

# Hanford Elementary School District

## REGULAR BOARD MEETING AGENDA

Wednesday, September 11, 2024

HESD District Office Board Room

714 N. White Street, Hanford, CA

### OPEN SESSION

5:30 p.m.

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

### 1. PRESENTATIONS, REPORTS AND COMMUNICATIONS

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

- a) Public comments
- b) Board and staff comments
- c) Requests to address the Board at future meetings
- d) Review Dates to remember
- e) Student Highlight – Lee Richmond Elementary - Joaquin Guzman & Jaxson Joyce

### PUBLIC HEARING: Instructional Materials Funding Realignment Program (Rubalcava)

### 2. CONSENT ITEMS

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

- a) Accept warrant listings dated August 21, 2024; August 23, 2024; August 28, 2024 and August 30, 2024.
- b) Approve minutes of the Regular Board Meeting held on August 28, 2024.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of alto saxophone from J. Martinez to JFK Band Program.

### 3. INFORMATION ITEMS

- a) Receive for information the revised Administrative Regulation 5121 – Grades/Evaluation of Student Achievement (Rubalcava)
- b) Receive for information the revised Board Policy 6170.1 – Transitional Kindergarten (Rubalcava)

- *Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Superintendent's Office located at 714 N. White Street, Hanford, CA during regular business hours.*
- *Any individual who requires disability-related accommodations or modifications, including auxiliary aides and services, in order to participate in the Board meeting should contact the Superintendent's Office at least 48 hours prior to the meeting.*

- c) Receive for information the revised Board Policy 6179 – Supplemental Instruction (Rubalcava)
- d) Receive for information the revised Board Policy and Administrative Regulation 4030 – Nondiscrimination in Employment (Martinez)
- e) Receive for information the revised Board Policy 4033 – Lactation Accommodation (Martinez)
- f) Receive for information the revised Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment (Martinez)
- g) Receive for information the **new** Administrative Regulation and Exhibit 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures (Martinez)

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

- a) Consider adoption of Resolution #10-25: Regarding Absent Board Member Compensation – L. Hernandez (Gabler)
- b) Consider adoption of Resolution #03-25: Pertaining to the Sufficiency of Instructional Materials (Rubalcava)
- c) Consider approval of Consultant Contract with P.A.T.Y. Studio to provide weekly dance instruction for Grades 1-8 (Espindola)
- d) Consider approval of the Consolidated Application for Funding Categorical Aid Programs (Summer 2024 Release for the 24-25 school year) (Heugly)
- e) Consider adoption of the revised Hanford Elementary School District Elementary and Secondary School Emergency Relief (ESSER III) updated expenditure plan (Heugly)
- f) Consider approval of a Memorandum of Understanding with Ana Soto Grant "Live the Life you Create LLC" (Strickland)
- g) Consider approval to accept Melissa Lincicum as the HESD's representative to the SELPA Community Advisory Committee (Sanchez-Leal)

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

##### a) Employment

###### Classified

- Sara Rubio-Dreading, Yard Supervisor – 2.0 hrs., Jefferson, effective 8/26/24

###### Classified Temps/Subs

- Angelique Amador, Substitute Yard Supervisor, effective 9/3/24
- Lea Cano, Substitute Yard Supervisor, effective 8/27/24
- Dakota Corona, Substitute Yard Supervisor, effective 8/26/24
- Mishaelynn Stephens, Substitute READY Program Tutor, effective 8/22/24

###### Short Term Classified

- Bertha Martin, Short-Term Bilingual Clerk Typist II – 8.0 hrs., Monroe, effective 9/9/24-11/1/24
- Janet Pimentel, Short-Term Yard Supervisor – 3.5 hrs., Richmond, effective 8/26/24-9/27/24

##### b) Resignations

- Audrey Dragt, Substitute READY Program Tutor, effective 5/30/24

- c) Adopt Resolution No. 09-25 – Junior High Teacher Credentials and Assignments
  - See attached

d) Volunteers

<u>Name</u>	<u>School</u>
Elizabeth Jackson (HESD Employee)	Jefferson/Simas
Lauree Pacheco	Jefferson
Elias Estrada (HESD Employee)	Lincoln
Eunhae Roldan	Simas
Donald Bunyard	Wilson
Cynthia Rivera-Campos	Wilson/King

**6. FINANCIAL (Endo)**

- a) Consider adoption of Resolution #06-25: Accounting of Developer Fees

**ADJOURN MEETING**

## **PUBLIC HEARING NOTICE**

### **Instructional Materials Funding Realignment Program**

In accordance with Education Code Section 60119, the Hanford Elementary School District will hold a public hearing to determine whether each pupil in each school in the district has sufficient instructional materials. The date, time and place are as follows:

Place: Hanford Elementary School  
District Office Board Room  
714 N. White Street  
Hanford, CA 93230

Date: September 11, 2024

Time: 5:30 p.m.

At the public hearing, the Board of Trustees of the Hanford Elementary School District will determine through a resolution as to whether each pupil in each school in the district has sufficient textbooks and instructional materials. Any inquiries regarding this matter should be directed to:

Jill Rubalcava  
Assistant Superintendent of Curriculum, Instruction, and Professional Development  
Hanford Elementary School District  
714 N. White Street  
P.O. Box 1067  
Hanford, CA 93230  
(559) 585-3672

Posted: August 28, 2024

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 08/30/2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: 09/11/2024

**ITEM:**

Consider approval of warrants.

**PURPOSE:**

The administration is requesting the approval of the warrants as listed on the registers dated: 08/21/24, 08/23/24, 8/28/24 and 08/30/24.

**FISCAL IMPACT:**

See attached.

**RECOMMENDATIONS:**

Approve the warrants.

**Warrant Register For Warrants  
Dated 08/21/2024**

<b>Warrant Number</b>	<b>Vendor Number</b>	<b>Vendor Name</b>	<b>Amount</b>
12754054	3258	BANK OF AMERICA – Travel/Conference, Other Services, Materials/Supplies	\$8,335.41
<b>Total Amount of All Warrants:</b>			<b>\$8,335.41</b>

## Warrant Register For Warrants Dated 08/23/2024

Warrant Number	Vendor Number	Vendor Name	Amount
12754151	13	DAWN ACOSTA – Reimburse-Materials/Supplies	\$165.20
12754152	53	AMERICAN MUSIC COMPANY – Materials/Supplies	\$404.74
12754153	73	APPLE INC. – Materials/Supplies	\$3,532.90
12754154	6253	AT&T – Telephone Communications	\$3,223.67
12754155	113	BARNES AND NOBLE-5886056 – Books	\$167.87
12754156	7399	BIMBO BAKERIES USA – Food Services-Food	\$2,814.81
12754157	8432	BLUEINK – Other Services	\$5,000.00
12754158	6658	BRICKS4KIDZ – Other Services	\$5,700.00
12754159	8458	LEA CANO – Reimburse-Other Services	\$25.00
12754160	1667	CDW GOVERNMENT INC. – Materials/Supplies, Other Services	\$158,771.19
12754161	8217	CI SOLUTIONS – Materials/Supplies	\$12,165.08
12754162	4178	COOK'S COMMUNICATION – Materials/Supplies	\$1,068.51
12754163	8459	JENNIFER CUNHA – Reimburse-Other Services	\$20.00
12754164	2213	NORBERTO ESPINDOLA – Reimburse-Materials/Supplies	\$126.54
12754165	3127	RAMIRO FLORES – Reimburse-Materials/Supplies	\$456.41
12754166	4161	MATT GAMBLE – Reimburse-Materials/Supplies	\$424.94
12754167	8439	GARCIA PAVING INC. – Washington Parking Lot Project	\$100,380.32
12754168	591	GOLD STAR FOODS – Food Services-Food	\$22,085.47
12754169	7592	HANFORD SENTINEL – Other Services	\$375.00
12754170	6397	KATIE HEUGLY – Reimburse-Materials/Supplies	\$139.99
12754171	8039	HOUGHTON MIFFLIN HARCOURT – Materials/Supplies, Other Services	\$212,552.07
12754172	8257	IMPERIAL BAG & PAPER CO LLC – Food Services-Food, Materials/Supplies	\$9,347.57
12754173	3962	KINGS COUNTY GLASS – Services/Repair	\$385.00
12754174	8239	AMY LESLIE – Reimburse-Materials/Supplies	\$198.11
12754175	7248	MEGAN LETSON – Reimburse-Materials/Supplies	\$200.00
12754176	3048	CYNTHIA LEWIS – Reimburse-Materials/Supplies	\$200.00
12754177	4437	MACARIA LOPEZ – Reimburse-Materials/Supplies	\$179.61
12754178	6657	FRANK LOURENCO – Reimburse-Other Services	\$60.00
12754179	8435	N HARRIS COMPUTER CORPORATION – Food Services-Other Services	\$249.00
12754180	4188	CHAD NIELSEN – Reimburse-Mileage	\$16.42
12754181	1058	ODP BUSINESS SOLUTIONS LLC – Materials/Supplies	\$292.46
12754182	7564	PAPER CLIP COMMUNICATIONS – Other Services	\$1,756.00
12754183	7203	PARADIGM HEALTHCARE SERVICES LLC. – Other Services	\$2,071.88
12754184	5934	PEARSON - CLINICAL ASSESSMENT – Materials/Supplies	\$489.98
12754185	3689	PIONEER VALLEY ED. PRESS – Books	\$45,694.93
12754186	3072	JENNIFER PITKIN – Reimburse-Materials/Supplies	\$233.33
12754187	7820	PLAY THERAPY SUPPLY LLC – Materials/Supplies, Books	\$368.89
12754188	6946	MARIA PORRAS – Reimburse-Other Services	\$161.00
12754189	2592	PRINCETON HEALTH PRESS – Materials/Supplies	\$14,685.00
12754190	5356	JODY PRODOEHL – Reimburse-Materials/Supplies	\$97.54
12754191	1168	PRODUCERS DAIRY PRODUCTS – Food Services-Food	\$8,686.76
12754192	7580	PRUDENTIAL OVERALL SUPPLY – Food Services0Other Services	\$125.63
12754193	5850	SAMANTHA PURSELL – Reimburse-Materials/Supplies	\$200.00
12754194	8234	QUAVERED INC. – Other Services	\$1,800.00
12754195	7287	RAMOS MOBILE DETAILING – Services/Repair	\$15,000.00
12754196	4827	RAYMOND GEDDES & CO. INC. – Materials/Supplies	\$83.64
12754197	1227	RENAISSANCE LEARNING INC. – Other Services	\$50,452.09
12754198	7485	RIVERSIDE COMMUNITY CARE INC. – Other Services	\$3,000.00

## Warrant Register For Warrants Dated 08/23/2024

Warrant Number	Vendor Number	Vendor Name	Amount
12754199	5898	ANNELIESE ROA – Food Services-Reimburse-Food	\$635.23
12754200	1253	ROBINSON'S INTERIORS INC. – Materials/Supplies	\$250.00
12754201	5067	RUSSELL SIGLER INC – Equipment	\$10,130.02
12754202	7582	SAVVAS LEARNING COMPANY LLC – Other Services	\$1,335.00
12754203	7601	SEESAW LEARNING INC – Other Services	\$2,843.75
12754204	7337	JAMEE SERRATO – Reimburse-Materials/Supplies	\$62.68
12754205	1874	APRIL M. SILVA – Reimburse-Materials/Supplies	\$200.00
12754206	3484	DIANA M. SILVA – Reimburse-Materials/Supplies	\$142.54
12754207	1374	SMART & FINAL STORES (HFD DO) – Materials/Supplies	\$229.17
12754208	1801	SMART & FINAL STORES (HFD KIT) – Food Services-Food	\$79.88
12754209	2031	SOUTHWEST SCH & OFFICE SUPPLY – Warehouse Inventory	\$34,861.22
12754210	8301	SPORTS GEAR SWAG – Materials/Supplies	\$440.90
12754211	1403	STANISLAUS FOUNDATION – DENTAL – Health/Welfare Benefits	\$21,776.65
12754212	6933	CHRISTINE STOKES – Reimburse-Materials/Supplies	\$55.98
12754213	2277	BRIAN STONE – Reimburse-Materials/Supplies	\$76.40
12754214	5586	SUPERIOR SOIL SUPPLEMENTS – Materials/Supplies	\$7,726.91
12754215	1444	SYSCO FOODSERVICES OF MODESTO – Food Services-Food	\$32,910.96
12754216	1521	UNITED REFRIGERATION INC. – Materials/Supplies	\$2,064.59
<b>Total Amount of All Warrants:</b>			<b>\$801,456.43</b>



## Credit Card Register For Payments Dated 08/23/2024

Document Number	Vendor Number	Vendor Name	Amount
14039589	4304	BAILEY'S TEST STRIPS & - Food Services-Materials/Supplies	\$68.00
14039590	4876	BRAIN POP – Other Services	\$4,095.00
14039591	3089	COMMITTEE FOR CHILDREN – Other Services	\$17,992.80
14039592	1214	REALLY GOOD STUFF – Materials/Supplies	\$218.13
14039593	2524	ROCHESTER 100 INC. – Materials/Supplies	\$1,601.78
14039594	5120	SAFETY DEPOT – Materials/Supplies	\$91.27
14039595	1313	SCHOLASTIC TEACHERS STORE – Books	\$18,231.08
14039596	3722	SCHOOL MATE – Materials/Supplies	\$2,949.38
14039597	5391	STARFALL EDUCATION – Other Services	\$710.00
14039598	1747	TERMINIX INTERNATIONAL – Food Services-Other Services	\$40.00
<b>Total Amount of All Credit Card Payments:</b>			<b>\$45,997.44</b>

**Warrant Register For Warrants  
Dated 08/28/2024**

<b>Warrant Number</b>	<b>Vendor Number</b>	<b>Vendor Name</b>	<b>Amount</b>
12754533	8180	AIRGAS INC. – Materials/Supplies	\$505.19
12754534	1667	CDW GOVERNMENT INC. – Materials/Supplies	\$875.29
12754535	808	KINGS WASTE & RECYCLING – Services	\$189.20
12754536	838	LAWRENCE TRACTOR COMPANY – Materials/Supplies	\$1,441.24
12754537	1285	SAFETY-KLEEN SYSTEMS INC. – Other Services	\$300.04
<b>Total Amount of All Warrants:</b>			<b>\$3,310.96</b>

## Warrant Register For Warrants Dated 08/30/2024

Warrant Number	Vendor Number	Vendor Name	Amount
12754837	2	A-Z BUS SALES INC – Materials/Supplies	\$2,452.81
12754838	6431	AMAZON.COM – Materials/Supplies, Books	\$7,998.24
12754839	6253	AT&T – Telephone Communications	\$184.95
12754840	7865	SCOTT BALDWIN – Reimburse-Materials/Supplies	\$190.00
12754841	7988	BALLOONS BY MITZI – Materials/Supplies, Services/Repair	\$450.00
12754842	7544	ASHLEY BARBA – Reimburse-Materials/Supplies	\$182.61
12754843	236	STATE OF CALIFORNIA – Other Services	\$503.00
12754844	7120	KELSEY CANTRELL – Reimburse-Materials/Supplies	\$198.88
12754845	2986	JOSEFINA L. CAVANAUGH – Reimburse-Materials/Supplies	\$183.00
12754846	1667	CDW GOVERNMENT INC. – Materials/Supplies	\$1,283.17
12754847	304	NICK CHAMPI ENTERPRISES INC. – Services/Repair	\$1,500.00
12754848	8260	CHEVROLET BUICK GMC OF SANGER – Materials/Supplies	\$338.55
12754849	4178	COOK'S COMMUNICATION – Materials/Supplies, Services/Repair	\$1,155.47
12754850	8426	COOLSPEAK LLC – Other Services	\$9,000.00
12754851	4148	CARRIE CORTINAS – Reimburse-Materials/Supplies	\$152.42
12754852	3839	CREATIVE THERAPY STORE – Materials/Supplies	\$221.42
12754853	7854	JOSE LUIS CRUZ – Reimburse-Materials/Supplies	\$31.09
12754854	405	DASSEL'S PETROLEUM INC. – Materials/Supplies	\$4,768.29
12754855	4486	GABRIEL DE LEON – Reimburse-Materials/Supplies	\$119.59
12754856	4815	DIGITECH INTEGRATIONS INC – Materials/Supplies, Services/Repair	\$14,221.76
12754857	6215	EPIC SPORTS – Materials/Supplies	\$295.70
12754858	2155	JAVIER ESPINDOLA – Reimburse-Materials/Supplies	\$491.00
12754859	4001	JENNIFER FAUNTLEROY – Reimburse-Materials/Supplies	\$136.32
12754860	1393	GAS COMPANY – Utilities	\$382.31
12754861	5975	VANESSA GOMEZ – Reimburse-Materials/Supplies	\$85.26
12754862	7196	GRAVIC INC. – Other Services	\$650.00
12754863	8285	GRAY STEP SOFTWARE INC. – Other Services	\$2,697.00
12754864	669	HAWTHORNE EDUCATIONAL SERVICES – Books	\$729.30
12754865	8093	HB3 LITERACY LLC – Other Services	\$4,500.00
12754866	3653	HEINEMANN PUBLISHING – Books	\$3,156.30
12754867	5855	HOBBY LOBBY – Materials/Supplies	\$199.34
12754868	711	THE HORN SHOP – Services/Repair	\$5,176.10
12754869	8039	HOUGHTON MIFFLIN HARCOURT – Materials/Supplies	\$17,778.56
12754870	7881	INNOVED – Other Services	\$35,740.00
12754871	7728	ISTATION – Other Services	\$12,730.00
12754872	8441	JOHNSON CONTROLS INC. – Materials/Supplies	\$14,410.62
12754873	8464	ERIC JONES – Reimburse-Other Services	\$25.00
12754874	5990	KELLER FORD – Materials/Supplies, Services/Repair	\$1,036.26
12754875	7596	KHAN ACADEMY INC. – Other Services	\$2,500.00
12754876	796	KINGS COUNTY OFFICE OF ED – Other Services	\$20,887.50
12754877	806	KINGS COUNTY TROPHY – Materials/Supplies	\$649.94
12754878	7821	LOW COST EARBUDS – Warehouse Inventory	\$4,046.49
12754879	4629	LOWE'S OF HANFORD – Materials/Supplies	\$165.74
12754880	6953	MARKO CONSTRUCTION GROUP INC. – JFK Admin Project	\$78,215.25
12754881	5738	MIDNIGHT CRANE SERVICE INC – Services/Repair	\$535.00
12754882	1002	MORGAN & SLATES INC. – Materials/Supplies	\$1,534.85
12754883	7041	MUSIC & ARTS – Materials/Supplies	\$1,012.49
12754884	8100	NAPA AUTO PARTS – Materials/Supplies	\$473.89

## Warrant Register For Warrants Dated 08/30/2024

Warrant Number	Vendor Number	Vendor Name	Amount
12754885	6739	NEARPOD INC. – Other Services	\$9,042.00
12754886	6080	NEYDA ORTIZ – Reimburse-Materials/Supplies	\$200.00
12754887	3689	PIONEER VALLEY ED. PRESS – Books	\$3,571.28
12754888	1144	PORT OF SUBS – Materials/Supplies	\$505.75
12754889	7390	QUADIENT INC. – Services/Repair	\$1,120.15
12754890	1227	RENAISSANCE LEARNING INC. – Other Services	\$3,049.70
12754891	1303	SAVE MART SUPERMARKETS – Food Services-Food	\$259.32
12754892	7871	KATHERINE SIPPEL – Reimburse-Materials/Supplies	\$48.01
12754893	6826	SITELOGIQ – Washington Solar Project	\$198,232.56
12754894	1801	SMART & FINAL STORES (HFD KIT) – Food Services-Food	\$42.77
12754895	3800	SONITROL OF FRESNO – Services/Repair	\$158.00
12754896	1392	SOUTHERN CALIFORNIA EDISON CO. – Utilities	\$64,277.56
12754897	1404	STANISLAUS FOUNDATION – ADMIN – Health/Welfare Benefits	\$2,918.16
12754898	1403	STANISLAUS FOUNDATION – DENTAL – Health/Welfare Benefits	\$14,569.99
12754899	5586	SUPERIOR SOIL SUPPLEMENTS – Materials/Supplies	\$3,469.31
12754900	5798	SWEETWATER – Materials/Supplies	\$127.63
12754901	4347	THERAPY SHOPPE INC – Materials/Supplies	\$346.64
12754902	2176	TOLEDO PHYSICAL EDUCATION – Materials/Supplies	\$436.39
12754903	6032	TUMBLEWEED PRESS INC – Other Services	\$799.00
12754904	1504	TURF STAR INC. – Materials/Supplies	\$922.98
12754905	1780	UNITED RENTALS – Services/Repair	\$3,540.07
12754906	8127	UPPER EDGE TECHNOLOGIES INC – Materials/Supplies	\$18,000.00
12754907	3154	UPS – Postage	\$16.61
12754908	6861	ISABEL VEGA – Reimburse-Materials/Supplies	\$200.00
12754909	1558	VERIZON WIRELESS – Telephone Communications	\$1,411.76
12754910	4090	VISALIA OVERHEAD DOOR INC – Services/Repair	\$3,389.64
12754911	1575	WALMART COMMUNITY RFCSLLC – Materials/Supplies, Warehouse Inv	\$1,329.47
12754912	8162	WYEBOT INC – Other Services	\$1,485.00
12754913	2822	GRISELDA YRIGOLLEN – Reimburse-Materials/Supplies	\$170.82
12754914	4360	ZOO-PHONICS INC – Materials/Supplies	\$820.70
<b>Total Amount of All Warrants:</b>			<b>\$589,836.74</b>

## Credit Card Register For Payments Dated 08/30/2024

Document Number	Vendor Number	Vendor Name	Amount
14039652	4876	BRAIN POP – Other Services	\$5,220.00
14039653	5428	CONSERV FLAG COMPANY – Materials/Supplies	\$94.68
14039654	366	CORWIN PRESS – Books	\$1,784.30
14039655	6625	COSCO FIRE PROTECTION – Services/Repair	\$2,089.00
14039656	5008	DECKER INC – Materials/Supplies	\$506.52
14039657	415	DELRAY TIRE & RETREADING INC. – Services/Repair	\$3,355.58
14039658	3567	E.L. ACHIEVE – Other Services	\$5,000.00
14039659	6219	ESGI LLC – Other Services	\$1,968.00
14039660	509	EWING IRRIGATION PRODUCTS – Materials/Supplies	\$2,182.97
14039661	7402	FINALSITE – Other Services	\$18,022.00
14039662	6573	IXL LEARNING – Other Services	\$2,600.00
14039663	831	LAKESHORE LEARNING MATERIALS – Materials/Supplies	\$2,510.06
14039664	4276	LEARNING A-Z – Other Services	\$4,252.00
14039665	7679	LEARNING WITHOUT TEARS – Books	\$6,936.36
14039666	854	LIBRARY STORE INC. – Materials/Supplies	\$231.32
14039667	1802	MEDALLION SUPPLY – Materials/Supplies	\$985.08
14039668	1071	ORIENTAL TRADING CO. INC. – Materials/Supplies	\$1,585.70
14039669	2524	ROCHESTER 100 INC. – Materials/Supplies	\$2,947.50
14039670	1313	SCHOLASTIC TEACHERS STORE – Books	\$7,568.21
14039671	1326	SCHOOL SERVICES OF CALIF. INC. – Other Services	\$4,680.00
14039672	3513	SIGNMAX – Materials/Supplies	\$379.23
14039673	5391	STARFALL EDUCATION – Other Services	\$710.00
14039674	5989	THUNDERPOWER MEGAPHONES – Materials/Supplies	\$293.32
14039675	5929	TOUCHMATH LLC – Books	\$4,129.43
14039676	5294	WEST MUSIC COMPANY – Materials/Supplies	\$204.38
14039677	2405	WPS – Materials/Supplies, Other Services	\$5,870.06
<b>Total Amount of All Credit Card Payments:</b>			<b>\$86,105.70</b>

Hanford Elementary School District  
*Minutes of the Regular Board Meeting*  
*August 28, 2024*

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on August 28, 2024, at the District Office Board Room, 714 N. White Street, Hanford, CA.

**Call to Order** President Strickland called the meeting to order at 5:30 p.m. Trustee Revious and Garcia were present. Trustee Garner and Hernandez were absent.

**HESD Managers Present** Joy C. Gabler, Superintendent, and the following administrators were present: Kristina Baldwin, Kelley Bekedam, David Endo, Javier Espindola, Ramiro Flores, Amy Fochetti, Matthew Gamble, Robert Heugly, Jennifer Levinson, Jaime Martinez, William Potter, Jill Rubalcava, Cruz Sanchez-Leal and Jay Strickland.

**CLOSED SESSION**

**Closed Session** Trustees adjourned to closed session at 5:30 for the purpose of:

- Student Discipline pursuant to Education Code section 48918

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

**Case# 24-36** Vice-President Garcia moved to accept the Findings of Facts and expel Case #25-01 for the remainder of the 2024-2025 school year for violation of Education Code 48900 and/or 48915 as determined by the Administrative Panel at hearings held on August 27, 2024. Vice-President Garcia further moved that the expulsion order be immediately suspended, and student may return to regular school in probationary status on a Behavior Conditions plan through June 6, 2025. Trustee Revious seconded; motion carried 3-0:

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

**PRESENTATION, REPORTS AND COMMUNICATIONS**

**Public Comments** None

**Board and Staff Comments** None

**Requests to Address the Board** None

**Dates to Remember**

President Strickland reviewed dates to remember: Elementary Back-to-School Night – August 29<sup>th</sup>, Holiday-Labor Day – September 2<sup>nd</sup>; Regular Board Meeting – September 11<sup>th</sup>.

**CONSENT ITEMS**

Trustee Garcia made a motion to take consent items "a" through "c" together. Trustee Revious seconded; motion carried 3-0:

- Garcia – Yes
- Garner – Absent
- Hernandez – Absent
- Revious – Yes
- Strickland – Yes

Trustee Garcia then made a motion to approve consent items "a" through "c". Trustee Revious seconded; motion carried 3-0:

- Garcia – Yes
- Garner – Absent
- Hernandez – Absent
- Revious – Yes
- Strickland – Yes

The items approved are as follows:

- a) Warrant listings dated August 7, 2024; August 9, 2024; August 14, 2024 and August 16, 2024.
- b) Minutes of the Regular Board Meeting held on August 14, 2024.
- c) Donation of 48 student backpacks from First United Methodist Church to Martin Luther King Elementary.

**INFORMATION ITEMS**

**Financial Report** a) David Endo, Chief Business Official, presented for information the monthly 7/1/24 – 7/31/24 financial reports for the period of 07/01/2024 – 07/31/2024. He stated everything is going according to plan.

**Notice of Completion** b) William Potter, Director of Facilities and Operations, presented for information the Notice of Completion for John F. Kennedy Junior High Administration and Kitchen Replacement HVAC Project.

**Facility Update** c) William Potter, Director of Facilities and Operations, presented for information a Facility Update PowerPoint. He reviewed all the updates at each of HESD's sites along with Woodrow Wilson's current project.

**BOARD POLICIES AND ADMINISTRATION**

**Resolution #08-25** a) Trustee Strickland made a motion to adopt Resolution #08-25: Regarding Absent Board Member Compensation – R. Garcia. Trustee Revious seconded; motion carried 3-0:  
Garcia – Yes  
Garner – Absent

Hernandez – Absent  
Revious – Yes  
Strickland – Yes

- MOU - Sinclair** b) Trustee Revious made a motion to approve a Memorandum of Understanding with Sinclair Research Group to provide the Induction Program a complete program evaluation of the General Education and Education Specialist Teacher Induction programs for 2024-2025 school year. Trustee Garcia seconded; motion carried 3-0:  
Garcia – Yes  
Garner – Absent  
Hernandez – Absent  
Revious – Yes  
Strickland – Yes

- MOU - Sinclair** c) Trustee Garcia made a motion to approve the Memorandum of Understanding with Sinclair Research Group to provide the Induction Program a complete program evaluation of the Clear Administrative Services Credential (CASC) Induction program for the 2024-2025 school year. Trustee Revious seconded; motion carried 3-0:  
Garcia – Yes  
Garner – Absent  
Hernandez – Absent  
Revious – Yes  
Strickland – Yes

- TCOE** d) Trustee Garcia made a motion to approve the Plan of Work with Tulare County Office of Education to work with Jefferson Academy teachers to improve their knowledge and skills with regards to science. Trustee Revious seconded; motion carried 3-0:  
Garcia – Yes  
Garner – Absent  
Hernandez – Absent  
Revious – Yes  
Strickland – Yes

- The Karate School** e) Trustee Garcia made a motion to approve a Consultant Contract with The Karate School – Evan Calhoun to provide Karate instruction to 1<sup>st</sup> and 2<sup>nd</sup> grade students in the READY Expanded Learning Program for the 2024-2025 school year. Trustee Revious seconded; motion carried 3-0:  
Garcia – Yes  
Garner – Absent  
Hernandez – Absent  
Revious – Yes  
Strickland – Yes

- Bricks-4-Kidz** f) Trustee Garcia made a motion to approve a Consultant Contract with Bricks-4-Kidz to provide STEM alignment activities to Kinder – 2<sup>nd</sup> grade students in the



READY Expanded Learning Program for the 2024-2025 school year. Trustee Revious seconded; motion carried 3-0:

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

**WW Admin Building Project** g) Trustee Garcia made a motion to ratify change orders 1, 2 & 3 for the Woodrow Wilson Administration Building Project due to unforeseen conditions. Trustee Revious seconded; motion carried 3-0:

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

**TK Building – Monroe** h) Trustee Garcia made a motion to approve to solicit bids for construction of a new TK Building at Monroe Elementary. Trustee Revious seconded; motion carried 3-0:

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

**MOU - HJUHS** i) Trustee Garcia made a motion to Memorandum of Understanding with Hanford Joint Union High School regarding transportation services. Trustee Revious seconded; motion carried 3-0:

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

**AR 1312.4** j) Trustee Revious made a motion to approve the revised Administrative Regulation 1312.4 – Williams Complaint Procedures. Trustee Garcia seconded; motion carried 3-0:

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

**BP 1312.3** k) Trustee Garcia made a motion to approve the revised Board Policy 1312.3 – Uniform Complaint Procedures. Trustee Revious seconded; motion carried 3-0:

Garcia – Yes  
Garner – Absent  
Hernandez – Absent

Revious – Yes  
Strickland – Yes

## **PERSONNEL**

Trustee Garcia made a motion to take Personnel items “a” through “e” together.  
Trustee Revious seconded; the motion carried 3-0:

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

Trustee Garcia then made a motion to approve Personnel items “a” through “e”.  
Trustee Revious seconded; the motion carried 3-0:

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

The following items were approved:

### ***Item "a" – Employment***

#### Classified

- Sandra Acevedo, Bilingual Clerk Typist II – 8.0 hrs., Richmond, effective 8/5/24
- Cecilia Ayala, Yard Supervisor – 1.5 hrs., Wilson, effective 8/12/24
- Joshua Beuster, Yard Supervisor – 2.25 hrs., Hamilton, effective 8/12/24
- Hilary Carabajal, Special Education Aide – 5.0 hrs., Washington, effective 08/12/24
- Karen Bautista, READY Program Tutor – 4.5 hrs., Jefferson, effective 8/8/24
- Cristina Castorena, READY Program Tutor – 4.5 hrs., Lincoln, effective 8/7/24
- Shonda Colbert, READY Program Tutor – 4.5 hrs., Simas, effective 8/7/24
- Cheyenne Corona, READY Program Tutor – 4.5 hrs., Washington, effective 8/7/24
- Vanessa Corona, Yard Supervisor – 2.0 hrs., Monroe, effective 8/12/24
- Donna Duran, READY Program Tutor – 4.5 hrs., Jefferson, effective 8/7/24
- Mannylyne Lababit, Special Education Aide – 5.0 hrs., Monroe, effective 8/12/24
- Sheila Medina Ramirez, Food Service Worker II – 2.5 hrs., Wilson, effective 8/9/24
- Adilene Ochoa, Yard Supervisor – 3.5 hrs., Lincoln, effective 8/12/24
- Krista Strickland, Special Education Aide – 5.0 hrs., Kennedy, effective 8/12/24

#### Classified Temps/Subs

- Aura Anderson, Substitute Alternative Education Program Aide and Special Circumstance Aide, effective 8/13/24
- Korin Lopez, Substitute Food Service Worker I, effective 8/13/24
- Gerardo Nuno-Valdivia, Substitute Yard Supervisor, effective 8/13/24

#### More Hours/Days

- Juan Botello, from Yard Supervisor – 2.75 hrs., Simas, to Yard Supervisor – 3.5 hrs., Simas, effective 8/12/24
- Amber McRoberts, from Yard Supervisor – 1.75 hrs., Monroe, to Yard Supervisor – 3.5 hrs., Monroe, effective 8/12/24

Short Term Classified

- Janeth Medina, Short-Term READY Program Tutor- 4.5 hrs., Hamilton, effective 8/13/24-9/27/24

**Item "b" –  
Transfers**

Classified Admin Transfer

- Myra Guzman, from Special Circumstance Aide – 5.75 hrs., Richmond, to Special Circumstance Aide – 5.75 hrs., Hamilton, effective 8/12/24
- Tia Jones, from Special Circumstance Aide – 5.75 hrs., Wilson, to Special Circumstance Aide – 5.75 hrs., Hamilton, effective 8/21/24

Certificated Involuntary Transfers

- Cydne Anderson, from Kindergarten Teacher, King, to 2nd Grade Teacher, Richmond, effective 8/19/24
- Margarita Royal, from Kindergarten Teacher, Roosevelt, to TK Teacher, Roosevelt, effective 8/19/24

**Item "c" –  
Athletic Coaches**

Employment and Certification of Temporary Athletic Team Coaches pursuant to Title 5 CCR 5594

- Joseph Hernandez, Jr. High Drum Coach, Kennedy and Wilson, effective 8/19/24-6/6/25

**Item "d" –  
Resignations**

- Wendy Avila, Yard Supervisor – 3.5 hrs., Monroe, effective 6/7/24
- Lori Urrutia, Yard Supervisor – 3.5 hrs., Richmond, effective 6/7/24

**Item "e" –  
Resolution  
#07-25**

Adopt Resolution No. 07-25 – Teacher Assignment EC 44263

- Frederick Williams Jr., Elementary Physical Education Teacher

**FINANCIAL**

**Unaudited  
Actuals  
Financial  
Report**

David Endo, Chief Business Official, presented a PowerPoint on the 2023-2024 Unaudited Actuals. He reviewed the highlights: unrestricted general funds have an ending balance of \$29.6 million, employees received a 10% salary increase, restricted general funds have an ending balance of \$25.0 million, \$8.1 million in Learning Recovery Emergency Block Grant that supported positions that were hired during the pandemic with COVID funds, enrollment grew by 48, and funded ADA at 5,500.44 but actual ADA was 5,281.57. David then reviewed the general fund budget comparison for the 2023-2024 2<sup>nd</sup> interim to the 2023-2024 unaudited actuals and the unrestricted and restricted general funds. The restricted is healthy, the unrestricted was over funded for ADA. He also reviewed other HESD district funds and said all are very healthy. Lastly he reviewed 'looking forward' to: Statewide fiscal emergency declared, 2024-25 State budget defers \$4 billion into 2025-26 (estimated to be \$3.8 million for HESD), 2024-25 budget clarified Expanded Learning Opportunities Program (ELOP), penalties and limited carryover to two years, 2024-25 funded ADA projected to decline 151 ADA is budgeted with the prior year ADA guarantee, all COVID funding expires on September 30, 2024, and over \$4.9 million of one-time funding included in the adopted 24-25 HESD budget.

- a) Trustee Garcia made a motion to approve the Unaudited Actuals Financial Report. Trustee Revious seconded; motion carried 3-0:  
Garcia – Yes

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

**Resolution # 04-25** b) Trustee Garcia made a motion adopt Resolution #04-25: which allows the District to self-certify its micro-purchase threshold to \$50,000. Trustee Revious seconded; motion carried 3-0:

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

**Exemption – Teacher’s Salaries** c) Trustee Revious made a motion to approve the request for exemption from the required expenditures for classroom teacher’s salaries. Trustee Garcia seconded; motion carried 3-0:

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

**Resolution #5-25** d) Trustee Garcia made a motion adopt Resolutions #05-25: Gann Limit. Trustee Revious seconded; motion carried 3-0:

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

**Government Accounting Standard 31 Report** e) Trustee Revious made a motion to approve the Kings County’s Government Accounting Standard 31 Report. Trustee Garcia seconded; motion carried 3-0:

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

**Kings County Treasurer’s Report** f) Trustee Revious made a motion to approve the Kings County Treasurer’s Quarterly Compliance Report. Trustee Garcia seconded; motion carried 3-0:

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

**Lincoln Classroom Wing** g) Trustee Garcia made a motion to approve the audit report of the Lincoln Classroom Wing Project Number 50/63917-00-005. Trustee Revoius seconded; motion carried 3-0:  
Garcia – Yes  
Garner – Absent  
Hernandez – Absent  
Revious – Yes  
Strickland – Yes

**Adjournment** There being no further business, President Strickland adjourned the meeting at 6:36 p.m.

Respectfully submitted,

Joy C. Gabler,  
Secretary to the Board of Trustees

Approved:

\_\_\_\_\_  
Greg Strickland, President

\_\_\_\_\_  
Lupe Hernandez, Clerk

No	Reason	A/D	Sch Req'd	Home Sch	Date
I-001	HESD E	D	Simas	Pioneer	9/03/2024
I-002	O	D	Simas	Pioneer	9/03/2024
I-003	O	A	Simas	Pioneer	9/03/2024
I-004	FLI	A	Jefferson	Lemoore	9/03/2024
I-005	HESD E	A	Monroe	Fowler	9/03/2024
I-006	O	A	Hamilton	Pioneer	9/03/2024
I-007	O	A	Hamilton	Pioneer	9/03/2024
I-008	HESD E	A	Hamilton	Lemoore	9/03/2024
I-009	HESD E	A	Hamilton	Pioneer	9/03/2024
I-010	O	A	Kennedy	Pioneer	9/03/2024
I-011	E	A	Richmond	Lemoore	9/03/2024
I-012	E	A	Richmond	Lemoore	9/03/2024
I-013	HESD E	A	Richmond	Visalia	9/03/2024
I-014	O	A	Richmond	Kit Carson	9/03/2024
I-015	CC	A	Richmond	Kit Carson	9/03/2024
I-016	CC	A	Richmond	Avenal	9/03/2024
I-017	CC	A	Richmond	Avenal	9/03/2024
I-018	CC	A	Richmond	Pioneer	9/03/2024
I-019	CC	A	Richmond	Pioneer	9/03/2024
I-020	O	A	Richmond	Kit Carson	9/03/2024
I-021	O	A	Richmond	Kit Carson	9/03/2024
I-022	O	A	Kennedy	Armona	9/03/2024
I-023	O	A	Richmond	Armona	9/03/2024

I-024	O	A	Richmond	Armona	9/03/2024
I-025	E	A	Lincoln	Armona	9/03/2024
I-026	E	A	Lincoln	Armona	9/03/2024
I-027	E	A	Lincoln	Armona	9/03/2024
I-028	CC	A	Kennedy	Armona	9/03/2024
I-029	CC	A	Lincoln	Armona	9/03/2024
I-030	HESD E	A	King	Pioneer	9/03/2024
I-031	HESD E	A	King	Pioneer	9/03/2024
I-032	O	A	King	Armona	9/03/2024
I-033	HESD E	A	King	Visalia	9/03/2024
I-034	E	A	King	Huron	9/03/2024
I-035	E	A	King	Huron	9/03/2024
I-036	CC	A	King	Pioneer	9/03/2024
I-037	CC	A	King	Armona	9/03/2024
I-038	CC	A	Monroe	Lemoore	9/03/2024
I-039	O	A	Monroe	Armona	9/03/2024
I-040	O	A	Monroe	Armona	9/03/2024
I-041	HESD E	A	Monroe	Pioneer	9/03/2024
I-042	HESD E	A	Monroe	Pioneer	9/03/2024
I-043	CC	A	Monroe	KRH	9/03/2024
I-044	CC	A	Monroe	KRH	9/03/2024
I-045	CC	A	Monroe	KRH	9/03/2024
I-046	O	A	Monroe	Pioneer	9/03/2024

INTER IN/OUT TRANSFER REQUESTS

I-047	O	A	Monroe	Pioneer	9/03/2024
I-048	O	A	Monroe	Pioneer	9/03/2024
I-049	O	A	Monroe	Pioneer	9/03/2024
I-050	O	A	Monroe	Pioneer	9/03/2024
I-051	O	A	Monroe	Pioneer	9/03/2024
I-052	O	A	Roosevelt	Armona	9/03/2024
I-053	E	A	Roosevelt	Tulare	9/03/2024
I-054	E	A	Roosevelt	Armona	9/03/2024
I-055	E	A	Roosevelt	Visalia	9/03/2024
I-056	CC	A	Simas	Pioneer	9/03/2024
I-057	O	A	Simas	Pioneer	9/03/2024
I-058	O	A	Simas	Pioneer	9/03/2024
I-059	O	A	Simas	Pioneer	9/03/2024
I-060	O	A	Simas	Visalia	9/03/2024
I-061	O	A	Simas	Visalia	9/03/2024
I-062	O	A	Simas	KRH	9/03/2024
I-063	O	A	Simas	KRH	9/03/2024
I-064	O	A	Simas	KRH	9/03/2024
I-065	CC	A	Simas	Armona	9/03/2024
I-066	O	A	Simas	Pioneer	9/03/2024
I-067	O	A	Simas	Pioneer	9/03/2024
I-068	CC	A	Simas	Armona	9/03/2024
I-069	O	A	Wilson	Armona	9/03/2024



INTER IN/OUT TRANSFER REQUESTS

I-070	O	A	Simas	Armona	9/03/2024
I-071	O	A	Simas	Lakeside	9/03/2024
I-072	O	A	Simas	Armona	9/03/2024
I-073	O	A	Simas	Armona	9/03/2024
I-074	HESD E	A	Wilson	Armona	9/03/2024
I-075	HESD E	A	Simas	Armona	9/03/2024
I-076	E	A	Simas	Pioneer	9/03/2024
I-077	E	A	Simas	Pioneer	9/03/2024
I-078	HESD E	A	Simas	Tulare	9/03/2024
I-079	HESD E	A	Simas	Tulare	9/03/2024
I-080	HESD E	A	Simas	Tulare	9/03/2024
I-081	HESD E	A	Simas	Pioneer	9/03/2024
I-082	E	A	Washington	Pioneer	9/03/2024
I-083	E	A	Washington	Pioneer	9/03/2024
I-084	E	A	Washington	Armona	9/03/2024
I-085	HESD E	A	Washington	Armona	9/03/2024
I-086	HESD E	A	Washington	Armona	9/03/2024
I-087	HESD E	A	Washington	Armona	9/03/2024
I-088	HESD E	A	Washington	Pioneer	9/03/2024
I-089	O	A	Wilson	Pioneer	9/03/2024
I-090	O	A	Wilson	Pioneer	9/03/2024
I-091	CC	A	Wilson	Armona	9/03/2024
I-092	CC	A	Wilson	Armona	9/03/2024

I-093	E	A	Wilson	Avenal	9/03/2024
I-094	E	A	Wilson	Avenal	9/03/2024
I-095	O	A	Wilson	Armona	9/03/2024
I-096	O	A	Roosevelt	Armona	9/03/2024
I-097	HESD E	A	Simas	Pioneer	9/03/2024
I-098	O	A	Hamilton	Kit Carson	9/03/2024
I-099	CC	D	Wilson	Lakeside	9/03/2024
I-100	CC	A	Washington	Lakeside	9/03/2024
I-101	CC	A	Washington	Lakeside	9/03/2024
I-102	CC	A	Washington	Lakeside	9/03/2024
I-103	CC	A	Lincoln	Lakeside	9/03/2024
I-104	FLI	A	Jefferson	Lemoore	9/03/2024
I-105	FLI	A	Jefferson	Pioneer	9/03/2024
I-106	FLI	A	Jefferson	Pioneer	9/03/2024
I-107	FLI	A	Jefferson	Pioneer	9/03/2024
I-108	HESD E	A	Roosevelt	Parlier	9/03/2024
I-109	FLI	A	Jefferson	Lemoore	9/03/2024
I-110	CC	A	King	Armona	9/03/2024
I-111	CC	A	Monroe	Pioneer	9/03/2024
I-112	CC	A	Wilson	Lakeside	9/03/2024
I-113	CC	A	Wilson	Armona	9/03/2024
I-114	HESD E	A	Simas	Tulare	9/03/2024
I-115	O	A	Washington	Pioneer	9/03/2024

I-116	FLY	A	Kennedy	Pionner	9/03/2024
I-117	O	A	Lincoln	Armona	9/03/2024
I-118	CC	A	Hamilton	Kit Carson	9/03/2024
I-119	O	A	Monroe	Pioneer	9/03/2024
I-120	HESD E	A	Richmond	Pioneer	9/03/2024
I-121	FLI	A	Jefferson	Fowler	9/03/2024
I-122	FLI	A	Jefferson	Armona	9/03/2024
I-123	FLI	A	Jefferson	Armona	9/03/2024
I-124	FLI	A	Jefferson	Pioneer	9/03/2024
I-125	FLI	A	Jefferson	Armona	9/03/2024
I-126	FLI	A	Jefferson	Armona	9/03/2024
I-127	FLI	A	Jefferson	Armona	9/03/2024
I-128	FLI	A	Jefferson	Pioneer	9/03/2024
I-129	O	A	Monroe	Armona	9/03/2024
I-130	O	A	Monroe	Armona	9/03/2024
I-131	CC	A	Roosevelt	Lemoore	9/03/2024
I-132	O	D	Hamilton	Armona	9/03/2024
I-133	O	D	Wilson	Pioneer	9/03/2024
I-134	O	A	Simas	Pioneer	9/03/2024
I-135	HESD E	A	Simas	Lemoore	9/03/2024
I-136	HESD E	A	Simas	Lemoore	9/03/2024
I-137	HESD E	A	Simas	Lemoore	9/03/2024
I-138	O	A	Lincoln	Kit Carson	9/03/2024

I-139	O	A	Lincoln	Kit Carson	9/03/2024
I-140	O	A	Lincoln	Kit Carson	9/03/2024
I-141	O	A	Lincoln	Kit Carson	9/03/2024
I-142	HESD E	A	Monroe	Pioneer	9/03/2024
I-143	HESD E	A	Monroe	Lemoore	9/03/2024
I-144	HESD E	A	Monroe	Selma	9/03/2024
I-145	HESD E	A	Richmond	Visalia	9/03/2024
I-146	HESD E	A	Richmond	Visalia	9/03/2024
I-147	O	A	Kennedy	Lakeside	9/03/2024
I-148	CC	A	Hamilton	Armona	9/03/2024
I-149	O	A	Richmond	Armona	9/03/2024
I-150	CC	A	Richmond	Pioneer	9/03/2024
I-151	O	D	Washington	Armona	9/03/2024
I-152	O	A	Washington	Armona	9/03/2024
I-153	O	A	Roosevelt	Armona	9/03/2024
I-154	O	A	Roosevelt	Armona	9/03/2024
I-155	E	A	Washington	Lemoore	9/03/2024
I-156	E	A	Washington	Lemoore	9/03/2024
I-157	O	A	Kennedy	Armona	9/03/2024
I-158	O	A	Washington	Armona	9/03/2024
I-159	O	D	Washington	Armona	9/03/2024
I-160	CC	A	King	Armona	9/03/2024
I-161	CC	A	King	Armona	9/03/2024

I-162	O	A	Roosevelt	Armona	9/03/2024
I-163	O	A	Washington	Pioneer	9/03/2024
I-164	HESD E	A	Washington	KRH	9/03/2024
I-165	HESD E	A	Washington	Pioneer	9/03/2024
I-166	CC	A	Lincoln	Lakeside	9/03/2024
I-167	CC	A	Lincoln	Lakeside	9/03/2024
I-168	CC	A	Richmond	Armona	9/03/2024
I-169	CC	A	Richmond	Armona	9/03/2024
I-170	CC	A	Richmond	Armona	9/03/2024
I-171	CC	A	Hamilton	Lakeside	9/03/2024
I-172	E	A	Wilson	Armona	9/03/2024
I-173	E	A	Monroe	Armona	9/03/2024
I-174	O	A	Simas	Armona	9/03/2024
I-175	O	A	Monroe	Pioneer	9/03/2024
I-176	O	A	Wilson	Pioneer	9/03/2024
I-177	CC	A	Hamilton	Armona	9/03/2024
I-178	CC	A	Hamilton	Armona	9/03/2024
I-179	O	A	Richmond	Armona	9/03/2024
I-180	CC	A	Simas	Lakeside	9/03/2024
I-181	CC	A	Simas	Lakeside	9/03/2024
I-182	CC	A	Lincoln	Lakeside	9/03/2024
I-183	O	A	Richmond	Armona	9/03/2024
I-184	O	A	Richmond	Armona	9/03/2024

I-185	O	A	Wilson	Armona	9/03/2024
I-186	CC	D	Roosevelt	Armona	9/03/2024
I-187	O	A	Roosevelt	Armona	9/03/2024
I-188	O	A	Roosevelt	Armona	9/03/2024
I-189	O	A	Roosevelt	Armona	9/03/2024
I-190	CC	A	Wilson	Pioneer	9/03/2024
I-191	CC	A	Monroe	Pioneer	9/03/2024
I-192	CC	A	Richmond	Lemoore	9/03/2024
I-193	O	A	Wilson	Pioneer	9/03/2024
I-194	O	A	Lincoln	Pioneer	9/03/2024
I-195	CC	D	Simas	Armona	9/03/2024
I-196	E	A	Monroe	Corcoran	9/03/2024
I-197	HESD E	A	Hamilton	Armona	9/03/2024
I-198	HESD E	A	Hamilton	Armona	9/03/2024
I-199	HESD E	A	Hamilton	Armona	9/03/2024
I-200	O	A	Simas	Pioneer	9/03/2024
I-201	O	A	Simas	Pioneer	9/03/2024
I-202	CC	A	Roosevelt	Armona	9/03/2024
I-203	CC	A	Roosevelt	Armona	9/03/2024
I-204	O	A	Lincoln	Lakeside	9/03/2024
I-205	O	A	Roosevelt	Armona	9/03/2024
I-206	O	A	Simas	Armona	9/03/2024
I-207	O	A	Simas	Armona	9/03/2024

I-208	CC	A	Washington	Visalia	9/03/2024
I-209	O	A	Washington	Pioneer	9/03/2024
I-210	O	SIB	Washington	Pioneer	9/03/2024
I-211	O	A	Kennedy	Lakeside	9/03/2024
I-212	CC	A	Simas	Armona	9/03/2024
I-213	CC	A	Simas	Armona	9/03/2024
I-214	O	A	Simas	Pioneer	9/03/2024
I-215	O	A	Simas	Pioneer	9/03/2024
I-216	CC	A	Simas	Lemoore	9/03/2024
I-217	CC	A	Kennedy	Armona	9/03/2024
I-218	O	A	Wilson	Lakeside	9/03/2024
I-219	O	A	Simas	Pioneer	9/03/2024
I-220	O	A	Simas	Pioneer	9/03/2024
I-221	HESD E	A	Wilson	Kingsburg	9/03/2024
I-222	CC	A	Kennedy	Pioneer	9/03/2024
I-223	CC	A	Washington	Pioneer	9/03/2024
I-224	CC	A	Washington	Pioneer	9/03/2024
I-225	E	A	Roosevelt	Lemoore	9/03/2024
I-226	E	A	Roosevelt	Lemoore	9/03/2024
I-227	E	A	Roosevelt	Lemoore	9/03/2024
I-228	CC	D	Richmond	Lemoore	9/03/2024
I-229	CC	D	Richmond	Lemoore	9/03/2024
I-230	CC	A	Simas	Armona	9/03/2024

I-231	O	A	Simas	Pioneer	9/03/2024
I-232	E	A	Monroe	Armona	9/03/2024
I-233	E	A	Monroe	Armona	9/03/2024
I-234	O	A	Kennedy	Kit Carson	9/03/2024
I-235	O	A	Lincoln	Kit Carson	9/03/2024
I-236	O	A	Lincoln	Lakeside	9/03/2024
I-237	O	A	Lincoln	Lakeside	9/03/2024
I-238	FLI	A	Jefferson	Lemoore	9/03/2024
I-239	O	A	Washington	Armona	9/03/2024

No	Reason	A/D	Sch Req'd	Home Sch	Date
O-001	O	A	Kit Carson	King	9/03/2024
O-002	O	A	Kit Carson	Kennedy	9/03/2024
O-003	O	A	Kit Carson	Kennedy	9/03/2024
O-004	O	A	Kit Carson	King	9/03/2024
O-005	CC	A	Kit Carson	Simas	9/03/2024
O-006	CC	A	Kit Carson	Richmond	9/03/2024
O-007	E	A	Kit Carson	Simas	9/03/2024
O-008	O	A	Kit Carson	King	9/03/2024
O-009	O	A	Kit Carson	King	9/03/2024
O-010	CC	A	Kit Carson	Kennedy	9/03/2024
O-011	CC	A	Kit Carson	Monroe	9/03/2024
O-012	CC	A	Kit Carson	Wailson	9/03/2024
O-013	CC	A	Kit Carson	Kennedy	9/03/2024



O-014	E	A	Kit Carson	Kennedy	9/03/2024
O-015	E	A	Kit Carson	Washington	9/03/2024
O-016	CC	A	Kit Carson	Hamilton	9/03/2024
O-017	CC	A	Kit Carson	Kennedy	9/03/2024
O-018	CC	A	Kit Carson	Kennedy	9/03/2024
O-019	E	A	Kit Carson	Lincoln	9/03/2024
O-020	E	A	Kit Carson	Lincoln	9/03/2024
O-021	O	A	Kit Carson	Hamilton	9/03/2024
O-022	O	A	Kit Carson	Richmond	9/03/2024
O-023	O	A	Kit Carson	Monroe	9/03/2024
O-024	O	A	Kit Carson	Monroe	9/03/2024
O-025	O	A	Kit Carson	Lincoln	9/03/2024
O-026	O	A	Kit Carson	Hamilton	9/03/2024
O-027	O	A	Kit Carson	Simas	9/03/2024
O-028	O	A	Kit Carson	Wilson	9/03/2024
O-029	O	A	Kit Carson	Richmond	9/03/2024
O-030	O	A	Kit Carson	Richmond	9/03/2024
O-031	CC	A	Kit Carson	Monroe	9/03/2024
O-032	CC	A	Kit Carson	Wilson	9/03/2024
O-033	CC	A	Kit Carson	King	9/03/2024
O-034	CC	A	Kit Carson	Monroe	9/03/2024
O-035	CC	A	Kit Carson	Monroe	9/03/2024
O-036	E	A	Kit Carson	Richmond	9/03/2024

## INTER IN/OUT TRANSFER REQUESTS

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O-037	E	A	Kit Carson	Richmond	9/03/2024
O-038	O	A	Kit Carson	King	9/03/2024
O-039	O	A	Kit Carson	Kennedy	9/03/2024
O-040	O	A	Kit Carson	King	9/03/2024
O-041	O	A	Kit Carson	Simas	9/03/2024
O-042	CC	A	Kit Carson	Washington	9/03/2024
O-043	CC	A	Kit Carson	Kennedy	9/03/2024
O-044	CC	A	Kit Carson	Washington	9/03/2024
O-045	O	A	Kit Carson	Kennedy	9/03/2024
O-046	CC	A	Kit Carson	Simas	9/03/2024
O-047	CC	A	Kit Carson	Wilson	9/03/2024
O-048	E	A	Kit Carson	Washington	9/03/2024
O-049	E	A	Kit Carson	Kennedy	9/03/2024
O-050	CC	A	Lemoore	Hamilton	9/03/2024
O-051	CC	A	Lemoore	Hamilton	9/03/2024
O-052	CC	A	Lemoore	King	9/03/2024
O-053	CC	A	Lemoore	King	9/03/2024
O-054	CC	A	Lemoore	Lincoln	9/03/2024
O-055	CC	A	Kit Carson	Wilson	9/03/2024
O-056	O	A	Kit Carson	Washington	9/03/2024
O-057	CC	A	Lemoore	King	9/03/2024
O-058	CC	A	Lemoore	Roosevelt	9/03/2024
O-059	O	A	Armona	Richmond	9/03/2024

## INTER IN/OUT TRANSFER REQUESTS

O-060	O	A	Armona	Richmond	9/03/2024
O-061	O	A	Lemoore	Monroe	9/03/2024
O-062	O	A	Armona	Monroe	9/03/2024
O-063	O	A	Armona	Monroe	9/03/2024
O-064	O	A	Kingsburg	Wilson	9/03/2024
O-065	O	A	Kingsburg	Simas	9/03/2024
O-066	O	A	Armona	Lincoln	9/03/2024
O-067	O	A	Alta Sierra	Wilson	9/03/2024
O-068	CC	A	Clovis	Hamilton	9/03/2024
O-069	O	A	Armona	Kennedy	9/03/2024
O-070	O	A	Armona	King	9/03/2024
O-071	O	A	Armona	King	9/03/2024
O-072	O	A	KRH	King	9/03/2024
O-073	CC	A	Kit Carson	Roosevelt	9/03/2024
O-074	O	A	Kit Carson	Washington	9/03/2024
O-075	O	A	Pioneer	Simas	9/03/2024
O-076	O	A	Kit Carson	Hamilton	9/03/2024
O-077	O	A	Armona	Monroe	9/03/2024
O-078	O	A	Armona	Monroe	9/03/2024
O-079	CC	A	Kit Carson	Wilson	9/03/2024
O-080	CC	A	Lemoore	Monroe	9/03/2024
O-081	CC	A	Lemoore	Monroe	9/03/2024
O-082	O	A	Visalia	Richmond	9/03/2024

O-083	O	A	Riverdale	Simas	9/03/2024
O-084	O	A	Riverdale	Simas	9/03/2024
O-085	O	A	Lemoore	Hamilton	9/03/2024
O-086	CC	A	Kit Carson	King	9/03/2024
O-087	CC	A	Kit Carson	King	9/03/2024
O-088	O	A	Armona	Wilson	9/03/2024
O-089	O	A	Armona	Roosevelt	9/03/2024
O-090	O	A	Armona	Roosevelt	9/03/2024
O-091	O	A	Kit Carson	Washington	9/03/2024
O-092	O	A	Kit Carson	Kennedy	9/03/2024
O-093	CC	A	Armona	Washington	9/03/2024
O-094	CC	A	Kit Carson	Washington	9/03/2024
O-095	O	A	Kit Carson	Kennedy	9/03/2024
O-096	O	A	Kit Carson	Monroe	9/03/2024
O-097	O	A	Kit Carson	Monroe	9/03/2024
O-098	O	A	Kit Carson	Monroe	9/03/2024
O-099	O	A	Kit Carson	Wilson	9/03/2024
O-100	CC	A	Kit Carson	King	9/03/2024
O-101	CC	A	Kit Carson	King	9/03/2024
O-102	CC	A	Kit Carson	King	9/03/2024
O-103	CC	A	Kit Carson	Washington	9/03/2024
O-104	O	A	Kit Carson	Washington	9/03/2024
O-105	O	A	Kit Carson	Kennedy	9/03/2024

O-106	O	A	Kit Carson	Lincoln	9/03/2024
O-107	O	A	Kit Carson	Kennedy	9/03/2024
O-108	O	A	Kit Carson	Lincoln	9/03/2024
O-109	E	A	Kit Carson	Wahington	9/03/2024
O-110	O	A	Kit Carson	Richmond	9/03/2024
O-111	O	A	Kit Carson	Kennedy	9/03/2024
O-112	O	A	Kit Carson	Richmond	9/03/2024
O-113	E	A	Lakeside	Richmond	9/03/2024
O-114	O	A	Armona	Simas	9/03/2024
O-115	E	A	Lakeside	Richmond	9/03/2024
O-116	CC	A	Lemoore	Monroe	9/03/2024
O-117	O	A	Pioneer	Kennedy	9/03/2024
O-118	O	A	Kit Carson	Kennedy	9/03/2024
O-119	O	A	Kit Carson	Kennedy	9/03/2024
O-120	O	A	Kit Carson	Richmond	9/03/2024
O-121	CC	A	Lemoore	Monroe	9/03/2024
O-122	O	A	Kit Carson	Kennedy	9/03/2024
O-123	O	A	Kit Carson	Kennedy	9/03/2024
O-124	CC	A	Armona	Roosevelt	9/03/2024
O-125	O	A	Kit Carson	Lincoln	9/03/2024
O-126	CC	A	Armona	Roosevelt	9/03/2024
O-127	O	A	Kit Carson	Lincoln	9/03/2024
O-128	CC	A	Armona	Lincoln	9/03/2024

O-129	CC	A	Armona	Lincoln	9/03/2024
O-130	O	A	Armona	King	9/03/2024
O-131	O	A	Armona	King	9/03/2024
O-132	CC	A	Kit Carson	Washington	9/03/2024
O-133	O	A	Pioneer	Kennedy	9/03/2024
O-134	CC	A	Kit Carson	Washington	9/03/2024
O-135	E	A	Kit Carson	Wilson	9/03/2024
O-136	E	A	Kit Carson	Roosevelt	9/03/2024
O-137	O	A	Tulare	Wilson	9/03/2024
O-138	O	A	Kit Carson	Hamilton	9/03/2024
O-139	O	A	Kit Carson	Hamilton	9/03/2024
O-140	O	A	Kit Carson	Kennedy	9/03/2024
O-141	O	A	Kit Carson	Wilson	9/03/2024
O-142	O	A	Kit Carson	Lincoln	9/03/2024
O-143	O	A	Kit Carson	Lincoln	9/03/2024
O-144	O	A	Kit Carson	Wilson	9/03/2024
O-145	O	A	Kit Carson	Lincoln	9/03/2024
O-146	O	A	Kit Carson	Wilson	9/03/2024
O-147	O	A	Kit Carson	Washington	9/03/2024
O-148	O	A	Kit Carson	Monroe	9/03/2024
O-149	O	A	Kit Carson	Wilson	9/03/2024
O-150	CC	A	Kit Carson	Kennedy	9/03/2024
O-151	CC	A	Kit Carson	Richmond	9/03/2024

O-152	O	A	Kit Carson	Lincoln	9/03/2024
O-153	CC	A	Armona	Richmond	9/03/2024
O-154	CC	A	Armona	Richmond	9/03/2024
O-155	CC	A	Lemoore	Wilson	9/03/2024
O-156	O	A	KRH/Kit Carson	Monroe	9/03/2024
O-157	CC	A	Lemoore	Simas	9/03/2024
O-158	CC	A	VUSD	Monroe	9/03/2024
O-159	O	A	Armona	Richmond	9/03/2024
O-160	E	A	Lemoore	Monroe	9/03/2024
O-161	E	A	Lemoore	Monroe	9/03/2024
O-162	O	A	Pioneer	Kennedy	9/03/2024
O-163	E	A	Pioneer	Simas	9/03/2024
O-164	CC	A	Pioneer	Kennedy	9/03/2024
O-165	CC	A	Pioneer	Hamilton	9/03/2024
O-166	O	A	Pioneer	Richmond	9/03/2024
O-167	O	A	Pioneer	Wilson	9/03/2024
O-168	E	A	Lemoore	Wilson	9/03/2024
O-169	E	A	Lemoore	Wilson	9/03/2024
O-170	O	A	Lemoore	King	9/03/2024
O-171	O	A	Armona	King	9/03/2024
O-172	CC	A	Armona	Monroe	9/03/2024
O-173	O	A	Pioneer	Wilson	9/03/2024
O-174	O	A	Lemoore	Monroe	9/03/2024

## INTER IN/OUT TRANSFER REQUESTS

O-175	O	A	Lemoore	Monroe	9/03/2024
O-176	O	A	Pioneer	Wilson	9/03/2024
O-177	O	A	Pioneer	Wilson	9/03/2024
O-178	O	A	Pioneer	Monroe	9/03/2024
O-179	O	A	Caruthers	Simas	9/03/2024
O-180	O	A	Caruthers	Simas	9/03/2024
O-181	O	A	Kit Carson	Monroe	9/03/2024
O-182	O	A	Armona	Kennedy	9/03/2024
O-183	O	A	Lemoore	Washington	9/03/2024
O-184	O	A	Armona	Wilson	9/03/2024
O-185	O	A	Armona	Wilson	9/03/2024
O-186	O	A	Armona	Monroe	9/03/2024
O-187	O	A	Armona	Monroe	9/03/2024
O-188	O	A	Visalia	Richmond	9/03/2024
O-189	CC	A	Laton	Washington	9/03/2024



## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Cristy Goins

DATE: 8/30/24

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: 9/11/24

**ITEM:** Consider approval of donation of alto saxophone from Jaime Martinez to JFK Band Program.

**PURPOSE:** Provide instrument for student use.

**FISCAL IMPACT:** None

**RECOMMENDATIONS:** Approve

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jill Rubalcava

DATE: August 20, 2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Administrative Regulation 5121 Grades/Evaluation of Student Achievement

**PURPOSE:** AR 5121 - Grades/Evaluation of Student Achievement, updated to reflect current practices

**FISCAL IMPACT:** none

**RECOMMENDATIONS:** Information Item

**Regulation 5121: Grades/Evaluation Of Student Achievement**

**Status:** ADOPTED

**Original Adopted Date:** 05/20/2009 | **Last Revised Date:** 05/10/2017 | **Last Reviewed Date:** 05/10/2017

The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors.

Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

**Grades for Academic Performance**

For grades TK-2, students' level of progress for each grading period shall be reported as follows:

- A At or Above without Assistance
- M Minimal Assistance Needed
- P Progressing
- N Needs Improvement
- X Not Yet Covered

For grades 3-6 grades for academic performance shall be reported for each grading period as follows:

- A At or Above Grade Level
- M Meets Most of the Standards
- P Progressing
- N Needs Improvement
- X Not Yet Covered

For grades 7-8, grades for academic performance shall be reported for each grading period as follows:

- A Excellent 4.0 grade points

- B Above Average 3.0 grade points
- C Average 2.0 grade points
- D Minimal Progress 1.0 grade points
- F No Progress 0 grade points
- X Not Yet Covered 0 grade points

An Incomplete shall be given only when a student's work is not finished by the end of the grading period because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

### **Grades for Physical Education**

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

Students in grades 7 and 8 desiring to participate in extra/co-curricular activities must:

1. Earn at least a 2.0 grade point average
2. Have no more than one "F"
3. Have no more than five citations and/or four days of suspension

### **Grades for Citizenship and Work Habits**

In grades K - 6, grades for work habits and social skills shall be reported each marking period as follows:

- C Consistently
- MT Most of the Time
- S Sometimes
- R Rarely

In grades 7 & 8, grades for work habits and social skills shall be reported each marking period as follows:

- O Outstanding Progress
- G Good Progress
- S Some Progress
- L Little Progress
- N No progress

### **Peer Grading**

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

### **Effect of Absences on Grades**

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

### **Effect of Absences on Grades**

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade, it shall be based solely on the quality of the student's academic work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, portfolios, and/or class discussion as appropriate. The teacher may note the impact of excessive absences on learning, progress and work completion. However, elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade; they are reported separately.

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

~~If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)~~

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

### **Grade Point Average**

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Academic Performance" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed.

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State**

5 CCR 10060

5 CCR 30008

#### **Description**

Criteria for high school physical education programs

Definition of high school grade point average for student aid eligibility

Ed. Code 48070	<a href="#">Promotion and retention</a>
Ed. Code 48205	<a href="#">Excused absences</a>
Ed. Code 48800-48802	<a href="#">Enrollment of gifted students in community college</a>
Ed. Code 48904-48904.3	<a href="#">Withholding grades, diplomas, or transcripts</a>
Ed. Code 49066	<a href="#">Grades; finalization; physical education class</a>
Ed. Code 49067	<a href="#">Mandated regulations regarding student's achievement</a>
Ed. Code 49069.5	<a href="#">Students in foster care; grades and credits</a>
Ed. Code 51242	<a href="#">Exemption from physical education based on participation in interscholastic athletics</a>
Ed. Code 69432.9	<a href="#">Cal Grant program; notification of grade point average</a>
Ed. Code 76000-76002	<a href="#">Enrollment in community college</a>
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.67	Family Educational Rights and Privacy
<b>Management Resources</b>	<b>Description</b>
Court Decision	Johnson v. Santa Monica-Malibu Unified School District Board of Education (1986) 179 Cal.App.3d 593
Court Decision	Las Virgenes Educators Association v. Las Virgenes Unified School District (2001) 86 Cal.App.4th 1
Court Decision	Owasso Independent School District v. Falvo (2002) 534 U.S. 426
Court Decision	Swany v. San Ramon Valley Unified School District (1989) 720 F.Supp. 764
CSBA Publication	<a href="#">Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016</a>
U.S. DOE Office for Civil Rights Correspondence	Report Cards and Transcripts for Students with Disabilities, October 17, 2008
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Student Aid Commission</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Department of Education</a>

## Cross References

<b>Code</b>	<b>Description</b>
4127	<a href="#">Temporary Athletic Team Coaches</a>
4127	<a href="#">Temporary Athletic Team Coaches</a>

4131	<a href="#">Staff Development</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4231	<a href="#">Staff Development</a>
4327	<a href="#">Temporary Athletic Team Coaches</a>
4327	<a href="#">Temporary Athletic Team Coaches</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.2	<a href="#">Work Permits</a>
5113.2	<a href="#">Work Permits</a>
5123	<a href="#">Promotion/Acceleration/Retention</a>
5123	<a href="#">Promotion/Acceleration/Retention</a>
5123-E PDF(1)	<a href="#">Promotion/Acceleration/Retention - Promotion Acceleration Retention</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5125.3	<a href="#">Challenging Student Records</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5127	<a href="#">Graduation Ceremonies And Activities</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>

6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6142.7	<a href="#"><u>Physical Education And Activity</u></a>
6142.7	<a href="#"><u>Physical Education And Activity</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6145	<a href="#"><u>Extracurricular And Cocurricular Activities</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6152	<a href="#"><u>Class Assignment</u></a>
6154	<a href="#"><u>Homework/Makeup Work</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6162.5	<a href="#"><u>Student Assessment</u></a>
6162.5	<a href="#"><u>Student Assessment</u></a>
6164.5	<a href="#"><u>Student Success Teams</u></a>
6164.5	<a href="#"><u>Student Success Teams</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6179	<a href="#"><u>Supplemental Instruction</u></a>



## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jill Rubalcava

DATE: August 20, 2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Board Policy 6170.1 Transitional Kindergarten

**PURPOSE:** Board Policy 6170.1 - Transitional Kindergarten Policy updated to clarify age requirements through 25-26 school year and beyond. Update includes an emphasis on collaboration and/or partnerships with the district's existing expanding learning program and relevant community groups to ensure that TK students enrolled in the district have access to full-day learning programs. Additionally, policy was updated to include that average TK class size enrollment does not include students who are continuously enrolled in and meet the minimum day requirements for independent study for more than 14 school days in a school year.

**FISCAL IMPACT:** none**RECOMMENDATIONS:** Information Item

**Policy 6170.1: Transitional Kindergarten**

**Status:** ADOPTED

**Original Adopted Date:** 10/01/2015 | **Last Revised Date:** 9/25/2019 | **Last Reviewed Date:** 9/25/2019

The ~~Governing Board of Trustees~~ desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills ~~they~~ need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. ~~–~~ (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

### Eligibility

The district's TK program shall admit children as follows: (Education Code 48000):

1. For the 2023-24 school year, children whose fifth birthday is ~~from~~ between September 2 and April 2
2. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2
3. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

### Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. ~~–~~ (Education Code 48000)

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The Board shall establish the length(s) of the school day in the district's TK program, which shall be at least three hours but no more than four hours long, including recess but excluding noon intermission, except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be ~~maintained for~~ different lengths of time ~~than the length of the school day for the kindergarten program~~ either at the same or different school sites, ~~as long as the school day is at least three hours but no more than four hours.~~ The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full day, part day, or both. ~~(Education Code 37202, 46111, 46115, 46117, 48003)~~ (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

TK students enrolled in the district will have access to full-day learning programs through the district's expanded learning offerings and/or collaborative partnerships with relevant community groups which may include Head Start programs, and other community-based early learning and care programs.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

### **Staffing**

The district shall maintain an average TK class enrollment of not more than 24 students for each school site, not including students who are continuously enrolled in and meet the minimum day requirement for independent study for more than 14 school days in a school year. (Education Code 48000)

### **Staffing**

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from ~~the Commission on Teacher Credentialing (CTC)~~ that authorizes such instruction.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, ~~2020~~2025, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit or an early childhood specialist credential issued by CTC. ~~—~~ (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children:

Continuation to Kindergarten, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

The district shall maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for

every 10 students commencing with the 2025-26 school year. (Education Code 48000)

### Continuation to Kindergarten

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

A student shall not attend more than two years in kindergarten or a combination of TK and kindergarten. — (Education Code 46300)

### Assessment

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. He/she~~The Superintendent or designee~~ shall monitor and regularly report to the Board regarding program implementation ~~and~~, the progress of students in meeting related academic standards, and student preparedness for future education.

#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 18000-18308	Early Learning and Care Programs
5 CCR 80067	Professional Clear Early Childhood Education Specialist Instruction Credential
Ed. Code 17375	<a href="#">California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program</a>
Ed. Code 33050	Waiver authority and exceptions
Ed. Code 37202	<a href="#">Equal time in all schools</a>
Ed. Code 44065	<a href="#">Issuance of and functions requiring credentials</a>
Ed. Code 44256	<a href="#">Authorization for teaching credentials</a>
Ed. Code 44258.9	<a href="#">County superintendent review of teacher assignment</a>
Ed. Code 44300	<a href="#">Emergency permits</a>
Ed. Code 46111	<a href="#">Kindergarten; hours of attendance</a>
Ed. Code 46114-46119	<a href="#">Minimum school day; kindergarten</a>
Ed. Code 46120	<a href="#">Expanded learning opportunities</a>
Ed. Code 46300	<a href="#">Method of computing average daily attendance</a>
Ed. Code 48000	<a href="#">Minimum age of admission for kindergarten; transitional kindergarten</a>
Ed. Code 48000.15	Early enrollment in transitional kindergarten

Ed. Code 48002	<a href="#">Evidence of minimum age required to enter kindergarten or first grade</a>
Ed. Code 48003	<a href="#">Kindergarten annual report</a>
Ed. Code 48010	<a href="#">Minimum age of admission to first grade</a>
Ed. Code 48011	<a href="#">Promotion/retention following one year of kindergarten</a>
Ed. Code 48200	<a href="#">Compulsory attendance</a>
Ed. Code 8203.3	Development of pre-kindergarten learning development guidelines
Ed. Code 8207	<a href="#">California State Preschool Program administration</a>
Ed. Code 8241	<a href="#">Staffing ratios for center-based program</a>
Ed. Code 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8970-8974	<a href="#">Early primary program, including extended-day kindergarten</a>
<b>Management Resources</b>	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023</a>
California Department of Education Publication	<a href="#">Universal Prekindergarten FAQs</a>
California Department of Education Publication	<a href="#">Transitional Kindergarten FAQs</a>
California Department of Education Publication	<a href="#">Desired Results Developmental Profile: A Developmental Continuum from Early Infancy up to Kindergarten Entry, 2015</a>
California Department of Education Publication	<a href="#">California Preschool Curriculum Framework, Vol. 1, 2010</a>
California Department of Education Publication	<a href="#">California Preschool Curriculum Framework, Vol. 2, 2011</a>
California Department of Education Publication	<a href="#">California Preschool Curriculum Framework, Vol. 3, 2013</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations, Vol. 1, 2008</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations, Vol. 2, 2010</a>
California Department of Education Publication	<a href="#">California Preschool Learning Foundations, Vol. 3, 2012</a>
CSBA Publication	<a href="#">Advancing Universal Transitional Kindergarten, April 2022</a>
CSBA Publication	<a href="#">The Importance of Early Childhood Education Programs, September 2019</a>
Website	<a href="#">California Department of Education, Universal PreKindergarten, California's Great Start</a>

Website	<a href="#">California Office of Administrative Law</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Transitional Kindergarten California</a>
Website	<a href="#">California Kindergarten Association</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>

## Cross References

Code	Description
0500	<del>Accountability</del> Accountability
1220	<del>Citizen Advisory Committees</del> Citizen Advisory Committees
1220	<del>Citizen Advisory Committees</del> Citizen Advisory Committees
4112.2	<del>Certification</del> Certification
4112.2	<del>Certification</del> Certification
4131	<del>Staff Development</del> Staff Development
5111	<del>Admission</del> Admission
5111	<del>Admission</del> Admission
5111.1	<del>District Residency</del> District Residency
5111.1	<del>District Residency</del> District Residency
5123	<del>Promotion/Acceleration/Retention</del> Promotion/Acceleration/Retention
5123	<del>Promotion/Acceleration/Retention</del> Promotion/Acceleration/Retention
<del>5123-E PDF(1)</del>	<del>Promotion/Acceleration/Retention – Promotion Acceleration Retention</del>
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.3	<del>Health Examinations</del> Health Examinations
5141.3	<del>Health Examinations</del> Health Examinations
5141.31	<del>Immunizations</del> Immunizations
5141.31	<del>Immunizations</del> Immunizations
5141.32	<del>Health Screening For School Entry</del> Health Screening For School Entry
5145.6	<del>Parent/Guardian Notifications</del> Parent/Guardian Notifications
5145.6-E(1)	<del>Parent/Guardian Notifications</del> Parent/Guardian Notifications
5148.2	<del>Before/After School Programs</del> Before/After School Programs

5148.2	<del>Before/After School Programs</del> <u>Before/After School Programs</u>
<u>5148.3</u>	<u>Preschool/Early Childhood Education</u>
<u>5148.3</u>	<u>Preschool/Early Childhood Education</u>
6011	<u>Academic Standards</u> <u>Academic Standards</u>
6020	<u>Parent Involvement</u> <u>Parent Involvement</u>
6020	<u>Parent Involvement</u> <u>Parent Involvement</u>
6111	<u>School Calendar</u> <u>School Calendar</u>
<del>6111</del>	<u>School Calendar</u>
6112	<u>School Day</u> <u>School Day</u>
6112	<u>School Day</u> <u>School Day</u>
6141	<u>Curriculum Development And Evaluation</u> <u>Curriculum Development And Evaluation</u>
<u>6141</u>	<u>Curriculum Development And Evaluation</u>
6151	<u>Class Size</u> <u>Class Size</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection And Evaluation Of Instructional Materials</u>
<del>6162.5</del> <u>6161.1</u>	<u>Student Assessment</u> <u>Selection And Evaluation Of Instructional Materials</u>
6162.5	<u>Student Assessment</u> <u>Student Assessment</u>
6174	<u>Education For English Learners</u> <u>Education For English Learners</u>
6174	<u>Education For English Learners</u> <u>Education For English Learners</u>

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jill Rubalcava

DATE: August 20, 2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Board Policy 6179 Supplemental Instruction

**PURPOSE:** Board Policy 6179 - Supplemental Instruction- Minor language revisions identifying manner in which opportunities for remedial instruction will be provided to students recommended or identified as at risk for retention.

**FISCAL IMPACT:** none

**RECOMMENDATIONS:** Information Item



**Policy 6179: Supplemental Instruction**

**Status:** ADOPTED

**Original Adopted Date:** ~~04/27/2016~~12/01/2015 | **Last Revised Date:** 11/9/2016 | **Last Reviewed Date:** 11/9/2016

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the district in meeting its goals for student achievement.

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

When determined to be necessary by the principal or designee and when written parent/guardian consent is obtained for the student's participation, a student may be required to participate in supplemental instruction outside the regular school day. ~~In such cases, written parent/guardian consent shall be obtained for the student's participation.~~

Supplemental instruction shall be offered to students who are recommended for retention, or are identified as being at risk for retention, at their current grade level. (Education Code 48070.5)

In addition, supplemental instruction may be offered to:

~~Supplemental instruction shall be offered to students in grades 2-9 who have been retained or recommended for retention at their current grade level. (Education Code 37252.2, 48070.5)~~

~~The district shall offer alternative supports designed to increase the academic achievement of socioeconomically disadvantaged students attending schools identified by the California Department of Education for program improvement for two or more consecutive years.~~

~~In addition, supplemental instruction may be offered to:~~

~~1. Students who are identified as being at risk for retention based on state assessment results, grades, or other indicators~~

1. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards

### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11470-11472	Summer school
Ed. Code 37200	<a href="#">School calendar</a>
Ed. Code 37223	<a href="#">Weekend classes</a>
Ed. Code 37252-37254.1	Supplemental instruction
Ed. Code 42238.01-42238.07	<a href="#">Local control funding formula</a>
Ed. Code 46100	<a href="#">Length of school day</a>
Ed. Code 48070-48070.5	<a href="#">Promotion and retention</a>
Ed. Code 48200	<a href="#">Minimum school day</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 51210	<a href="#">Course of study for grades 1-6</a>
Ed. Code 51220-51228	<a href="#">Courses of study; secondary schools</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>
Ed. Code 60603	<a href="#">Definition; recently arrived English learner</a>
Ed. Code 60640-60648.5	<a href="#">California Assessment of Student Performance and Progress</a>
Management Resources	Description
California Department of Education Publication	Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

### Cross References

Code	Description
0415	<del>Equity</del> Equity

0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
5113.1	<del>Chronic Absence And Truancy</del> Chronic Absence And Truancy
5113.1	<del>Chronic Absence And Truancy</del> Chronic Absence And Truancy
5121	<del>Grades/Evaluation Of Student Achievement</del> Grades/Evaluation Of Student Achievement
5121	<del>Grades/Evaluation Of Student Achievement</del> Grades/Evaluation Of Student Achievement
5123	<del>Promotion/Acceleration/Retention</del> Promotion/Acceleration/Retention
5123	<del>Promotion/Acceleration/Retention</del> Promotion/Acceleration/Retention
<del>5123-E PDF(1)</del>	<del>Promotion/Acceleration/Retention – Promotion Acceleration Retention</del>
5147	<del>Dropout Prevention</del> Dropout Prevention
5148.2	<del>Before/After School Programs</del> Before/After School Programs
5148.2	<del>Before/After School Programs</del> Before/After School Programs
6000	<del>Concepts And Roles</del> Concepts And Roles
6011	<del>Academic Standards</del> Academic Standards
6111	<del>School Calendar</del> School Calendar
<del>6111</del>	<del>School Calendar</del>
6112	<del>School Day</del> School Day
6112	<del>School Day</del> School Day
<del>6120</del>	<del>Response To Instruction And Intervention</del>
6141	<del>Curriculum Development And Evaluation</del> Curriculum Development And Evaluation
<del>6141</del>	<del>Curriculum Development And Evaluation</del>
6142.6	<del>Visual And Performing Arts Education</del> Visual And Performing Arts Education
6142.7	<del>Physical Education And Activity</del> Physical Education And Activity
6142.7	<del>Physical Education And Activity</del> Physical Education And Activity
6142.91	<del>Reading/Language Arts Instruction</del> Reading/Language Arts Instruction
6142.92	<del>Mathematics Instruction</del> Mathematics Instruction
6142.93	<del>Science Instruction</del> Science Instruction
6142.94	<del>History-Social Science Instruction</del> History-Social Science Instruction

<u>6146.1</u>	<u>High School Graduation Requirements</u>
<u>6146.5</u>	<u>Elementary/Middle School Graduation Requirements</u>
<u>6152.1</u>	<u>Placement In Mathematics Courses</u>
<u>6152.1</u>	<u>Placement In Mathematics Courses</u>
6162.51	<del>State Academic Achievement Tests</del> <u>State Academic Achievement Tests</u>
6162.51	<del>State Academic Achievement Tests</del> <u>State Academic Achievement Tests</u>
6164.5	<del>Student Success Teams</del> <u>Student Success Teams</u>
6164.5	<del>Student Success Teams</del> <u>Student Success Teams</u>
6173	<del>Education For Homeless Children</del> <u>Education For Homeless Children</u>
6173	<del>Education For Homeless Children</del> <u>Education For Homeless Children</u>
<u>6173-E(1)</u>	<u>Education For Homeless Children</u>
<u>6173-E(2)</u>	<u>Education For Homeless Children</u>
6173.1	<del>Education For Foster Youth</del> <u>Education For Foster Youth</u>
6173.1	<del>Education For Foster Youth</del> <u>Education For Foster Youth</u>
6173.2	<del>Education Of Children Of Military Families</del> <u>Education Of Children Of Military Families</u>
6173.2	<del>Education Of Children Of Military Families</del> <u>Education Of Children Of Military Families</u>
<u>6173.4</u>	<u>Education For American Indian Students</u>
<u>6176</u>	<u>Weekend/Saturday Classes</u>
6177	<del>Summer Learning Programs</del> <u>Summer Learning Programs</u>
<u>6184</u>	<u>Continuation Education</u>
<u>6184</u>	<u>Continuation Education</u>

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jaime Martinez

DATE: 8/30/24

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: 9/11/24

**ITEM:** Receive for Information Revised Board Policy and Administrative Regulation:  
 4030 - Nondiscrimination in Employment

**PURPOSE:** Policy updated to reflect NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect NEW LAW (SB 700, 2023) which prohibits the district from discriminating against an employee in termination, or any term or condition of employment, or otherwise penalizing a person, based on the person's use of cannabis when off the job or away from the workplace. In addition, policy updated to move material related to sex discrimination to Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment in order to keep material related to sex discrimination and sex-based harassment together. Policy also updated to provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual.

**FISCAL IMPACT:** None

**RECOMMENDATIONS:** Receive for information.

**Policy 4030: Nondiscrimination In Employment****Status:** ADOPTED**Original Adopted Date:** 12/16/1992 | **Last Revised Date:** 09/27/2023 | **Last Reviewed Date:** 09/27/2023

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

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

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health ~~decisionmaking~~decision-making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. ~~—~~ (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that ~~the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)~~such inquiry is necessary to comply with federal immigration law. (2 CCR 11028)

Unless otherwise provided for in law, the district may not discriminate against an employee, including an applicant for employment, in any term or condition of employment, or otherwise penalize a person, including termination, based on the person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

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

1. Hiring, compensation, terms, conditions, and other privileges of employment
- 
2. Taking ~~of~~ adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is offensive and so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
- 
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination ~~based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status~~ as specified in Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment
  - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
  - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
  - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
  - e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health ~~decisionmaking~~ decision-making

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted.—(Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against



the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful.— (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident within one workday. All other employees are encouraged to shall report such incidents to their supervisor immediately or designated district coordinator within one workday.

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

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

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated.— (Government Code 12946)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	<a href="#">Unlawful employment practices; complaints</a>
Lab. Code 1030-1034	Lactation accommodation
Lab. Code 1197.5	Wages, hours and working conditions
Lab. Code 79-107	Division of Labor Standards Enforcement
Pen. Code 422.56	<a href="#">Definitions; hate crimes</a>
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504

34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	<a href="#">Equal Employment Opportunity</a>
U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>
<b>Management Resources</b>	<b>Description</b>
CA Civil Rights Department Publication	<a href="#">Sexual Harassment, January 2023</a>
CA Civil Rights Department Publication	<a href="#">Family Care and Medical Leave and Pregnancy Disability Leave, January 2023</a>
CA Civil Rights Department Publication	<a href="#">California Law Prohibits Workplace Discrimination and Harassment, January 2024</a>
CA Civil Rights Department Publication	<a href="#">The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022</a>
CA Civil Rights Department Publication	<a href="#">Harassment Prevention Guide for California Employers, 2017</a>
CA Civil Rights Department Publication	<a href="#">Your Rights and Obligations as a Pregnant Employee, January 2023</a>
Court Decision	Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742
Court Decision	Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775
Court Decision	Groff v. DeJoy (2023) 600 U.S. 447
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Shephard v. Loyola Marymount (2002) 102 Cal.App. 4th 837
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170

Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. Equal Employment Opportunity Comm Publication	<a href="#">Know Your Rights: Workplace Discrimination is Illegal, June 2023</a>
U.S. Equal Employment Opportunity Comm Publication	<a href="#">Enforcement Guidance on Harassment in the Workplace, April 2024</a>
U.S. Equal Employment Opportunity Comm Publication	<a href="#">EEOC Compliance Manual</a>
Website	<a href="#">U.S. Department of Labor, Office of Federal Contract Compliance Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Industrial Relations</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">Equal Employment Opportunity Commission</a>

## Cross References

Code	Description
0410	<del><a href="#">Nondiscrimination In District Programs And Activities</a></del> Nondiscrimination In District Programs And Activities
1113	<del><a href="#">District And School Websites</a></del> District And School Websites
1113	<del><a href="#">District And School Websites</a></del> District And School Websites
1113-E(1)	<del><a href="#">District And School Websites</a></del> District And School Websites
<a href="#">1114</a>	<del><a href="#">District-Sponsored Social Media</a></del> District-Sponsored Social Media
<a href="#">1114</a>	<del><a href="#">District-Sponsored Social Media</a></del> District-Sponsored Social Media
1240	<del><a href="#">Volunteer Assistance</a></del> Volunteer Assistance
1240	<del><a href="#">Volunteer Assistance</a></del> Volunteer Assistance
1312.1	<del><a href="#">Complaints Concerning District Employees</a></del> Complaints Concerning District Employees

1312.1	<u>Complaints Concerning District Employees</u> <u>Complaints Concerning District Employees</u>
1312.3	<u>Uniform Complaint Procedures</u> <u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u> <u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>1313</u>	<u>Civility</u>
3312	<u>Contracts</u> <u>Contracts</u>
3530	<u>Risk Management/Insurance</u> <u>Risk Management/Insurance</u>
3530	<u>Risk Management/Insurance</u> <u>Risk Management/Insurance</u>
3580	<u>District Records</u> <u>District Records</u>
3580	<u>District Records</u> <u>District Records</u>
3600	<u>Consultants</u> <u>Consultants</u>
<del>3600</del>	<u>Consultants</u>
4000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
4032	<u>Reasonable Accommodation</u> <u>Reasonable Accommodation</u>
4033	<u>Lactation Accommodation</u> <u>Lactation Accommodation</u>
4111	<u>Recruitment And Selection</u> <u>Recruitment And Selection</u>
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4112.4	<u>Health Examinations</u> <u>Health Examinations</u>
4112. <del>441</del>	<u>Health Examinations</u> <u>Employee Drug Testing</u>
4112. <del>541</del>	<u>Criminal Record Check</u> <u>Employee Drug Testing</u>
4112.5	<u>Criminal Record Check</u> <u>Criminal Record Check</u>
4112.5-E- <del>PDF</del> (1)	<u>Criminal Record Check – Maintenance Of Criminal Offender Records</u> <u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u> <u>Personnel Files</u>
4112.8	<u>Employment Of Relatives</u> <u>Employment Of Relatives</u>
4112.9	<u>Employee Notifications</u> <u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u> <u>Employee Notifications</u>

<u>4113.5</u>	<u>Working Remotely</u>
4114	<u>TransfersTransfers</u>
4118	<u>Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action</u>
4119.1	<u>Civil And Legal RightsCivil And Legal Rights</u>
4119.11	<u>Sex Discrimination and Sex-Based HarassmentSex Discrimination and Sex-Based Harassment</u>
4119.11	<u>Sex Discrimination and Sex-Based HarassmentSex Discrimination and Sex-Based Harassment</u>
4119. <del>22</del> <u>12</u>	<u>Dress And GroomingTitle IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<u>4119.12-E(1)</u>	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119.22	<u>Dress And GroomingDress And Grooming</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged InformationUnauthorized Release Of Confidential/Privileged Information</u>
4119.41	<u>Employees With Infectious DiseaseEmployees With Infectious Disease</u>
4131	<u>Staff DevelopmentStaff Development</u>
4144	<u>ComplaintsComplaints</u>
4144	<u>ComplaintsComplaints</u>
4151	<u>Employee CompensationEmployee Compensation</u>
4154	<u>Health And Welfare BenefitsHealth And Welfare Benefits</u>
4154	<u>Health And Welfare BenefitsHealth And Welfare Benefits</u>
4161.5	<u>Military LeaveMilitary Leave</u>
4161.8	<u>Family Care And Medical LeaveFamily Care And Medical Leave</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4161.8-E PDF(1)</u>	<u>Family Care And Medical Leave</u>
4211	<u>Recruitment And SelectionRecruitment And Selection</u>
4211.2	<u>Legal Status RequirementLegal Status Requirement</u>

4211.2	<u>Legal Status Requirement</u> Legal Status Requirement
4212.4	<u>Health Examinations</u> Health Examinations
4212.441	<u>Health Examinations</u> Employee Drug Testing
<u>4212.41</u>	<u>Employee Drug Testing</u>
4212.6	<u>Personnel Files</u> Personnel Files
4212.8	<u>Employment Of Relatives</u> Employment Of Relatives
4212.9	<u>Employee Notifications</u> Employee Notifications
4212.9-E(1)	<u>Employee Notifications</u> Employee Notifications
<u>4213.5</u>	<u>Working Remotely</u>
4218	<u>Dismissal/Suspension/Disciplinary</u> <u>Action</u> Dismissal/Suspension/Disciplinary Action
4218	<u>Dismissal/Suspension/Disciplinary</u> <u>Action</u> Dismissal/Suspension/Disciplinary Action
<u>4218.1</u>	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
4219.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> Sex <u>Discrimination and Sex-Based Harassment</u>
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> Sex <u>Discrimination and Sex-Based Harassment</u>
4219.2212	<u>Dress And Grooming</u> Title IX Sex Discrimination and Sex- <u>Based Harassment Complaint Procedures</u>
<u>4219.12-E(1)</u>	<u>Title IX Sex Discrimination and Sex-Based Harassment</u> <u>Complaint Procedures</u>
4219.22	<u>Dress And Grooming</u> Dress And Grooming
4219.23	<u>Unauthorized Release Of Confidential/Privileged</u> <u>Information</u> Unauthorized Release Of Confidential/Privileged <u>Information</u>
4219.41	<u>Employees With Infectious Disease</u> Employees With Infectious <u>Disease</u>
4231	<u>Staff Development</u> Staff Development
4244	<u>Complaints</u> Complaints
4244	<u>Complaints</u> Complaints
4251	<u>Employee Compensation</u> Employee Compensation
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits

4254	<del>Health And Welfare Benefits</del> Health And Welfare Benefits
4261.5	<del>Military Leave</del> Military Leave
4261.8	<del>Family Care And Medical Leave</del> Family Care And Medical Leave
<del>4261.8</del>	<del>Family Care And Medical Leave</del>
<del>4261.8-E PDF(1)</del>	<del>Family Care And Medical Leave</del>
4311	<del>Recruitment And Selection</del> Recruitment And Selection
4311.2	<del>Legal Status Requirement</del> Legal Status Requirement
4311.2	<del>Legal Status Requirement</del> Legal Status Requirement
4312.4	<del>Health Examinations</del> Health Examinations
4312.441	<del>Health Examinations</del> Employee Drug Testing
<del>4312.41</del>	<del>Employee Drug Testing</del>
4312.6	<del>Personnel Files</del> Personnel Files
4312.8	<del>Employment Of Relatives</del> Employment Of Relatives
4312.9	<del>Employee Notifications</del> Employee Notifications
4312.9-E(1)	<del>Employee Notifications</del> Employee Notifications
<del>4313.5</del>	<del>Working Remotely</del>
4319.1	<del>Civil And Legal Rights</del> Civil And Legal Rights
4319.11	<del>Sex Discrimination and Sex-Based Harassment</del> Sex Discrimination and Sex-Based Harassment
4319.11	<del>Sex Discrimination and Sex-Based Harassment</del> Sex Discrimination and Sex-Based Harassment
4319.2212	<del>Dress And Grooming</del> Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
<del>4319.12-E(1)</del>	<del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del>
4319.22	<del>Dress And Grooming</del> Dress And Grooming
4319.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> Unauthorized Release Of Confidential/Privileged Information
4319.41	<del>Employees With Infectious Disease</del> Employees With Infectious Disease
4331	<del>Staff Development</del> Staff Development



4344	<u>ComplaintsComplaints</u>
4344	<u>ComplaintsComplaints</u>
4351	<u>Employee CompensationEmployee Compensation</u>
4354	<u>Health And Welfare BenefitsHealth And Welfare Benefits</u>
4354	<u>Health And Welfare BenefitsHealth And Welfare Benefits</u>
4361.5	<u>Military LeaveMilitary Leave</u>
4361.8	<u>Family Care And Medical LeaveFamily Care And Medical Leave</u>
<del>4361.8</del>	<u>Family Care And Medical Leave</u>
<del>4361.8-E PDF(1)</del>	<u>Family Care And Medical Leave</u>
5145.71	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint ProceduresTitle IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
5145.71-E <del>PDF(1)</del>	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint ProceduresTitle IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
9000	<u>Role Of The BoardRole Of The Board</u>
9321	<u>Closed SessionClosed Session</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>

## Regulation 4030: Nondiscrimination In Employment

**Status:** ADOPTED

**Original Adopted Date:** 05/25/2016 | **Last Revised Date:** 03/25/2020 | **Last Reviewed Date:** 03/25/2020

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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

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

### Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically- in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department of Fair Employment and Housing (DFEH)(CRD) posters on the prohibition of workplace discrimination and harassment, including sex-based harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth\_ (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.98)

- a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the district's ~~web site~~website and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
- a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
  - ~~b.a.~~ Sending a copy via email with an acknowledgment return form
  - ~~c.a.~~ Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - ~~d.a.~~ Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
  - a. Any other way that ensures employees receive and understand the policy
4. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
- a. The district does not discriminate on the basis of sex in any education program or activity that it operates
  - b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education Office for Civil Rights
  - c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator
  - d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints
  - e. How to report conduct that may constitute sex discrimination under Title IX
  - e.f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns

or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

4.5. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

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5.6. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made, as well as any additional training as specified in 34 CFR 106.8 related to the prohibition of Title IX sex discrimination

The district may also provide bystander intervention training to employees ~~which~~that includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6.7. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law and Board Policy 4111 - Recruitment and Selection

7.8. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce. (2 CCR 11023)

## **Complaint Procedure**

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint:- A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman.- The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

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

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

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

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

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

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

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

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

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

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation.- If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.- The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

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

### Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEHCRD or the Equal Employment Opportunity Commission (EEOC).- The time limits for filing such complaints are as follows:

1. For filing a complaint with DFEHCRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEHCRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEHCRD, whichever is earlier (42 USC 2000e-5)

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11023	Harassment and discrimination prevention and correction

2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11027-11028	National origin and ancestry discrimination
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 12940-12954	Unlawful employment practices
Gov. Code 12960-12976	<a href="#">Unlawful employment practices; complaints</a>
Lab. Code 1030-1034	Lactation accommodation
Lab. Code 1197.5	Wages, hours and working conditions
Lab. Code 79-107	Division of Labor Standards Enforcement
Pen. Code 422.56	<a href="#">Definitions; hate crimes</a>
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	<a href="#">Equal Employment Opportunity</a>
U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>
<b>Management Resources</b>	<b>Description</b>
CA Civil Rights Department Publication	<a href="#">Sexual Harassment, January 2023</a>
CA Civil Rights Department Publication	<a href="#">Family Care and Medical Leave and Pregnancy Disability Leave, January 2023</a>
CA Civil Rights Department Publication	<a href="#">California Law Prohibits Workplace Discrimination and Harassment, January 2024</a>
CA Civil Rights Department Publication	<a href="#">The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022</a>
CA Civil Rights Department Publication	<a href="#">Harassment Prevention Guide for California Employers, 2017</a>
CA Civil Rights Department Publication	<a href="#">Your Rights and Obligations as a Pregnant Employee, January 2023</a>
Court Decision	Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742
Court Decision	Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775
Court Decision	Groff v. DeJoy (2023) 600 U.S. 447
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Shepard v. Loyola Marymount (2002) 102 Cal.App. 4th 837
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. Equal Employment Opportunity Comm Publication	<a href="#">Know Your Rights: Workplace Discrimination is Illegal, June 2023</a>
U.S. Equal Employment Opportunity Comm Publication	<a href="#">Enforcement Guidance on Harassment in the Workplace, April 2024</a>



U.S. Equal Employment Opportunity Comm Publication	<a href="#">EEOC Compliance Manual</a>
Website	<a href="#">U.S. Department of Labor, Office of Federal Contract Compliance Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Industrial Relations</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">Equal Employment Opportunity Commission</a>

## Cross References

Code	Description
0410	<del>Nondiscrimination In District Programs And Activities</del> Nondiscrimination In District Programs And Activities
1113	<del>District And School Websites</del> District And School Websites
1113	<del>District And School Websites</del> District And School Websites
1113-E(1)	<del>District And School Websites</del> District And School Websites
<del>1114</del>	<del>District-Sponsored Social Media</del>
<del>1114</del>	<del>District-Sponsored Social Media</del>
1240	<del>Volunteer Assistance</del> Volunteer Assistance
1240	<del>Volunteer Assistance</del> Volunteer Assistance
1312.1	<del>Complaints Concerning District Employees</del> Complaints Concerning District Employees
1312.1	<del>Complaints Concerning District Employees</del> Complaints Concerning District Employees
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
<del>1312.3-E(1)</del>	<del>Uniform Complaint Procedures</del>
<del>1312.3-E(2)</del>	<del>Uniform Complaint Procedures</del>
<del>1313</del>	<del>Civility</del>
3312	<del>Contracts</del> Contracts

3530	<u>Risk Management/Insurance</u> <u>Risk Management/Insurance</u>
3530	<u>Risk Management/Insurance</u> <u>Risk Management/Insurance</u>
3580	<u>District Records</u> <u>District Records</u>
3580	<u>District Records</u> <u>District Records</u>
3600	<u>Consultants</u> <u>Consultants</u>
<del>3600</del>	<u>Consultants</u>
4000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
4032	<u>Reasonable Accommodation</u> <u>Reasonable Accommodation</u>
4033	<u>Lactation Accommodation</u> <u>Lactation Accommodation</u>
4111	<u>Recruitment And Selection</u> <u>Recruitment And Selection</u>
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4112.4	<u>Health Examinations</u> <u>Health Examinations</u>
4112. <del>441</del>	<u>Health Examinations</u> <u>Employee Drug Testing</u>
4112. <del>541</del>	<u>Criminal Record Check</u> <u>Employee Drug Testing</u>
4112.5	<u>Criminal Record Check</u> <u>Criminal Record Check</u>
4112.5-E-PDF(1)	<u>Criminal Record Check – Maintenance Of Criminal Offender</u> <u>Records</u> <u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u> <u>Personnel Files</u>
4112.8	<u>Employment Of Relatives</u> <u>Employment Of Relatives</u>
4112.9	<u>Employee Notifications</u> <u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u> <u>Employee Notifications</u>
<del>4113.5</del>	<u>Working Remotely</u>
4114	<u>Transfers</u> <u>Transfers</u>
4118	<u>Dismissal/Suspension/Disciplinary</u> <u>Action</u> <u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary</u> <u>Action</u> <u>Dismissal/Suspension/Disciplinary Action</u>
4119.1	<u>Civil And Legal Rights</u> <u>Civil And Legal Rights</u>
4119.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex</u> <u>Discrimination and Sex-Based Harassment</u>

4119.11	<del>Sex Discrimination and Sex-Based Harassment</del> <u>Sex Discrimination and Sex-Based Harassment</u>
4119. <del>22</del> 12	<del>Dress And Grooming</del> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<u>4119.12-E(1)</u>	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119.22	<del>Dress And Grooming</del> <u>Dress And Grooming</u>
4119.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4119.41	<del>Employees With Infectious Disease</del> <u>Employees With Infectious Disease</u>
4131	<del>Staff Development</del> <u>Staff Development</u>
4144	<del>Complaints</del> <u>Complaints</u>
4144	<del>Complaints</del> <u>Complaints</u>
4151	<del>Employee Compensation</del> <u>Employee Compensation</u>
4154	<del>Health And Welfare Benefits</del> <u>Health And Welfare Benefits</u>
4154	<del>Health And Welfare Benefits</del> <u>Health And Welfare Benefits</u>
4161.5	<del>Military Leave</del> <u>Military Leave</u>
4161.8	<del>Family Care And Medical Leave</del> <u>Family Care And Medical Leave</u>
<del>4161.8</del>	<del>Family Care And Medical Leave</del> <u>Family Care And Medical Leave</u>
<del>4161.8-E PDF(1)</del>	<del>Family Care And Medical Leave</del> <u>Family Care And Medical Leave</u>
4211	<del>Recruitment And Selection</del> <u>Recruitment And Selection</u>
4211.2	<del>Legal Status Requirement</del> <u>Legal Status Requirement</u>
4211.2	<del>Legal Status Requirement</del> <u>Legal Status Requirement</u>
4212.4	<del>Health Examinations</del> <u>Health Examinations</u>
4212. <del>44</del> 1	<del>Health Examinations</del> <u>Employee Drug Testing</u>
<u>4212.41</u>	<u>Employee Drug Testing</u>
4212.6	<del>Personnel Files</del> <u>Personnel Files</u>
4212.8	<del>Employment Of Relatives</del> <u>Employment Of Relatives</u>
4212.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4212.9-E(1)	<del>Employee Notifications</del> <u>Employee Notifications</u>

<u>4213.5</u>	<u>Working Remotely</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u> <u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u> <u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218.1</u>	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
4219.1	<u>Civil And Legal Rights</u> <u>Civil And Legal Rights</u>
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
4219. <del>22</del> <u>12</u>	<u>Dress And Grooming</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<u>4219.12-E(1)</u>	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219.22	<u>Dress And Grooming</u> <u>Dress And Grooming</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4219.41	<u>Employees With Infectious Disease</u> <u>Employees With Infectious Disease</u>
4231	<u>Staff Development</u> <u>Staff Development</u>
4244	<u>Complaints</u> <u>Complaints</u>
4244	<u>Complaints</u> <u>Complaints</u>
4251	<u>Employee Compensation</u> <u>Employee Compensation</u>
4254	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
4261.5	<u>Military Leave</u> <u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u> <u>Family Care And Medical Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
<u>4261.8-E PDF(1)</u>	<u>Family Care And Medical Leave</u>
4311	<u>Recruitment And Selection</u> <u>Recruitment And Selection</u>
4311.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>

4311.2	<u>Legal Status Requirement</u> Legal Status Requirement
4312.4	<u>Health Examinations</u> Health Examinations
4312.441	<u>Health Examinations</u> Employee Drug Testing
<u>4312.41</u>	<u>Employee Drug Testing</u>
4312.6	<u>Personnel Files</u> Personnel Files
4312.8	<u>Employment Of Relatives</u> Employment Of Relatives
4312.9	<u>Employee Notifications</u> Employee Notifications
4312.9-E(1)	<u>Employee Notifications</u> Employee Notifications
<u>4313.5</u>	<u>Working Remotely</u>
4319.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u> Sex Discrimination and Sex-Based Harassment
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u> Sex Discrimination and Sex-Based Harassment
4319.2212	<u>Dress And Grooming</u> Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures
<u>4319.12-E(1)</u>	<u>Title IX Sex Discrimination and Sex-Based Harassment</u> Complaint Procedures
4319.22	<u>Dress And Grooming</u> Dress And Grooming
4319.23	<u>Unauthorized Release Of Confidential/Privileged</u> <u>Information</u> Unauthorized Release Of Confidential/Privileged Information
4319.41	<u>Employees With Infectious Disease</u> Employees With Infectious Disease
4331	<u>Staff Development</u> Staff Development
4344	<u>Complaints</u> Complaints
4344	<u>Complaints</u> Complaints
4351	<u>Employee Compensation</u> Employee Compensation
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4361.5	<u>Military Leave</u> Military Leave
4361.8	<u>Family Care And Medical Leave</u> Family Care And Medical Leave

<a href="#">4361.8</a>	<a href="#">Family Care And Medical Leave</a>
<a href="#">4361.8-E PDF(1)</a>	<a href="#">Family Care And Medical Leave</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a> <del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a> <del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del>
9000	<a href="#">Role Of The Board</a> <del>Role Of The Board</del>
9321	<a href="#">Closed Session</a> <del>Closed Session</del>
<a href="#">9321-E(1)</a>	<a href="#">Closed Session</a>
<a href="#">9321-E(2)</a>	<a href="#">Closed Session</a>

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jaime Martinez

DATE: 8/30/24

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: 9/11/24

**ITEM:** Receive for Information Revised Board Policy:  
 4033 - Lactation Accomodation

**PURPOSE:** Policy updated to reflect NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) which (1) require districts to provide reasonable break time for employees to express breast milk or breastfeed, and to ensure that employees have access to a lactation space, as specified, (2) provide that "sex" for purposes of sex discrimination under Title IX includes lactation and related medical conditions or recovery, and (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect the Providing Urgent Maternal Protections (PUMP) for Nursing Mother Act which (1) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified, and (2) authorizes an employee to file a complaint with the Wage and Hour Division of the U.S. Department of Labor for violation of such act. In addition, policy updated to reflect the Pregnant Workers Fairness Act which (1) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation, as specified, and (2) authorizes an employee to file a complaint with the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the act.

**FISCAL IMPACT:** None

ADM – 018

11/2019

**RECOMMENDATIONS:** Receive for information.



**Policy 4033: Lactation Accommodation**

**Status:** ADOPTED

**Original Adopted Date:** 02/08/2017 | **Last Revised Date:** 03/25/2020 | **Last Reviewed Date:** 03/25/2020

The ~~Governing Board of Trustees~~ recognizes the immediate and long-term health benefits of breastfeeding ~~for~~ and desires to provide a supportive environment for any district employee to express breast milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate ~~personnel~~district administrator in advance of the intent to request an accommodation. The supervisor ~~or appropriate district administrator~~ shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor ~~or appropriate district administrator~~ shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC ~~207~~218d, 42 USC 2000gg-1)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute ~~the~~this policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

**Break Time and Location Requirements**

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030); 42 USC 2000gg-1; 34 CFR 106.57)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC ~~207~~218d)

The employee shall be provided a lactation space which may be used by the use of employee for expressing breast milk or breastfeeding as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. ~~The room or location provided, and~~ shall meet the following requirements: (Labor Code 1031; 29 USC ~~207~~-218d; 34 CFR 106.57)

1. Is shielded from view and free from intrusion while the employee is expressing breast milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. ~~The District shall provide~~Has access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace or, if a refrigerator cannot be provided, another cooling device suitable for storing milk

breast milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

## Dispute Resolution

AnComplaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

In addition, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

## State

## Description

2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
29 USC 218c	Fair Labor Standards Act; protections for employees
Civ. Code 43.3	<a href="#">Right of mothers to breastfeed in any public or private location</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Gov. Code 12925-12954	Unlawful discriminatory employment practices
Gov. Code 12945	<a href="#">Unlawful discrimination based on pregnancy, childbirth, or related medical conditions</a>
Lab. Code 1030-1034	<a href="#">Lactation Accommodation</a>
Lab. Code 6382	<a href="#">Procedure for listing hazardous substances</a>
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	<a href="#">Rest Periods/Lactation Accommodation, Frequently Asked Questions</a>
California Civil Rights Department Decision	Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009
California Department of Public Health Publication	<a href="#">Lactation Accommodation for Employers</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
Federal Register	<a href="#">Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-80079</a>
Office of the Surgeon General Publication	<a href="#">The Surgeon General's Call to Action to Support Breastfeeding, 2011</a>
U.S. DoL, Wage and Hour Div., Publication	<a href="#">Education FAQs</a>
U.S. DoL, Wage and Hour Div., Publication	<a href="#">Frequently Asked Questions - Pumping Breast Milk at Work</a>

U.S. DoL, Wage and Hour Div., Publication	<a href="#">Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work, rev. January 2023</a>
U.S. HHS Office on Women's Health Publication	<a href="#">The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Equal Employment Opportunity Commission</a>
Website	<a href="#">California Department of Industrial Relations, Division of Labor and Standards Enforcement</a>
Website	<a href="#">California Department of Public Health</a>
Website	<a href="#">California Women, Infants and Children Program</a>
Website	<a href="#">Centers for Disease Control and Prevention</a>
Website	<a href="#">Health Resources and Services Administration</a>
Website	<a href="#">Office of the Surgeon General</a>
Website	<a href="#">U.S. Department of Labor, Wage and Hour Division, FLSA Protections to Pump at Work</a>

## Cross References

Code	Description
0410	<del><a href="#">Nondiscrimination In District Programs And Activities</a></del> <del><a href="#">Nondiscrimination In District Programs And Activities</a></del>
4030	<del><a href="#">Nondiscrimination In Employment</a></del> <del><a href="#">Nondiscrimination In Employment</a></del>
4030	<del><a href="#">Nondiscrimination In Employment</a></del> <del><a href="#">Nondiscrimination In Employment</a></del>
4032	<del><a href="#">Reasonable Accommodation</a></del> <del><a href="#">Reasonable Accommodation</a></del>
4112.9	<del><a href="#">Employee Notifications</a></del> <del><a href="#">Employee Notifications</a></del>
4112.9-E(1)	<del><a href="#">Employee Notifications</a></del> <del><a href="#">Employee Notifications</a></del>
4113.4	<del><a href="#">Temporary Modified/Light-Duty Assignment</a></del> <del><a href="#">Temporary Modified/Light-Duty Assignment</a></del>
4119.11	<del><a href="#">Sex Discrimination and Sex-Based Harassment</a></del> <del><a href="#">Sex Discrimination and Sex-Based Harassment</a></del>
4119.11	<del><a href="#">Sex Discrimination and Sex-Based Harassment</a></del> <del><a href="#">Sex Discrimination and Sex-Based Harassment</a></del>

<del>4119.12</del> <del>4144</del>	<u>Complaints</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<del>4119.12-E(1)</del> <del>4144</del>	<u>Complaints</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<del>4144</del> <del>4161.8</del>	<u>Family Care And Medical Leave</u> <u>Complaints</u>
<del>4144</del> <del>4161.8</del>	<u>Family Care And Medical Leave</u> <u>Complaints</u>
4161.8-E PDF(1)	<u>Family Care And Medical Leave</u> <u>Family Care And Medical Leave</u>
4212.9	<u>Employee Notifications</u> <u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u> <u>Employee Notifications</u>
4213.4	<u>Temporary Modified/Light-Duty Assignment</u> <u>Temporary Modified/Light-Duty Assignment</u>
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
4219.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
<del>4219.12</del> <del>4244</del>	<u>Complaints</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<del>4219.12-E(1)</del> <del>4244</del>	<u>Complaints</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
<del>4244</del> <del>4261.8</del>	<u>Family Care And Medical Leave</u> <u>Complaints</u>
<del>4244</del> <del>4261.8</del>	<u>Family Care And Medical Leave</u> <u>Complaints</u>
4261.8-E PDF(1)	<u>Family Care And Medical Leave</u> <u>Family Care And Medical Leave</u>
4312.9	<u>Employee Notifications</u> <u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u> <u>Employee Notifications</u>
4313.4	<u>Temporary Modified/Light-Duty Assignment</u> <u>Temporary Modified/Light-Duty Assignment</u>
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
4319.11	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
<del>4319.12</del> <del>4344</del>	<u>Complaints</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>

4319.12-E(1)~~4344~~

ComplaintsTitle IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

4344~~4361.8~~

Family Care And Medical LeaveComplaints

4344~~4361.8~~

Family Care And Medical LeaveComplaints

4361.8-E PDF(1)

Family Care And Medical LeaveFamily Care And Medical Leave

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jaime Martinez

DATE: 8/30/24

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: 9/11/24

**ITEM:** Receive for Information Revised Board Policy and Administrative Regulation:  
 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment

**PURPOSE:** Policy updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, policy updated to reflect NEW LAW (AB 1955, 2024) which prohibits a district, including a Governing Board member, from retaliating or otherwise taking adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in certain Education Code provisions, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law. In addition, policy updated to reflect NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) which (1) require districts to provide a notice of nondiscrimination on the basis of sex, (2) require employees with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in a district education program or activity to notify the Title IX Coordinator, (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, and (4) require the Title IX Coordinator to offer and coordinate supportive measures when notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment.

**FISCAL IMPACT:** None

**RECOMMENDATIONS:** Receive for information.



**Policy 4119.11/4219.11/4319.11: Sex Discrimination and Sex-Based Harassment****Status:** ADOPTED**Original Adopted Date:** 02/09/2005 | **Last Revised Date:** 04/14/2021 | **Last Reviewed Date:** 04/14/2021

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The ~~Governing~~ Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits ~~sexual~~sex discrimination, including sex-based harassment, ~~as defined in the accompanying administrative regulation, in district programs and activities by and~~ against district employees ~~and~~.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains, or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy.

~~Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions. (Education Code 220.1; 34 CFR 106.71)~~

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's ~~sexual~~sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply
- 
3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment, and bargaining units
- 
- ~~3.4.~~4.5. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
- ~~4.5.~~4.5. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

**Sexual Harassment** ~~The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address sex discrimination and sex-based harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether sex discrimination and/or sex-based harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.~~

## Reports and Complaints

~~District employees-~~

~~Any district employee who feel that they have been sexually harassed in the performance of their district responsibilities or who have has experienced sex discrimination or sex-based harassment in the district's education program or activity may file a complaint with the district's Title IX Coordinator. (34 CFR 106.2, 106.44)~~

~~Any employee with knowledge of any incident of sexual conduct that reasonably may constitute sex discrimination or sex-based harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing employee, a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives student, or a harassment complaint shall promptly third party in a district education program or activity shall notify the Title IX Coordinator.~~

~~within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR Administrative Regulation 4119.12/4219.12/4319.12 - Title IX SexualSex Discrimination and Sex-Based Harassment Complaint Procedures or AR 4030 – Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the,~~

~~The Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.~~

~~The title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)~~

Upon investigation of a ~~sexual~~sex discrimination or sex-based harassment complaint, any district employee found to have engaged or participated in ~~sexual~~sex discrimination or sex-based harassment or to have aided, abetted, incited, compelled, or coerced another to commit ~~sexual~~sex

discrimination or sex-based harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 12940	<a href="#">Unlawful discriminatory employment practices</a>
Gov. Code 12950	<a href="#">Sexual harassment</a>
Gov. Code 12950.1	<a href="#">Sexual harassment training</a>
Lab. Code 1101	<a href="#">Political activities of employees</a>
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act

34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
<b>Management Resources</b>	<b>Description</b>
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">Equal Employment Opportunity Commission</a>

## Cross References

<b>Code</b>	<b>Description</b>
0410	<del><a href="#">Nondiscrimination In District Programs And Activities</a></del> <del><a href="#">Nondiscrimination In District Programs And Activities</a></del>
0450	<del><a href="#">Comprehensive Safety Plan</a></del> <del><a href="#">Comprehensive Safety Plan</a></del>
0450	<del><a href="#">Comprehensive Safety Plan</a></del> <del><a href="#">Comprehensive Safety Plan</a></del>
1312.3	<del><a href="#">Uniform Complaint Procedures</a></del> <del><a href="#">Uniform Complaint Procedures</a></del>
1312.3	<del><a href="#">Uniform Complaint Procedures</a></del> <del><a href="#">Uniform Complaint Procedures</a></del>
<a href="#">1312.3-E(1)</a>	<a href="#">Uniform Complaint Procedures</a>
<a href="#">1312.3-E(2)</a>	<a href="#">Uniform Complaint Procedures</a>

<u>1313</u>	<u>Civility</u>
3530	<u>Risk Management/Insurance</u>
3530	<u>Risk Management/Insurance</u>
3600	<u>Consultants</u>
<del>3600</del>	<u>Consultants</u>
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4033	<u>Lactation Accommodation</u>
4040	<u>Employee Use Of Technology</u>
<del>4040</del>	<u>Employee Use Of Technology</u>
4040-E-PDF(1)	<u>Employee Use Of Technology – Employee Technology Acceptable Use Policy</u>
4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4117.7	<u>Employment Status Reports</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119. <del>21</del> <u>12</u>	<u>Professional Standards Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119. <del>21</del> <u>12</u> -E-PDF(1)	<u>Professional Standards Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119. <del>22</del> <u>21</u>	<u>Dress And Grooming Professional Standards</u>
<u>4119.21-E(1)</u>	<u>Professional Standards</u>
4119.22	<u>Dress And Grooming</u>
4131	<u>Staff Development</u>
4144	<u>Complaints</u>
4144	<u>Complaints</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>

<u>4218.1</u>	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
4219. <del>21</del> <u>12</u>	<u>Professional Standards</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219. <del>21</del> <u>12</u> -E-PDF(1)	<u>Professional Standards</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219. <del>22</del> <u>21</u>	<u>Dress And Grooming</u> <u>Professional Standards</u>
<u>4219.21-E(1)</u>	<u>Professional Standards</u>
4219.22	<u>Dress And Grooming</u> <u>Dress And Grooming</u>
4231	<u>Staff Development</u> <u>Staff Development</u>
4244	<u>Complaints</u> <u>Complaints</u>
4244	<u>Complaints</u> <u>Complaints</u>
4300	<u>Administrative And Supervisory Personnel</u> <u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u> <u>Administrative And Supervisory Personnel</u>
4312.9	<u>Employee Notifications</u> <u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u> <u>Employee Notifications</u>
4317.7	<u>Employment Status Reports</u> <u>Employment Status Reports</u>
4319. <del>21</del> <u>12</u>	<u>Professional Standards</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4319. <del>21</del> <u>12</u> -E-PDF(1)	<u>Professional Standards</u> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4319. <del>22</del> <u>21</u>	<u>Dress And Grooming</u> <u>Professional Standards</u>
<u>4319.21-E(1)</u>	<u>Professional Standards</u>
4319.22	<u>Dress And Grooming</u> <u>Dress And Grooming</u>
4344	<u>Complaints</u> <u>Complaints</u>
4344	<u>Complaints</u> <u>Complaints</u>
5145.3	<u>Nondiscrimination/Harassment</u> <u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u> <u>Nondiscrimination/Harassment</u>
5145.7	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>
5145.7	<u>Sex Discrimination and Sex-Based Harassment</u> <u>Sex Discrimination and Sex-Based Harassment</u>

5145.71

~~Title IX Sex Discrimination and Sex-Based Harassment  
Complaint Procedures~~  
Title IX Sex Discrimination and Sex-  
Based Harassment Complaint Procedures

5145.71-E-PDF(1)

~~Title IX Sex Discrimination and Sex-Based Harassment  
Complaint Procedures~~  
Title IX Sex Discrimination and Sex-  
Based Harassment Complaint Procedures

5146

~~Married/Pregnant/Parenting  
Students~~  
Married/Pregnant/Parenting Students

**Regulation 4119.11/4219.11/4319.11: Sex Discrimination and Sex-Based Harassment**     **Status:** ADOPTED

**Original Adopted Date:** 05/05/1993-12/01/2016 | **Last Revised Date:** 04/14/2021-07/01/2024 |  
**Last Reviewed Date:** 04/14/2021-07/01/2024

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

### **Definitions**

~~Sexual-The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.~~

~~The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.~~

### **Definitions**

~~Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.~~

~~Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.~~

~~Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)~~

- ~~1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct~~



2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether ~~or not~~ the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when ~~made~~ against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having ~~an~~ negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

~~For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercise4s substantial control over the context and respondent: (34 CFR 106.30, 106.44)~~

- ~~1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct~~
- ~~2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity.~~
- ~~3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291~~

## Examples of ~~Sexual~~Sex Discrimination and Sex-Based Harassment

Examples of actions that might constitute ~~sexual~~sex-based harassment under state ~~and~~/or federal law in accordance with the definitions above, ~~in~~ the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as ~~sexual~~sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for ~~sexual~~sex-based activity; ~~sexual~~sex-based jokes or stories; unwelcome ~~sexual~~sex-based slurs, epithets, threats, innuendoes; ~~derogatory comments, sexually, sex-based~~ degrading descriptions; ~~or the spreading of sexual~~sex-based rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; ~~or messaging; or~~ displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; ~~or~~ cornering, blocking, leaning over, or impeding normal movements

### Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX ~~of the Education Amendments of 1972~~ in accordance with ~~AR~~Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sexual~~Sex Discrimination and Sex-Based Harassment Complaint Procedures, ~~as well as to and~~ oversee, ~~investigate, and resolve sexual harassment~~ ~~the district's response to discrimination~~ complaints, processed under ~~AR~~Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be ~~contact~~contacted at

Jaime Martinez (~~employee complaints~~)  
 Assistant Superintendent of Human Resources  
 714 N. White Street, Hanford, CA 93230  
 (559) 585-3609  
[jmartinez@hanfordesd.org](mailto:jmartinez@hanfordesd.org)

~~Jason Strickland (student complaints)~~  
~~Assistant Superintendent of Student Services~~  
~~714 N. White Street, Hanford, CA 93230~~  
~~(559) 585-3642~~  
~~[jstrickland@hanfordesd.org](mailto:jstrickland@hanfordesd.org)~~

**Training** ~~or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.~~

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory ~~employee~~employees receive at least one

hour, ~~of~~ classroom or other effective interactive training and education regarding sexual harassment, ~~as specified in Government Code 12950.1.~~ All newly hired employees and employees promoted to a supervisory position ~~shall~~ receive training within six months of their assumption of the new position. ~~(Government Code 12950.1)~~

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

)

Such training may be completed ~~by~~ employees individually or as part of a group ~~presentation~~, may be completed in shorter segments as long as the applicable hourly ~~requirement~~ is met, and may be provided in conjunction with other training provided to the employees. ~~The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)~~

The district's sexual harassment training and education program shall include, but is not limited to, the following: ~~(Government Code 12950.1; 2 CCR 11024)~~

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute ~~sexual~~ harassment
3. Remedies available for victims in civil actions, and potential employer/~~individual~~ exposure ~~liability~~
4. Strategies to prevent harassment in the workplace
5. ~~Supervisor's~~Supervisors' obligation to report ~~sexual~~ harassment, discrimination, and retaliation of which they become aware
6. Practical ~~examples~~ which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The ~~limited~~ confidentiality of the complaint process
8. Resources ~~for~~ victims of unlawful harassment, such as to whom they should report any alleged harassment

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed
 

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity
2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
3. The notification and information requirements specified in 34 CFR 106.40 and 106.44

The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

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

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

## **Notifications**

~~The Superintendent or designee shall notify employees that the~~

~~To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to programs and activities, the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)~~

~~The district shall notify employees, bargaining units, and applicants for employment~~  
~~o Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~In addition to the name or title, office address, email address, and telephone number of measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the district's Title IX Coordinator. (34 cfr 106.8)~~

~~A Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation shall:~~

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
- 
- ~~4. Be posted, along with the name or title and contact information of the Title I Coordinator, in a prominent location on the district's website (34 CFR 106.8)~~
- 
- ~~5. Be included, along with the name or tile and contact information of the Title IX Coordinator, in any handbook provided to employees or employees organizations (34 CFR 106.8)~~

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department of Fair Employment and Housing (DFEH/CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

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

~~In addition~~Additionally, the district shall post, in a prominent and accessible location, the ~~DFEH/CRD~~ poster on discrimination in employment and the illegality of ~~sexual~~sex-based harassment, and the ~~DFEH/CRD~~ poster regarding transgender rights. (Government Code 12950)

## Complaint Procedures

All complaints and allegations of ~~sexual~~sex discrimination and sex-based harassment by and against employees shall be investigated and resolved ~~in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaints. All complaints that meet the definition of sexual harassment under Title IX shall be investigated as specified in 34 CFR 106.44 and resolved in accordance with AR 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual/Sex Discrimination and Sex-Based Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.~~

If ~~sexual~~sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the ~~sexual~~sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State

### Description

2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 12940	<a href="#">Unlawful discriminatory employment practices</a>
Gov. Code 12950	<a href="#">Sexual harassment</a>
Gov. Code 12950.1	<a href="#">Sexual harassment training</a>
Lab. Code 1101	<a href="#">Political activities of employees</a>
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
<b>Management Resources</b>	<b>Description</b>
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026

Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">Equal Employment Opportunity Commission</a>

**Cross References**

<b>Code</b>	<b>Description</b>
0410	<del>Nondiscrimination In District Programs And Activities</del> <u>Nondiscrimination In District Programs And Activities</u>
0450	<del>Comprehensive Safety Plan</del> <u>Comprehensive Safety Plan</u>
0450	<del>Comprehensive Safety Plan</del> <u>Comprehensive Safety Plan</u>
1312.3	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
1312.3	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>1313</u>	<u>Civility</u>
3530	<del>Risk Management/Insurance</del> <u>Risk Management/Insurance</u>
3530	<del>Risk Management/Insurance</del> <u>Risk Management/Insurance</u>
3600	<del>Consultants</del> <u>Consultants</u>
<del>3600</del>	<u>Consultants</u>
4030	<del>Nondiscrimination In Employment</del> <u>Nondiscrimination In Employment</u>



4030	<del>Nondiscrimination In Employment</del> <u>Nondiscrimination In Employment</u>
4033	<del>Lactation Accommodation</del> <u>Lactation Accommodation</u>
4040	<del>Employee Use Of Technology</del> <u>Employee Use Of Technology</u>
<del>4040</del>	<del>Employee Use Of Technology</del> <u>Employee Use Of Technology</u>
4040-E-PDF(1)	<del>Employee Use Of Technology – Employee Technology</del> <u>Acceptable Use Policy</u> <u>Employee Use Of Technology</u>
4112.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4112.9-E(1)	<del>Employee Notifications</del> <u>Employee Notifications</u>
4117.7	<del>Employment Status Reports</del> <u>Employment Status Reports</u>
4118	<del>Dismissal/Suspension/Disciplinary Action</del> <u>Dismissal/Suspension/Disciplinary Action</u>
4118	<del>Dismissal/Suspension/Disciplinary Action</del> <u>Dismissal/Suspension/Disciplinary Action</u>
4119. <del>21</del> <u>12</u>	<del>Professional Standards</del> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119. <del>21</del> <u>12</u> -E-PDF(1)	<del>Professional Standards</del> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119. <del>22</del> <u>21</u>	<del>Dress And Grooming</del> <u>Professional Standards</u>
<del>4119.21</del> -E(1)	<del>Professional Standards</del> <u>Professional Standards</u>
4119.22	<del>Dress And Grooming</del> <u>Dress And Grooming</u>
4131	<del>Staff Development</del> <u>Staff Development</u>
4144	<del>Complaints</del> <u>Complaints</u>
4144	<del>Complaints</del> <u>Complaints</u>
4212.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4212.9-E(1)	<del>Employee Notifications</del> <u>Employee Notifications</u>
<del>4218.1</del>	<del>Dismissal/Suspension/Disciplinary Action (Merit System)</del> <u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
4219. <del>21</del> <u>12</u>	<del>Professional Standards</del> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219. <del>21</del> <u>12</u> -E-PDF(1)	<del>Professional Standards</del> <u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219. <del>22</del> <u>21</u>	<del>Dress And Grooming</del> <u>Professional Standards</u>
<del>4219.21</del> -E(1)	<del>Professional Standards</del> <u>Professional Standards</u>

4219.22	<del>Dress And Grooming</del> Dress And Grooming
4231	<del>Staff Development</del> Staff Development
4244	<del>Complaints</del> Complaints
4244	<del>Complaints</del> Complaints
4300	<del>Administrative And Supervisory Personnel</del> Administrative And Supervisory Personnel
4300	<del>Administrative And Supervisory Personnel</del> Administrative And Supervisory Personnel
4312.9	<del>Employee Notifications</del> Employee Notifications
4312.9-E(1)	<del>Employee Notifications</del> Employee Notifications
4317.7	<del>Employment Status Reports</del> Employment Status Reports
4319. <del>21</del> 12	<del>Professional Standards</del> Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319. <del>21</del> 12-E-PDF(1)	<del>Professional Standards</del> Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319. <del>22</del> 21	<del>Dress And Grooming</del> Professional Standards
<del>4319.21</del> -E(1)	Professional Standards
4319.22	<del>Dress And Grooming</del> Dress And Grooming
4344	<del>Complaints</del> Complaints
4344	<del>Complaints</del> Complaints
5145.3	<del>Nondiscrimination/Harassment</del> Nondiscrimination/Harassment
5145.3	<del>Nondiscrimination/Harassment</del> Nondiscrimination/Harassment
5145.7	<del>Sex Discrimination and Sex-Based Harassment</del> Sex Discrimination and Sex-Based Harassment
5145.7	<del>Sex Discrimination and Sex-Based Harassment</del> Sex Discrimination and Sex-Based Harassment
5145.71	<del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del> Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E-PDF(1)	<del>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</del> Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5146	<del>Married/Pregnant/Parenting</del> StudentsMarried/Pregnant/Parenting Students

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jaime Martinez

DATE: 8/30/24

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: 9/11/24

**ITEM:** Receive for Information NEW Administrative Regulation and Exhibit:  
 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based  
 Harassment Complaint Procedures

**PURPOSE:** Regulation updated to reflect NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) which make extensive and significant changes to the title IX grievance procedures including that they (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (2) require district's to follow "basic requirements" when implementing the Title IX grievance procedures, (3) modify the definition of a "complaint" and who may bring a complaint, (4) modify the Title IX Coordinator's responsibilities related to the initiation of a complaint when the alleged victim chooses to not bring a complaint, (5) modify the requirements related to the offering and coordination of supportive measures, (6) expand the requirements related to the dismissal of complaints, including the appeal of dismissals, (7) expand the requirements related to the informal resolution process, (8) amend requirements related to notice of allegations when a formal investigation is initiated by the district, (9) expand requirements related to the investigation procedures, (10) modify requirements related to the written decision, (11) alter the process for the appeal of the decision, (12) provide for extension of timelines, and (13) amend requirements for remedies, disciplinary actions, and record-keeping. Additionally, regulation updated to delete material defining sex-based harassment as the definitions for sex discrimination and sex-based harassment are contained within Administrative Regulation 4119.11 – Sex Discrimination and Sex-Based Harassment, and to delete material in regard to

reporting of sex-based harassment as such material is contained within other related policies. Regulation also updated to add a section on Consolidation of Complaints, and material related to record-keeping requirements for complaints containing allegations of childhood sexual assault.

**FISCAL IMPACT:** None

**RECOMMENDATIONS:** Receive for information.

**Regulation 4119.12/4219.12/4319.12: Title IX Sex Discrimination and Sex- Status: ADOPTED Based Harassment Complaint Procedures**

**Original Adopted Date: 09/11/2024 | Last Revised Date: 09/11/2024 | Last Reviewed Date: 09/11/2024**

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

**Basic Requirements**

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably
- 
2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent

The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.

3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures
- 
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any
- 
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent

from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

### **Filing a Complaint**

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint  
-
2. The victim's reasonable safety concerns regarding initiation of a complaint  
-
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated  
-
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence  
-
5. The age and relationship of the parties, including whether the respondent is an employee of the district  
-

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
- 
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
- 
8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

### **Supportive Measures**

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in

class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)

### **Emergency Removal**

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

### **Dismissal of Complaint**

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The district is unable to identify the respondent after taking reasonable steps to do so  
-
2. The respondent is not participating in the district's education program or activity and is not employed by the district  
-



3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

- 
4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 10 days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
- 
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made
- 
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
- 
2. Implement appeal procedures equally for the parties
- 
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
- 
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
- 
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
-

6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.

**Informal Resolution Process**

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
- 
2. Obtains the parties' voluntary consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)

### **Notice of Allegations**

If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
- 
2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- 
3. A statement that retaliation is prohibited
- 
4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.

### **Consolidation of Complaints**

The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

### **Investigation Procedures**

The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
- 
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
- 
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:
  - 
  - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence

If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
  - 
  - b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence
  - 
  - c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
  -
4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures
- 
5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness
- 
6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
  - 
  - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
  - 
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains

that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

The investigator shall complete the investigation within [redacted] days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

### **Written Decision**

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred
2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued within 10 days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

### **Appeal of the Decision**

Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

### **Extension of Timelines**

Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

### **Remedies**

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

### **Disciplinary Actions**

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

### **Record-Keeping**

The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
- 
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
- 
3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

The district shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
- 
2. A record of the investigation procedures followed
- 
3. A record of the written determination
- 
4. A record of the corrective action implemented, if any
- 
5. A record of any appeals and the outcome of the same
- 
6. All training materials addressing the prohibition and investigation of childhood sexual assault

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>

Civ. Code 51.9	<a href="#">Liability for sexual harassment; business, service and professional relationships</a>
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 48900.2	<a href="#">Additional grounds for suspension or expulsion; sexual harassment</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Gov. Code 12950.1	<a href="#">Sexual harassment training</a>
<b>Federal</b>	<b>Description</b>
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. DOJ, FBI Publication	<a href="#">National Incident-Based Reporting System</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130



Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
Website	<a href="#">U.S. Department of Justice, Federal Bureau of Investigation</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

## Cross References

<b>Code</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
3600	<a href="#">Consultants</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4033	<a href="#">Lactation Accommodation</a>
4117.7	<a href="#">Employment Status Reports</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4119.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4131	<a href="#">Staff Development</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>

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4317.7	<a href="#">Employment Status Reports</a>
4319.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4319.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>

**Exhibit 4119.12-E(1): Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures****Status:** ADOPTED**Original Adopted Date:** 9/11/2024 | **Last Revised Date:** | **Last Reviewed Date:** 07/01/2024**NOTICE OF TITLE IX NONDISCRIMINATION**

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex and prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district is required, as specified in Title IX, to take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee(s) as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sex-based harassment:

Jaime Martinez (employee complaints)  
Assistant Superintendent of Human Resources  
714 N. White St.  
Hanford, CA 93230  
(559) 585-3609  
[jmartinez@hanfordesd.org](mailto:jmartinez@hanfordesd.org)

Jason Strickland (student complaints)  
Assistant Superintendent of Student Services  
714 N. White St.  
Hanford, CA 93230  
(559) 585-3642  
[jstrickland@hanfordesd.org](mailto:jstrickland@hanfordesd.org)

Any individual may report sex discrimination, including sex-based harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon

receiving an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures on the district's website at [www.hanfordesd.org](http://www.hanfordesd.org)

To inspect or obtain a copy of the district's sex discrimination and sex-based harassment policies and administrative regulations, please contact: (559) 585-3609.

Materials used to train employees; the Title IX Coordinator; investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are available at the district office upon request.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
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Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
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Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

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5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Board of Trustees

FROM: Joy C. Gabler

DATE: September 3, 2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Consider adopting Resolution #10-25: Regarding Absent Board Member Compensation.

**PURPOSE:** Education Code section 35120(c) provides that a board member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting: 1) he or she is performing services outside the meeting for the school district or districts, (2) he or she was ill or on jury duty, (3) or the absence was due to a hardship deemed acceptable by the board. Trustee Lupe Hernandez was unable to attend the August 28, 2024 meeting due to illness.

**FISCAL IMPACT:** Not to exceed \$306.92.

**RECOMMENDATIONS:** Adopt Resolution #10-25.

**HANFORD ELEMENTARY SCHOOL DISTRICT  
RESOLUTION # 10-25**

**Board of Trustees  
Hanford Elementary School District**

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

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

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

1. Board Member Lupe Hernandez was absent from the Hanford Elementary School District's regular board meeting held August 28, 2024 due to:
  - performing services outside the meeting for the school district
  - illness
  - jury duty
  - hardship deemed acceptable by the Board
  
2. Said Board Members shall be paid for the meeting.

**PASSED AND ADOPTED THIS 11th day of September, 2024** at a regular meeting, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Greg Strickland, President

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Robert 'Bobby' Garcia, Vice-President



## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Jill Rubalcava

DATE: 8/14/2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Consider adoption of Resolution 03-25 pertaining to the sufficiency of instructional materials.

**PURPOSE:** An annual public hearing is to be held to review district standards on instructional materials as they relate to Education Code 60119 which states, "Each pupil, including English Learners, has a standards-based aligned textbook or instructional materials, or both, to use in class and to take home" in core subject areas of reading/language arts, mathematics, science, and history-social science. Furthermore, these materials are aligned with the standards and cycles of the curriculum frameworks adopted by the state board. Once sufficiency has been determined, it requires that the Board adopt a resolution stating whether each pupil in the district has sufficient textbooks or instructional materials in the core subject areas.

**FISCAL IMPACT:** none

**RECOMMENDATIONS:** Adopt resolution 03-25

**RESOLUTION NO. 03-25****BEFORE THE BOARD OF TRUSTEES  
OF THE HANFORD ELEMENTARY SCHOOL DISTRICT****In the matter pertaining to Sufficiency of Instructional Materials**

Whereas, the governing board of Hanford Elementary School District, in order to comply with the requirements of *Education Code Section 60119* held a public hearing on Wednesday, September 11, 2024 at 5:30 p.m.

Whereas, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

Whereas, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders (if the district or county office has a bargaining unit) in the public hearing, and;

Whereas, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the Hanford Elementary School District, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

Whereas, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics – 2014 Adoption:
  - McGraw-Hill (Transitional Kindergarten)
  - Pearson (Grades K – 5)
  - Big Ideas (Grades 6 & 7)
  - College Preparatory Math (Grade 8)
- Science – 2019 Adoption:
  - TWIG Science (Grades K – 5)
  - STEMscopes (Grades 6 – 8)
- History-social science – 2018 Adoption
  - Studies Weekly (Grades K – 6)

- Pearson, My World Interactive (Grades 7 & 8)
- English/language arts – 2014 Adoption:
  - Houghton Mifflin Harcourt (Grade TK)
- English/language arts – 2016 Adoption:
  - Houghton Mifflin Harcourt (Grades K – 1)
  - Benchmark Advance (Grades 2 – 6)
  - Houghton Mifflin Harcourt (Grades 7 & 8)

Whereas, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

Therefore, it is resolved that for the 2024-2025 school year, the Hanford Elementary School District has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

Passed and adopted on the 11th day of September, 2024 at a regular meeting of the governing board by the following vote:

AYES:

NOES:

ABSENT:

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted by the governing board at a regularly called and conducted meeting on said date.

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Greg Strickland,  
President, Board of Trustees  
Hanford Elementary School District

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: Javier Espindola

DATE: August 22, 2024

FOR:  Board Meeting  
 Superintendent's Cabinet

FOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Consider approval of Consultant Contract with P.A.T.Y Studio to provide weekly dance instruction for grades 1-8.

**PURPOSE:** Consultant from P.A.T.Y Studio will provide weekly dance instruction in Mexican Folklorico and Latin Genre dance for grades 1-8 from September 10, 2024 – May 12, 2025.

**FISCAL IMPACT:** \$9,000.00

**RECOMMENDATIONS:** Approve

HANFORD ELEMENTARY SCHOOL DISTRICT

CONSULTANT CONTRACT

This contract is entered into on August 22, 2024, between the Hanford Elementary School District and P.A.T.Y. Studio (Consultant).

Consultant agrees to perform the following services for the Hanford Elementary School District:

Provide weekly dance instruction in Mexican Folklorico and Latin Genre dance where dancers will learn the culture and history in a fun, positive, and engaging dance class for grades 1-8. Classes will be held every Tuesday from September 10, 2024 through May 12, 2025.

The Consultant, and the agents and employees of the Consultant, in the performance of this agreement shall act in an independent capacity and not as officers or employees or agents of the Hanford Elementary School District.

Consultant agrees to indemnify, defend and save harmless the Hanford Elementary School District, its officers, agents and employees from any and all claims and losses accruing or resulting in connection with the performance of this agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Consultant in the performance of this agreement.

The Hanford Elementary School District agrees to pay P.A.T.Y. Studio the sum of nine thousand Dollars (\$ 9,000.00 ) for such services.

Consultant Signature: 123 W 7th Street, Suite 201
Consultant Name: Patricia Diaz
City: Hanford, State: CA, Zip Code: 93230

Principal/Department Head Signature

Other Authorizing Signature

Budget Account Number: 0100-2600-0-1110-4000-580009-021-0050

Board Approved:

- Original Copy: Fiscal Services
One Copy: Consultant
One Copy: School/Department

DISTRICT USE:
SUBJECT TO MONTOYA SCHOOL SAFETY ACT?
YES / NO
(CIRCLE ONE)



P.A.T.Y.'Studio  
 123 W. 7<sup>th</sup> St. Suite 201 Hanford, CA 93230  
[patystudiopd@gmail.com](mailto:patystudiopd@gmail.com) [www.patystudio.com](http://www.patystudio.com)

**Our Mission:** P.A.T.Y.'Studio, is a dance studio that offers a variety of dance classes from Ballet, Hip-Hop, Jazz, Salsa, Mexican Folklorico, Lyrical and more. Classes are available for anyone in the community from ages 2 to adult. P.A.T.Y.'Studio's mission is to teach dance, guide youth to positivism, and provide students with a positive influence through the fine art of dance and the love for the Lord. Our studio is a family-oriented studio, where all walks of life are welcomed. Our goal is to bring forth self-confidence, positive influences, and a caring positive environment through dance and fine arts. We use dance as a tool to help build and guide the youth to a more successful and positive outlook on life. Our core value is to teach leadership skills, self-confidence, provide genuine care, and create a safe and comfortable space where dancers can express themselves through a positive and nourishing dance program. Our dance program will offer students an extra-curricular activity that will help them excel in their academic life, as their self-esteem and confidence level boost helping their mental state obtain clarity and positivism, which in turn increases academic intellect.

### Our Core Values:

- 1 Youth & Community Driven (outreach)
- 2 Passion for dance & fine arts (fun & interactive)
- 3 Cultivate each student's uniqueness to their own potential (dance education)
- 4 Welcoming environment & creating a safe space for all (inclusion)
- 5 Help create inner personal skills, abilities, confidence, great self-esteem, and strengths (creating a brighter future for youth)
- 6 Teach fun choreography concepts based on age groups (artistic value to each individual)
- 7 Talent comes from hard work, self-expression, & a joyful positive attitude (a dancer's guide to success)

**Goals for 2024-2025:** Our goals for 2024 and through the year of 2025 include continuing our commitment to increase our presence in the community. We work hard at creating and building relationships with local schools and organizations to help create a positive and fun environment, where all the children in the community can feel safe to use dance as an outlet to express themselves through movement and add a valuable activity to their lifestyle. At P.A.T.Y.'Studio, we always strive on creating a welcoming and strong family-oriented community. We welcome everyone from all backgrounds and ages. Our instructors continuously work hard on developing and advancing every dancer's artistry in dance by highlighting their talent and uniqueness.

**How We Adapted Amid-st A Crisis:** In 2020, the performing arts industry was significantly affected by the Corona virus along with every small business in the world. Unfortunately, P.A.T.Y.'Studio was significantly impacted, and we had to adapt the best we could to the situation. Our enrollment declined by 75% when we were forced to close our studio doors. Online classes were organized, and our dancers were virtually taught through a screen until the State and County lifted the restrictions that allowed us to welcome back our dancers. Throughout the pandemic P.A.T.Y.'Studio created a supportive space for our dancers and their families to be surrounded by joy and to find the light through dance. Our biggest accomplishment through this pandemic was being able to keep all our staff and team employed throughout the pandemic and create what we are now very proud of and is known as our outreach dance program. We are committed to continuously providing a supportive, positive, and loving space by using art as a creative outlet through our outreach dance program we have offered to various schools and organizations since the pandemic up until now.

## Outreach/Dance Studio Dance Program: Program Structure

### I Time

1 hours of daily instruction Tuesday

2:30pm-3:30pm

### Focus & Themes

#### Exploration:

- Body Movement in a fun and engaging way (Zumba or fun creative dances)
- Dance Posture/Alignment
- Positions of the Body (Arms/Feet)
- Expression of movement
- Forming dancers' technique, foot work, and teaching choreography while building dancers' artistic expression's.
- Learning about various styles of dance to help increase self-esteem, positive influences, upbeat energy, and obtain physical benefits from dance/movement

#### Planning:

- Improvisation (spontaneous dance movement/freestyle)
- Introduction of Elements of Dance (Time, space, energy, Body)
- Dance Structure (combinations, routines, design)
- Choreographic Devices (Musicality, Motif, Repetition, Visuals, etc)
- Understanding musicality, formations, designs, and conceptual dance techniques to learn a dance routine

#### Concepts:

- Teaching dance concepts, revision, testing dancer knowledge, memorization techniques

#### Embody Movement:

- How to make the choreography their own

#### Presentation:

- How to use the stage and full production elements to create a performance
- Learn Competitive Rules/Concepts to obtain good placements

#### Analyze:

- Analyze the artistic work (what does the choreographer want the dance to feel like, what is the storyline and how should the dancer interpret the dance on stage)

#### Dance Terminology:

- Does the dancer know the dance terminology

#### Application:

- Apply the dance criteria taught to evaluate the artistic work

#### Did Dance help the dancer:

- Did the dancer receive inner growth and introspectiveness of self through dance class
- Using dance as a creative outlet for self-expression to help with mental wellness

#### Dance Literacy:

- Deep knowledge on dance history, dance in society, dance in culture and how it can connect and contribute to the students development in their personal life.

### II Styles For After School Enrichment Outreach Program

- Latin Genres: Cumbia, Salsa, Merengue, Bachata  
Spanish Culture: Spanish Language, Spanish Modules
- Mexican Folklorico-Learning the traditional dances of the Mexican Culture from the various regions of Mexico. Learning: history, culture, customs, vestment, and symbolism

of the dances as well as the basic dance steps for fundamental concepts of this style of dance. Spanish Language

**IV Sessions: Starting August 2024- May 2025**

August-planning/choreography month

September-October-Dance Class Instruction

November- Dia De Los Muertos Event Performance and Dance Class Instruction

December-Winter Performance and Dance class instruction

January-March-Dance Class Instruction

April-Dia del Nino Performance, Dance class Instruction

May-Cinco de Mayo School and Community Performances and Dance class instruction

**V Program Fees/Options:**

P.A.T.Y.'Studio will provide the following:

- a. Instructors to achieve instruction in all styles of dance (Latin Genre and Mexican Folklorico) and fulfilling the dance curriculum, focus/themes listed above in order to produce quality choreography that is show ready
- b. P.A.T.Y.'studio takes pride in offering tools/resources/videos for dancers to grow their dance education. These items will be emailed to the dancers' parents to have as study material at home.

**Option 1: Dance Program \$1,000/month (2 dance classes)**

**All fees include:** weekly dance instruction, administration to run full outreach dance program monthly notices to dancers if needed, all required staffing to run a fully functional dance program on your school/organization site.

**In Conclusion:** P.A.T.Y.'Studio looks forward to servicing the students of the Jefferson Academy with a professional dance studio program that will promote physical activity in a positive manner and allow students to use dance to self-express and gain artistic value through performances and learning dance styles that will add positive value to their individual life and growth. We appreciate your consideration and look forward to moving towards building positive and artistic students through our dance program. Feel free to email us [patystudiopd@gmail.com](mailto:patystudiopd@gmail.com) or call us at 559-410-8487 for any questions, comments, or concerns.

Thank you and God bless,

Patricia Diaz

P.A.T.Y.'Studio Owner/Director

559-707-5427

**Professional Services Agreement Section**

This Agreement made this 22<sup>nd</sup> of August 2024 between the Jefferson Academy who's located at, 1264 Middleton St, Hanford, CA 93230 and P.A.T.Y.'STUDIO who's located at, 123 W. 7 th St. Suite 201, Hanford, CA.

P.A.T.Y.'STUDIO shall provide professional services, namely as a dance studio outreach program that involves dance curriculum training, choreographed dance, 2 small showcases, commonly referred to as "P.A.T.Y.'Studio" to the schools of Jefferson Academy for a total amount broken up into 10 monthly installments. The above proposed program layout is agreed by both signing parties below and cannot be altered or changed. The following is the final agreed fees schedule for the dance studio outreach program and cannot be altered or changed.



**Final Agreed Program Schedule:**

Tuesday 2:30pm-3:30pm

**Final Agreed Payment Fees Schedule:**

\$1,000 monthly fee due every 28<sup>th</sup> of the month (September-May)

**II: Contract Additions**

No employer-employee relationship is created by this Agreement. Payment will be made to P.A.T.Y.’STUDIO following the payment scheduled due dates. P.A.T.Y.’Studio is responsible, as an independent contractor, for payment of any state and federal taxes, assessments and/or other costs of doing business.

P.A.T.Y.’STUDIO retains the right to exercise prudent professional judgment over the manner and means by which their professional services are to be provided to the Jefferson Academy.

P.A.T.Y.’STUDIO and Jefferson Academy agrees to indemnify and hold harmless to each other and all it’s Department, its staff, program coordinators, and any personal and/or members, and officials against any and all claims, causes of action, suits, proceedings, judgments, awards, as well as reasonable expenses, including reasonable attorney, fees, actually and necessarily incurred by it’s officers, members, employees, agents, etc. in connection with any action or the defense thereof or in connection with an appeal therein, arising out of any action, proceeding, claim, cause of action, suit, special proceeding, administrative claim, administrative proceeding or any procedure, claim or suit of any kind whatsoever arising out of this Agreement by either of the two parties in this agreement or arising out of the acts of any of their employees, agents, servants or persons acting by or on their behalf.

**Additional Needs for Program Agreement Terms:**

QR codes will be created by P.A.T.Y.’Studio admin staff and emailed to Jefferson Academy staff for dance education resources/handouts/YouTube video recordings, to email to students as needed.

**Contract Duration:**

The duration of this Agreement shall be September 10<sup>th</sup> 2024 through May 12<sup>th</sup> 2025.

This Agreement constitutes the entire agreement between the parties hereto, and no statement, promise, condition, understanding, inducement or representation, which is not contained herein, shall be binding or valid.

This Agreement shall not be changed, modified or altered in any manner except by written agreement or amendment executed by the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be made on the day and year first above written.

\_\_\_\_\_  
Date

\_\_\_\_\_  
P.A.T.Y.’STUDIO Owner/Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jefferson Academy

# HANFORD ELEMENTARY SCHOOL DISTRICT

## AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Robert Heugly  
DATE: August 30, 2024

For:  Board Meeting  
 Superintendent's Cabinet

For:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM: Approve Consolidated Application for Funding Categorical Aid Programs (Summer 2024 Release for the 24-25 school year)**

**PURPOSE:** The Consolidated Application is the document that is used to apply for, and report on several federal and state categorical aid programs including:

Title I	Low-Income Students
Title II	Supporting Effective Instruction
Title III	English Learners
Title IV	Student Support

**FISCAL IMPACT:** Approximately \$2.7 million in categorical funding is requested through the Consolidated Application.

**RECOMMENDATION:** Approve the Consolidated Application for Funding Categorical Aid Programs

# HANFORD ELEMENTARY SCHOOL DISTRICT

## AGENDA REQUEST FORM

TO: Joy Gabler

FROM: Robert Heugly  
DATE: August 30, 2024

For:  Board Meeting  
 Superintendent's Cabinet

For:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Consider adoption of the revised Hanford Elementary School District Elementary and Secondary School Emergency Relief (ESSER III) updated expenditure plan

**PURPOSE:** The original Hanford Elementary School District ESSER III expenditure plan was reviewed at a public hearing during the Board meeting on 10/13/2021 and adopted at the Board meeting on 10/27/2021. Attached is an updated revised expenditure plan that is more accurate of actual expenses. The updated ESSER III is located on our public website at:

<https://resources.finalsite.net/images/v1725051824/hesdk12caus/mxxmafeyi5t5u0qdmphi/Updated8-20-24-2022ESSERIIIExpenditurePlan.pdf>

Attached is the summary expenditure sheet showing the changes in the budget.

The American Rescue Plan (ARP) Act requires that Local Educational Agencies (LEAs) receiving ESSER III funds develop an expenditure plan that describes how the funds will be used to implement the prevention and mitigation strategies consistent with the most recent Centers for Disease Control and Prevention (CDC) guidance, how the 20% set aside for learning loss mitigation will be spent, and how the remaining 80% will be spent consistent with the allowable uses.

**FISCAL IMPACT:** This document is a requirement of receiving ESSER III funds, which are approximately \$16 million.

**RECOMMENDATION:** Adopt the Hanford Elementary School District Elementary and Secondary School Emergency Relief (ESSER III) expenditure plan.

ESSER Category	Description	Original Budget	Revised Budget
Improve Upgrade School Facilities	Maintenance EZ ups Additional Copy machines Hand Dryers Drinking faucets Hot Water Heaters water heaters, misc	\$ 870,000	\$ 177,692
Indoor Air Quality	HVAC replacements HVAC JFK Ceiling fans thermostats HVAC	\$ 3,000,000	\$ 1,607,960
Sanitation	Hand Sanitizer/Soap/wipes/gloves Pressure washers Ceiling fans floor scrubbers	\$ 120,000	\$ 155,938
Health Protocols	Outdoor picnic tables Washer/Dryers portable restroom	\$ 120,182	\$ 73,217
Transportation	Dispatcher/bus driver Transportation tracking	\$ 250,000	\$ 241,852
Technology	Student computers WIFI hotspots and service Student computers/Technology	\$ 1,900,000	\$ 2,326,575
After School Programs	ELOP Replaced this Category	\$ 250,000	\$ -
Summer School	Supplies	\$ 250,000	\$ 92,725
Instructional Materials	Software licenses/Instructional Materials SEL materials and conference	\$ 325,000	\$ 114,312
After School Tutorial	Tutorial Targeted teacher tutorial Special Ed aide	\$ 250,000	\$ 474,379
Educational Tutors	Educational Tutors (5 hour each) TK Tutors (7 hour each) SPED Aid	\$ 2,000,000	\$ 2,328,441
Student Support	Additional SOO	\$ 300,000	\$ 76,934
Health Professionals	Additional Counselors School Nurses & PPE Supplies Psychologists	\$ 3,000,000	\$ 3,157,772
School Support	2 additional social workers teacher orientation	\$ 320,000	\$ 371,437
Reduce class size	Teacher FTEs to reduce class size	\$ 3,500,000	\$ 5,151,750
Indirect Costs	Indirect Costs	\$ 420,000	\$ 469,326
	Total	\$ 16,875,182	\$ 16,820,310

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: Jay Strickland

DATE: August 23, 2024

FOR:  Board Meeting  
 Superintendent's CabinetFOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Memorandum of Understanding between the Ana Soto Grant “Live the Life you Create LLC” and the Hanford Elementary School District**PURPOSE:** Ana Soto Grant will provide clinical supervision for Associate Social Workers. .**FISCAL IMPACT:** \$7,600**RECOMMENDATIONS:** Approve

HANFORD ELEMENTARY SCHOOL DISTRICT

CONSULTANT CONTRACT

This contract is entered into on August 14, 2024, between the Hanford Elementary School District and Ana Soto Grant "Life the Life You Create LLC" (Consultant).

Consultant agrees to perform the following services for the Hanford Elementary School District: LCSW to provide clinical supervision for Associate Social Workers

The Consultant, and the agents and employees of the Consultant, in the performance of this agreement shall act in an independent capacity and not as officers or employees or agents of the Hanford Elementary School District.

Consultant agrees to indemnify, defend and save harmless the Hanford Elementary School District, its officers, agents and employees from any and all claims and losses accruing or resulting in connection with the performance of this agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Consultant in the performance of this agreement.

The Hanford Elementary School District agrees to pay Ana Soto Grant "Life the Life You Create LLC" the sum of One hundred Dollars (\$ 100.00/hour ) for such services.

*A Soto*

Consultant Signature

3017 W Payson Ave

Consultant's Address

Ana Soto Grant

Consultant Name

Visalia

City

CA

State

93291

Zip Code

*[Handwritten Signature]*

Principal/Department Head Signature

Other Authorizing Signature

Budget Account Number: 0100-9064-0-0000-3130-580009-039-0000

Board Approved: \_\_\_\_\_

- Original Copy: Fiscal Services
One Copy: Consultant
One Copy: School/Department

DISTRICT USE:
SUBJECT TO MONTOYA SCHOOL SAFETY ACT?
YES / NO
(CIRCLE ONE)

**AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN**

**HANFORD ELEMENTARY SCHOOL DISTRICT**

**AND**

**LCSW - INDEPENDENT CONTRACTOR**

This AGREEMENT made on August 14, 2024, between the Hanford Elementary School District, having a principal place of business at 714 N. White Street, CA 93230, hereinafter referred to as the "Client", which employ ACSW's and Ana Soto Grant, LCSW hereinafter referred to as the "Contractor", having a principal place of business at 3017 W. Payson Avenue, Visalia, CA 93291.

1. **Term of the Contract.** This Agreement will become effective on August 28, 2024 - June 13, 2025
2. **Specific Services.** Contractor agrees to provide clinical supervision to ACSW's/AMFT's, which are within the scope of his/her training and experience. These services shall comply with accepted clinical standards and the professional and ethical standards by which the Contractor is bound. The Contractor agrees to abide by the policies and procedures of the Client.
3. **Method of Performing Services.** Contractor and Client will determine the method, details, and means of performing the above-described services in accordance with professional and ethical standards of the Contractor's profession.
4. **Compensation.** Client agrees to pay the Contractor for the services set forth. The Contractor will invoice the Client, on an agreed upon trimester basis, set forth on each November 1st, March 1st, and June 1st, at the rate of \$100.00 an hour for services performed.
5. **Hours During Which Services May Be Performed.** Contractor agrees to perform the above-described services on Client premises, Contractor's office, and/or via video conference during the Client's regular business hours.

**Liability Insurance.** Contractor agrees to maintain a policy of malpractice/general liability insurance in the minimum amount of 1,000,000.00 / 3,000,000.00 through NASWRisk Retention Group to cover any negligent acts committed by the Contractor during the performance of any duties under the Agreement. Contractor agrees to provide Client proof of said coverage and to name Client as "other insured" on the policy. Further, the Client, ACSW's/AMFT's, agrees to maintain a policy of malpractice/general liability insurance in the minimum amount of 1,000,000.00 / 3,000,000.00 through NASW Risk Retention Group /CAMFT - CPH & Associates to cover any negligent acts committed by the Client during the performance of any duties under the Agreement. The Client agrees to provide Contractor proof of said coverage and to name the Contractor as "other insured" on the policy.

6. **Assignment.** The Contractor may assign neither this Agreement nor any duties or obligations under the Agreement without the prior written consent of the Client.

7. **Cooperation of Client.** Client agrees to supply to the Contractor necessary space for the Contractor to perform his/her duties, and secured storage for students' records.

8. **Entire Agreement of the Parties.** This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Contractor for Client and contains all of the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing signed by both parties.

9. **Partial Invalidity.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

10. **Arbitration.** Any controversy or claim arising out of or relating to this Agreement or the breach thereof shall be settled by agreed-upon arbitration.


11. **Student Records.** All students record of the Contractor shall remain the property of the Client upon the termination of the Agreement. The Contractor may obtain copies of said records upon written request of the Contractor. Further, all student records will Adhere to Health Insurance Portability and Accountability Act (HIPPA), Welfare & Institution Code Section 5328, Welfare & Institution Code section 10850, and any other applicable law.

12. **Notice of Termination.** Both parties agree to submit a written notice of termination of this Agreement to the other party at least ninety days prior to the effective termination date.

13. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF the parties have executed this Agreement on August 14, 2024

By: \_\_\_\_\_  
Joy Gabler, Superintendent  
Hanford Elementary School District


By:  \_\_\_\_\_  
Ana Soto Grant, LCSW



## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy Gabler

FROM: Dr. Cruz Sanchez-Leal 

DATE: August 30, 2024

FOR:  Board Meeting  
 Superintendent's CabinetFOR:  Information  
 Action

Date you wish to have your item considered: September 11, 2024

**ITEM:** Consider accepting Melissa Lincicum, as the Hanford Elementary School District's representative to the SELPA Community Advisory Committee.**PURPOSE:** Each SELPA is required to maintain a Community Advisory Committee "CAC". This committee is composed of representatives from each school district. These representatives must be appointed by and are responsible to their respective governing boards. The term of office is two years.

The Community Advisory Committee has responsibilities for, but not limited to, all the following:

- Advising the Special Education Governance Council through the SELPA Director regarding the development and review of the Local Plan. The Special Education Governance Council shall review and consider comments from the Community Advisory Committee.
- Recommending annual priorities to be addressed by the Local Plan.
- Encouraging community involvement in the development and review of the Local Plan.
- Supporting activities on behalf of individuals with exceptional needs.
- Assisting in parent education and in parent awareness of the importance of regular school attendance.

**FISCAL IMPACT:** None**RECOMMENDATIONS:** Endorse

HANFORD ELEMENTARY SCHOOL DISTRICT  
**Human Resources Department**  
**AGENDA REQUEST FORM**

**TO:** Joy C. Gabler  
**FROM:** Jaime Martinez  
**DATE:** August 19, 2024  
**RE:** (X ) Board Meeting  
 ( ) Superintendent's Cabinet  
 ( ) Information  
 (X ) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **September 11, 2024**

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

**PURPOSE:**

**a. Employment**

Classified

- Sara Rubio-Dreading, Yard Supervisor – 2.0 hrs., Jefferson, effective 8/26/24

Classified Temps/Subs

- Angelique Amador, Substitute Yard Supervisor, effective 9/3/24
- Lea Cano, Substitute Yard Supervisor, effective 8/27/24
- Dakota Corona, Substitute Yard Supervisor, effective 8/26/24
- Mishaelynn Stephens, Substitute READY Program Tutor, effective 8/22/24

Short Term Classified

- Bertha Martin, Short-Term Bilingual Clerk Typist II – 8.0 hrs., Monroe, effective 9/9/24-11/1/24
- Janet Pimentel, Short-Term Yard Supervisor – 3.5 hrs., Richmond, effective 8/26/24-9/27/24

**b. Resignations**

- Audrey Dragt, Substitute READY Program Tutor, effective 5/30/24

**c. Adopt Resolution No. 09-25 – Junior High Teacher Credentials and Assignments**

- See attached

**d. Volunteers****Name**

Elizabeth Jackson (HESD Employee)  
Lauree Pacheco  
Elias Estrada (HESD Employee)  
Eunhae Roldan  
Donald Bunyard  
Cynthia Rivera-Campos

**School**

Jefferson/Simas  
Jefferson  
Lincoln  
Simas  
Wilson  
Wilson/King

**RECOMMENDATION:** Approve.

BEFORE THE BOARD OF TRUSTEES  
OF THE  
HANFORD ELEMENTARY SCHOOL DISTRICT  
KINGS COUNTY, CALIFORNIA

In the Matter of Junior High Teacher )  
Credentials and Assignments )

**RESOLUTION #09-25**

WHEREAS, there is a need at the junior high schools for partial elective teaching assignments; and

WHEREAS, Education Code Section 44256(b) authorizes the holder of a Multiple Subject teaching credential to teach in grades 5 through 8 any assignment in a subject in which the teacher has completed a prescribed number of units of course work, subject to the teacher's consent and action by the governing board, and

WHEREAS, the below-named teachers meet the requirements of Education Code Section 44256(b), and as holders of Multiple Subject credentials consent to teach the designated single subject at the 7<sup>th</sup> and/or 8<sup>th</sup> grade level outside of their credential area by having completed 12 semester units or 6 upper division semester units of course work in said subject; and

NOW, THEREFORE, BE IT RESOLVED that the following teachers be approved to teach partial assignments in the subjects indicated in accordance with Education Code Section 44256(b) provisions cited above:

TEACHER	SCHOOL	PARTIAL ASSIGNMENT
Erin Boling	John F. Kennedy Jr. High	Math Elective
Carrie Cortinas	John F. Kennedy Jr. High	Literature Elective
Jacquelyn Doyel	Woodrow Wilson Jr. High	Yearbook Elective
Andrea Ermie	Woodrow Wilson Jr. High	Composition Elective
Peter Gonsalves	Woodrow Wilson Jr. High	Business – Consumer Education Elective
Mariah Hopper	John F. Kennedy Jr. High	Yearbook Elective
Jody Patton	Woodrow Wilson Jr. High	Literature Elective
Paul Raymond	Woodrow Wilson Jr. High	Composition Elective
Tommy Smart	John F. Kennedy Jr. High	Math Elective
Jarod Strong	John F. Kennedy Jr. High	Math Elective
Kristen Uldall	Woodrow Wilson Jr. High	Science Elective
Teresa Vasquez	Woodrow Wilson Jr. High	Literature Elective

The foregoing resolution was adopted at a regular meeting of the Board of Trustees of the Hanford Elementary School District Board on the 11<sup>th</sup> day of September 2024, by the following vote:

AYES:

NOES:

ABSENT:

---

President, Board of Trustees  
Hanford Elementary School District  
Kings County, California

## HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Joy C. Gabler

FROM: David Endo

DATE: 08/30/2024

FOR:  Board Meeting  
 Superintendent's CabinetFOR:  Information  
 Action

Date you wish to have your item considered: 09/11/2024

**ITEM:**

Consider approval of Resolution #06-25 regarding the accounting of developer fees.

**PURPOSE:**

Government Code sections 66001(d) and 66006(b) require school districts to make an annual accounting of the Capital Facilities Fund and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year.

**FISCAL IMPACT:**

None.

**RECOMMENDATIONS:**

Approve the developer fee report and adopt Resolution #06-25.

RESOLUTION No. 06-25  
RESOLUTION OF THE GOVERNING BOARD OF THE  
HANFORD ELEMENTARY SCHOOL DISTRICT  
REGARDING ACCOUNTING OF DEVELOPMENT FEES  
FOR THE 2023-2024 FISCAL YEAR  
IN THE FOLLOWING FUND OR ACCOUNT:  
2500-CAPITAL FACILITIES FUND  
(Government Code sections 66001(d) & 66006(b))

**1. Authority and Reasons for Adopting this Resolution.**

- A. This District levied school facilities fees pursuant to various resolutions, the most recent of which is dated February 16, 2024 and is referred herein as the “School Facilities Fee Resolution” and hereby incorporated by reference into this Resolution. Those resolutions were adopted under the authority of Education Code section 17620 (formerly Government Code section 53080). These fees have been deposited in the following fund or account: 2500-Capital Facilities Fund.
- B. Government Code sections 66001(d) and 66006(b) require this District to make an annual accounting of the Fund and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year.
- C. Government Code sections 66001(d) and 66006(b) further require that the annual accounting of the Fund and those findings be made available to the public no later than December 27, 2024, that this information be reviewed by this Board at its regularly scheduled board meeting held no earlier than 15 days after they become available to the public, and that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) be mailed at least 15 days prior to this meeting to anyone who has requested it.
- D. The Superintendent has informed the Board that a draft copy of this resolution (along with Exhibits A and B which are hereby incorporated by reference into this Resolution) was made available to the public on August 20, 2024. The Superintendent has further informed this Board that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) was mailed at least 15 days prior to this meeting to anyone who had requested it.
- E. The Superintendent has also informed this Board that there is no new information which would adversely affect the validity of any of the findings made by this Board in its School Facilities Fee Resolution.

**2. What This Resolution Does.**

This Resolution makes various findings and takes various actions regarding the Fund as required by and accordance with Government Code sections 66001(d) and 66006(b).

### 3. Findings Regarding the Fund

Based on all findings and evidence contained in, referred to, or incorporated into this Resolution, as well as the evidence presented to this Board at this meeting, the Board finds each of the following with respect to the Fund for the 2023-2024 Fiscal Year:

- A. In reference to Government Code section 66006(b)(2), the information identified in Section 1 above is correct;
- B. In further reference to Government Code section 66006(b)(2), this Board has reviewed the annual accounting for the Fund as contained in Exhibit A and determined that it meets the requirements set forth in Government Code section 66006(b)(1);
- C. In reference to Government Code section 66001(d)(1), and with respect only to that portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary to reduce overcrowding caused by development on which the fees were levied, which facilities are more specifically identified in Exhibit B;
- D. In reference to Government Code section 66001(d)(1), and with respect only to that portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, the findings and evidence referenced above demonstrate that there is a reasonable relationship between the fees and the purpose for which it is charged;
- E. In reference to Government Code section 66001(d)(1), and with respect only to that portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, all of the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified as the use to which the fees are to be put is identified in Exhibit B;
- F. In reference to Government Code section 66001(d)(1), and with respect only to that portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, the approximate dates on which the funding referred to in paragraph e above is expected to be deposited into the approximate account or fund is designated in Exhibit B; and
- G. In reference to the last sentence of Government Code section 66006(b), because all of the findings required by that subdivision have been made in the fees that were levied in paragraphs C-F above, the District is not required to refund any moneys in the Fund as provided in Government Code section 66001(e).

### 4. Superintendent Authorized to Take Necessary and Appropriate Action.

The Board further directs and authorizes the Superintendent to take, on its behalf, such further action as may be necessary and appropriate to effectuate this Resolution.

### 5. Certificate of Resolution

I, Greg Strickland, President of the Governing Board of the Hanford Elementary School District of Kings County, State of California, certify that this Resolution proposed by \_\_\_\_\_, seconded by \_\_\_\_\_, was duly passed and adopted by the Board, at an official and public meeting this 11<sup>th</sup> day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

---

President, Board of Trustees  
Hanford Elementary School District  
Kings County, California



EXHIBIT A  
 TO RESOLUTION REGARDING  
 ACCOUNTING OF DEVELOPMENT FEES  
 FOR FISCAL YEAR 2023-2024  
 FOR THE FOLLOWING FUND OR ACCOUNT:  
 2500-CAPITAL FACILITIES FUND (the "Fund")

Per Government Code section 66006(b)(1)(A)-(H) as indicated:

- A. A brief description of the type of fee in the Fund:  
 Level 1 school facilities fees.
- B. The amount of the fee.  
 The Hanford Elementary School District levied \$2.87 per square foot of assessable space of residential construction and \$0.47 per square foot of commercial/industrial construction from July 1, 2023 until May 31, 2024. From June 1, 2024, thereafter, the Hanford Elementary School District levied \$3.10 per square foot of assessable space of residential construction and \$0.50 per square foot of commercial/industrial construction. It should be noted that the high school district also levies a school facilities fee in addition to the elementary school's based on its own Developer Fee Justification Study.
- C. The beginning and ending balance of the Fund.  
 See Attachment 1.
- D. The amount of the fees collected and the interest earned.  
 See Attachment 1.
- E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.  
 See Attachment 1.
- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) subdivision (a) of section 66001, and the public improvement remains incomplete:

Classrooms projected to be funded with development fees are scheduled to be completed 12/31/25 and annual portable rental costs of \$65,000.

- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan:

See Attachment 1.

- H. The amount of refunds made pursuant to subdivision (e) of section 66001 and any allocations pursuant to subdivision (f) of section 66001:

N/A. No refunds or allocations were made pursuant to subdivision (e) or (f) of section 66001.

EXHIBIT B  
TO RESOLUTION REGARDING  
ACCOUNTING OF DEVELOPMENT FEES  
FOR FISCAL YEAR 2023-2024  
FOR THE FOLLOWING FUND OR ACCOUNT:  
2500-CAPITAL FACILITIES FUND (the "Fund")

Per Government Code section 66001(d)(1) as indicated:

- A. With respect to only the portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary to reduce overcrowding caused by the development on which the fees were levied, which facilities are more specifically identified as follows:

Installation and lease payments associated with portable classrooms and the construction of a classrooms.

- B. See section 3.D of the resolution.
- C. With respect to only the portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified in paragraph A above are as follows:

Lease payments estimated at \$65,000 annually and are funded entirely with developer fees and the matching share of the classroom wing is estimated to cost \$2,450,000.

- D. With respect to only the portion of the Fund remaining unexpended at the end of the 2023-2024 Fiscal Year, the following are the approximate dates on which the funding referred to in paragraph C above is expected to be deposited into the appropriate account of fund:

Lease payments (under the current terms) are not scheduled to be end until 06/30/25 and the classroom wing is scheduled to be completed 12/31/25.

**Attachment 1  
 Hanford Elementary School District**

**BEGINNING BALANCE - 07/01/23** **\$ 1,601,029.58**

**REVENUE:**

***DESCRIPTION***

Fees 07/01/23-06/30/24	\$	683,889.07
Gain/Loss Investments	\$	16,246.49
Interest	\$	50,380.70
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$</b>	<b>2,351,545.84</b>

**EXPENSES:**

**PROJECT DESCRIPTION**

	% Funded by Fee		Project Costs	Other Sources
Portable leases	100%	\$	51,240.00	N/A
Other services (Developer Fee Study, Master Planning, Etc.)	100%	\$	3,625.00	N/A
<b>TOTAL EXPENDITURES</b>		<b>\$</b>	<b>54,865.00</b>	

**ENDING BALANCE- 06/30/24** **\$ 2,296,680.84**

- Residential Fee \$2.87/Square Foot (07/01/23-05/31/24)*
- Commercial Fee \$0.47/Square Foot (07/01/23-05/31/24)*
- Residential Fee \$3.10/Square Foot (06/01/24-06/30/24)*
- Commercial Fee \$0.50/Square Foot (06/01/24-06/30/24)*

**Multi-Year Summary**

<b>Year</b>	<b>Beginning Balance</b>	<b>Fees Received</b>	<b>Interest/Other</b>	<b>Expenditures</b>	<b>Ending Balance</b>
2015-2016	\$ 417,722.27	\$ 604,138.51	\$ 1,770.62	\$ 498,427.35	\$ 525,204.05
2016-2017	\$ 525,204.05	\$ 450,874.20	\$ 5,358.44	\$ 221,290.58	\$ 760,146.11
2017-2018	\$ 760,146.11	\$ 390,069.98	\$ 7,508.89	\$ 959,057.26	\$ 198,667.72
2018-2019	\$ 198,667.72	\$ 580,189.63	\$ 6,331.02	\$ 170,316.79	\$ 614,871.58
2019-2020	\$ 614,871.58	\$ 81,079.36	\$ 10,380.75	\$ 186,153.38	\$ 520,178.31
2020-2021	\$ 520,178.31	\$ 117,425.16	\$ 4,578.92	\$ 152,860.00	\$ 489,322.39
2021-2022	\$ 489,322.39	\$ 539,718.23	\$ (25,096.17)	\$ 116,486.33	\$ 887,458.12
2022-2023	\$ 887,458.12	\$ 821,060.46	\$ (6,545.23)	\$ 100,943.77	\$ 1,601,029.58