district-level Section 504 Coordinator. For information or questions concerning the site-level or district-level Section 504 Coordinator, please contact the Tracy Unified District Office at 1875 W. Lowell Ave. Tracy, CA 95376.
2. Upon receipt of a referral for eligibility, the site-level or district-level 504 Coordinator shall within a reasonable time consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professional, and the parent/guardian, as appropriate; and analysis of the student's needs and any other relevant information.

If it is determined that an evaluation is unnecessary, the site-level or district-level 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as describe in the "Procedural Safeguards" section below.

3. If it is determined that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to initial placement and before any significant change in placement, unless agreed otherwise. (34 CFR 104.35)
4. Prior to conducting an evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.
5. The district's evaluation procedures shall ensure tests and other evaluation materials, if any: (34 CFR 104.35)
 - a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
 - b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score
 - c. Reflect aptitude or achievement or whatever else the tests purport to measure

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits

Section 504 Services Plan and Placement

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including such sources as aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE. The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.
3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 service plan shall be kept in his/her student record. The district staff members who provide services to the student shall be informed of the student's Section 504 services plan's requirements.

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

Review and Reevaluation

1. The 504 team shall monitor the progress of the student and the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. The team shall review the student's plan periodically. In addition, the student's eligibility under Section 504 and whether the services provided in the 504 plan are appropriate and adequate should be reevaluated periodically. In determining the need for periodic review and evaluation, the 504 team shall be guided by the IDEA provisions requiring annual review and triennial reevaluation. Additionally, the need for periodic review and reevaluation shall be considered on a case-by-case basis – e.g. prior to a significant change in placement or upon parental request.
2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

Procedural Safeguards

1. Parents/guardians shall be notified in writing of all district decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their right to: (34 CFR 104.36)
 - a. Examine relevant records
 - b. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
 - c. Have a review procedure

Notification shall also set forth the procedure for requesting an impartial hearing. Requests shall be made to the Director of Special Education.

If a parent/guardian disagrees with decisions regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

(Note: If a parent/guardian wishes to file a complaint alleging that a student with a disability has been subjected to discriminatory treatment (e.g., harassment or accessibility issues), he/she may file a complaint in accordance with the district's uniform complaint procedures.)

1. Within 30 days after receipt of the district's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

in writing.

The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.

2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing shall be made within 30 days of receiving the district's decision or within 14 days of completion of the administrative review. The request shall include:
 - a. The specific nature of the decision with which the parent/guardian disagrees
 - b. The specific relief the parent/guardian seeks
 - c. Any other information the parent/guardian believes pertinent

Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

To ensure impartiality, such officers shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

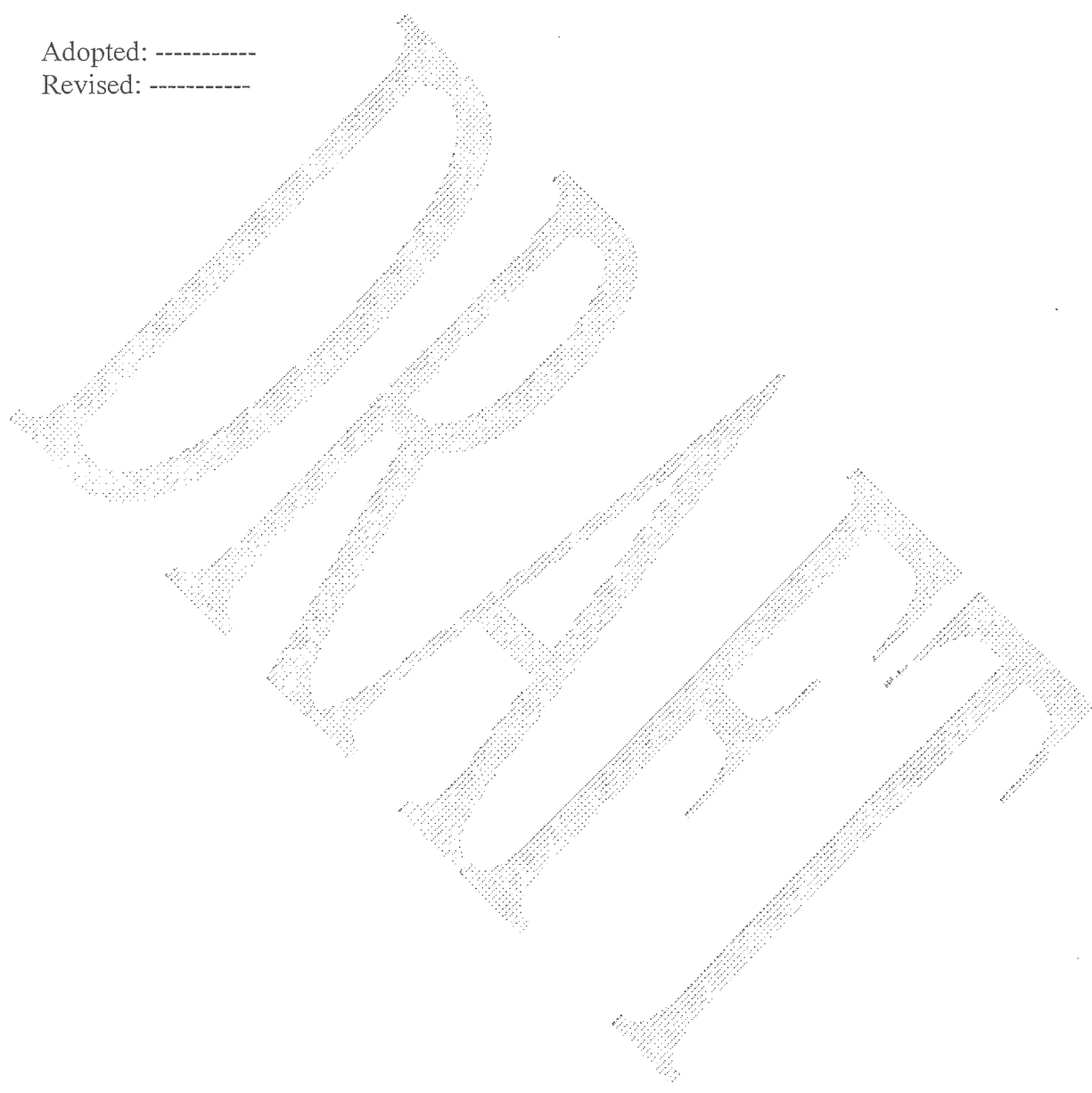
[Type text]

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

Adopted: -----

Revised: -----



[Type text]



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: August 5, 2013
SUBJECT: Adopt Board Policy 6164.6, Identification and Education under Section 504 (First Reading)

BACKGROUND: The following policy addresses the identification and education of students who may be eligible for services under the provisions of Section 504 of the Rehabilitation Act of 1973 (29 USC 794). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the students' individual educational needs as adequately as the needs of nondisabled students are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance. Students may be identified as disabled under Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for services under IDEA is addressed at BP/AR 6164.6 - Identification and Evaluation of Individuals for Special Education.

RATIONALE: Write separate Board Policy 6164.6 in accordance with the current existing state and federal laws, utilizing California School Advisory Board (GAMUT) as reference. This policy complies with District Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified subgroups is closed.

FUNDING: None.

RECOMMENDATION: Adopt Board Policy 6164.6, Identification and Education under Section 504 (First Reading)

Prepared by: Dr. Janet Skulina, Director Special Education

Identification and Education under Section 504

The Governing Board believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The district shall work to identify children with disabilities who reside within its jurisdiction in order to ensure that they receive educational and related services required by law.

The Superintendent or designee shall provide identified students with disabilities with a free appropriate public education, as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

Identification and Education under Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

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

Dear Colleague Letter; January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools; January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973; September 2007

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: August 2, 2013
SUBJECT: **Approve Student Teaching Agreement with CSU, Stanislaus**

BACKGROUND: We have encouraged Institutes of Higher Education to place students in our facility to fulfill their student teaching experience with our school district. The term of this agreement shall be August 14, 2013 through July 31, 2014 with additional four (4) one-year renewals

RATIONALE: Student teachers will be placed with permanent status teachers who are willing to serve as Master Teachers within our schools with the approval of the site principal.

This agenda item aligns with District Goal #6: Develop and support a high performing workforce and District Goal #7: Develop and utilize partnerships to achieve District goals.

FUNDING: None.

RECOMMENDATION: Approve Student Teaching Agreement with CSU, Stanislaus

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources.

**CALIFORNIA STATE UNIVERSITY, STANISLAUS
STUDENT TEACHING AGREEMENT**

THIS AGREEMENT entered into by and between the State of California through the Trustees of The California State University on behalf of the State University, noted below, all of which are hereinafter called State or State University, and the School District, noted below, hereinafter called the District:

WITNESSETH

WHEREAS, the District is authorized to enter into agreements with the State, to provide teaching experience through practice teaching to students enrolled in teacher training curricula of the State University; and

WHEREAS, it is to the mutual benefit of the parties hereto that one or more students of the University's Teacher Training Program use the facilities of the District for their student teaching experience;

NOW, THEREFORE, it is mutually agreed between the State and the District as follows:

SPECIAL PROVISIONS

PARTIES: Trustees of the California State University
California State University, Stanislaus
One University Circle
Turlock, California 95382

Tracy Unified School District
1875 West Lowell Avenue
Tracy, California 95376

TERM: August 14, 2013 through July 31, 2014 with additional four (4) one-year renewals

GENERAL TERMS

1. The District shall provide to State University students teaching experience through practice teaching in schools and classes of the District. Such practice teaching shall be provided in such schools or classes of the District, and under the direct supervision and instruction of such employees of the District, as the District and the State through their duly authorized representatives may agree upon.

The District may, for good cause, refuse to accept for practice teaching any student of the State University assigned to practice teaching in the District, and upon request of the District, made for good cause, the State shall terminate the assignment of any student of the State University to practice teaching in the District.

"Practice teaching" as used herein and elsewhere in this agreement means active participation in the duties and functions of classroom teaching under the direct supervision and instruction of employees of the District holding valid life diplomas or credentials issued by the State Board of Education, other than emergency or provisional credentials, authorizing them to serve as classroom teachers in the schools or classes in which the practice teaching is provided.

2. A semester unit of practice teaching for elementary and secondary schools is approximately twenty (20) minutes of practice teaching daily for five (5) days a week for fifteen (15) weeks.
3. An assignment of a student of the State University to practice teaching in schools or classes of the District shall be, at the discretion of the State, for approximately fifteen (15) weeks, but a student may be given more than one assignment by the State University to practice teaching in such schools or classes.

The assignment of a student of the State University to practice teaching in the District shall be deemed to be effective for purposes of this agreement as of the date the student presents to the proper authorities of the District the assignment card or other document given the student by the State University effecting such assignment, but not earlier than the date of such assignment as shown on such card or other document.

4. The parties agree that District is not to assume nor shall it assume by this agreement any liability under the California Worker's Compensation Insurance and Safety Act for, by or on behalf of any University students while students are on the premises of the District or while performing any duty whatsoever under the terms of this agreement or while going to or from any of District's facilities.

University shall inform each student regarding the lack of coverage for Worker's Compensation Insurance by either party.

5. The term of this agreement shall be for a period one (1) year and shall be renewed automatically for additional periods of one (1) year up to a total of four (4) additional years; provided however, it may be terminated by either party after giving the other party thirty days advance written notice of its intention to so terminate; provided further, however, that any such termination by the District shall not be effective at the election of the University, as to any who at the date of mailing of said notice by the District was participating in said program until such student has completed the program for the then current academic year.
6. This agreement may at any time be altered, changed, or amended by mutual agreement of the parties in writing.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto as of the written date.

**Trustees of the California State University
California State University, Stanislaus**

By: _____ Date: _____
Phyllis Crittendon
Contracts and Procurement Services

Tracy Unified School District

By: _____ Date: _____
Susie Martin
Title:

CERTIFICATION

I, the duly appointed and acting Clerk or Secretary of the Governing Board of the School District listed below, do hereby certify that the following is a true and exact copy of a portion of the Minutes of the regular meeting of said Board held on

Month Day Year

"It was moved, seconded and carried that the attached contract with the Trustees of the California State University, whereby the University may assign student to the schools in the School District for practice teaching, be approved; and the _____ is hereby authorized to execute the same."

Tracy Unified School District

By: _____
(Clerk/Secretary of the Board of Trustees)



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: July 31, 2013
SUBJECT: **Approve Expenditure of General Fund Money in the Amount of \$2,000 to Cover the Cost of Awards for Employee Accomplishments and/or Contributions**

BACKGROUND: Pursuant to Education Code 44015, the governing board of a school district may make awards to employees who do any of the following:

1. Propose procedures or ideas that thereafter are adopted and effectuated, and that result in eliminating or reducing district expenditures or improving operations
2. Perform special acts or special services in the interest of the public
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvements in operations of the school district

Any award granted under the provisions of Education Code 44015 that may be made by an awards committee under appropriate District rules shall not exceed two hundred dollars (\$200), unless a larger award is expressly approved by the governing board.

RATIONALE: Each year the District recognizes employees with awards for accomplishments or contributions such as having longevity within the District, retirement, and being recognized as an outstanding employee of the term and/or year. The average cost of the gift ranges between \$1 and \$25.

This agenda item meets District Strategic Goal #7: Develop and utilize partnerships to achieve District Goals.

FUNDING: The annual cost fluctuates with the number of employees retiring and being recognized for longevity. Awards do not exceed the maximum amount allowed pursuant to the section of the Education Code.

RECOMMENDATION: Approve Expenditure of General Fund Money in the Amount of \$2,000 to Cover the Cost of Awards for Employee Accomplishments and/or Contributions

Prepared by: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources