CHULA VISTA ELEMENTARY SCHOOL DISTRICT

A G E N D A

REGULAR MEETING – AUGUST 15, 2018 – 6 P.M.

BOARD OF EDUCATION

LESLIE RAY BUNKER • ARMANDO FARÍAS
LAURIE K. HUMPHREY • EDUARDO REYES, ED.D.
FRANCISCO TAMAYO

FRANCISCO ESCOBEDO, ED.D.
SECRETARY/SUPERINTENDENT

THIS MEETING IS BEING RECORDED

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IF YOU WISH TO ADDRESS THE BOARD OF EDUCATION

Persons wishing to address the Board of Education on any agenda item should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting. Under Oral Communications, individuals may also speak to any item not appearing on the agenda. This may include feedback or criticism of programs, policies, or District personnel. Board Policy 1312.1 stipulates the formal District process to file official complaints against District personnel. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except the Board of Education or its District staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. Speakers are requested to limit remarks to five minutes.

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COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

The Chula Vista Elementary School District, in compliance with the Americans with Disabilities Act and Government Code Section 54953.2, provides special accommodations to individuals who may need assistance with access, attendance, and/or participation in Board meetings, including alternative formats for agendas, documents constituting agenda packets, and materials distributed during public meetings. Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at (619) 425-9600, Extension 1300, for specific information on resources or programs that may be available for such accommodations. Please call at least 48 hours in advance of meetings and five days in advance of scheduled services and activities. Translation and services for the Hearing Impaired are also available.

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AGENDA AND DISTRIBUTION OF WRITINGS TO MEMBERS OF THE PUBLIC

In compliance with Government Code Section 54957.5, nonexempt writings that are distributed to a majority or all of the Board of Education in advance of a meeting may be reviewed at our website by clicking on the following link: http://www.cvesd.org/DISTRICT/Pages/Meetings.aspx or at the scheduled meeting.

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EQUAL OPPORTUNITY EMPLOYER

The Chula Vista Elementary School District is committed to providing equal educational, contracting and employment opportunity to all in strict compliance with all applicable State and Federal laws and regulations. The District's programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics. (CVESD Board Policy 0410.) The District office that monitors compliance is the Human Resource Services and Support Office, 84 East J Street, Chula Vista, CA 91910, phone (619) 425-9600, Ext 1340. Any individual who believes s/he has been a victim of unlawful discrimination in employment, contracting, or in an educational program may file a formal complaint with the District's Human Resource Office.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

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EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

AGENDA
BOARD OF EDUCATION

Regular Meeting
August 15, 2018
6 P.M.
Dr. Lowell J. Billings Board Room
Education Service and Support Center

ORDER OF BUSINESS

1. OPENING PROCEDURES *Opening Procedures*

A. Call to Order

B. Roll Call
Members Present:
Members Absent:
Others Present:

C. Pledge of Allegiance

2. APPROVE AGENDA (Action) *Approve Agenda*

Motion:_____, Second:_____, Vote:_____

3. SPECIAL RECOGNITION, ORAL PRESENTATIONS, WRITTEN REPORTS, AWARDS, AND HONORS *Presentations/ Awards*

A. Presentation of Newly Hired and Promoted Employees

B. Recognition of Wolf Canyon Elementary School Student Connor Szczechowicz

C. Recognition of Child Nutrition Services Director Jeffrey Landers

D. Report on Visual and Performing Arts Program

E. Report on District Resource Teachers

F. Report on New Principal Academy

4. COMMUNICATIONS TO THE BOARD OF EDUCATION *Communications to the Board*

A. Chula Vista Classified Employees Organization

B. Chula Vista Educators

5. ORAL COMMUNICATIONS *Oral Communications*

Oral Communications provides the public with an opportunity to address the Board on non-agenda items. Speakers are requested to limit their remarks to five minutes. The Board shall limit the total time for public input on each agenda item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation depending on the topic and the number of persons wishing to be heard. No Board action can be taken.

6. APPROVE CONSENT CALENDAR (Action) *Consent Calendar*

The following items listed under Consent Calendar are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

Motion:_____, Second:_____, Vote:_____

A. Adopt Board of Education Meeting Minutes: Regular Meeting July 11, 2018

B. Adopt Resolution in Support of South Bay Community Services Fundraising Event

C. Approve and/or Ratify Human Resources Items A Through L

D. Approve Memorandum of Understanding with Chula Vista Classified Employees Organization Regarding Noon Duty Supervisors Working Fewer Than Ten Hours per Week

E. Approve Memorandum of Understanding with Chula Vista Educators Regarding Teacher Evaluations During the 2018-19 School Year

F. Approve Contract with the State of California, Office of Administrative Hearings, for an Administrative Law Judge to Conduct Certificated Dismissal Hearings During the 2018-19 Through 2022-23 School Years

G. Ratify Agreement with Achieve3000® for Online Differentiated Reading Instruction for the Period of July 1, 2018, Through June 30, 2021

H. Ratify Agreement with Bloom Software, Inc., dba Thrively, Inc., for Thrively Pro Services for the 2018-19 School Year

I. Ratify Travel Costs and Related Travel Expenses for District Parents Participating in California Association for Bilingual Education Professional Development, Conferences, and Events for the 2018-19 School Year

J. Ratify Agreement with the City of Chula Vista for the Community Development Block Grant Project for the 2018-19 School Year

K. Ratify Agreement with Goalbook for 150 Goalbook Platform Licenses for the Period of July 1, 2018, Through June 30, 2019, Including Related Professional Development

L. Ratify Seventh Amendment to Subcontract Agreement with South Bay Community Services for the Chula Vista Promise Neighborhood Program for the Period of January 1 Through June 30, 2018

M. Approve Memorandum of Understanding with Jewish Family Services for the Positive Parenting Program for the Period of August 16, 2018, Through June 30, 2019

N. Adopt Resolution Declaring September 2018 as *Attendance Awareness Month* in the Chula Vista Elementary School District

O. Adopt Resolution Designating September 2018 as *National Preparedness Month* in the Chula Vista Elementary School District

P. Approve Waiver of Minor Irregularities of Bids Received; Denial of Bid Protest by Frank and Son Paving, Inc.; and Award of Bid No. 17/18-10 to San Diego Asphalt for Asphalt Repairs at Various District Properties in the Amount of $361,150.00 for the Period of August 16, 2018, Through June 30, 2019

Q. Ratify Purchase Orders, Warrants, and Checks Written/Issued Through July 31, 2018

R. Approve and/or Ratify Inservice/Travel Requests

S. Approve and/or Ratify Requests for Use of District Facilities

7. PUBLIC HEARINGS *Public Hearings*

None

8. ADMINISTRATIVE ACTION ITEMS *Administrative Action Items*

A. Nominations for California School Boards Association Directors-at-Large: Asian/Pacific Islander and Hispanic

Motion:_____, Second:_____, Vote:_____

9. FIRST AND SECOND READINGS, BOARD POLICIES, ADMINISTRATIVE REGULATIONS, AND BOARD BYLAWS *First and Second Readings*

A. Approve Deletion of Selected Board Policies and Administrative Regulations in Article 0, Philosophy-Goals-Objectives and Comprehensive Plans:

(1) Board Policy 0110, Racial and Ethnic Balance
(2) Board Policy and Administrative Regulation 0420.1, School-Based Program Coordination
(3) Board Policy and Administrative Regulation 0520.2, Title I Program Improvement Schools
(4) Board Policy and Administrative Regulation 0520.4, Quality Education Investment Schools

Motion:_____, Second:_____, Vote:_____

B. First Reading/Possible Adoption of Selected Board Policies and First Reading/Possible Approval of Exhibit in Article 0, Philosophy-Goals-Objectives and Comprehensive Plans:

(1) Board Policy and Exhibit 0420.41, Charter School Oversight
(2) Board Policy 0420.42, Charter School Renewal
(3) Board Policy 0420.43, Charter School Revocation

Motion:_____, Second:_____, Vote:_____

C. First Reading/Possible Revision: Board Policy and Administrative Regulation 3311, Business and Noninstructional Operations, Bids

Motion:_____, Second:_____, Vote:_____

D. First Reading/Possible Revision: Board Policy and Administrative Regulation 6174, Education for English Learners

Motion:_____, Second:_____, Vote:_____

10. GENERAL INFORMATION ITEMS/REPORTS *Information Items/Reports*

A. Report Calendar to Board of Education

11. BOARD COMMUNICATIONS *Board Communications*

12. SUPERINTENDENT'S COMMUNICATION *Superintendent's Communication*

13. ADJOURN TO CLOSED SESSION *Closed Session*

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfrost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees

Government Code Section 54957: Public Employee Discipline/ Dismissal/Release

Government Code Section 54956.9 (d)(1): Conference with Legal Counsel – Existing Litigation in Joint Powers Authority Claim No. 17-04811

Government Code Section 54956.9(d)(2): Conference with Legal Counsel – Anticipated Litigation in Joint Powers Authority Claim No. 18-05024

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2018011112 for Student No. 305603

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2018030187 for Student No. 303637

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2018070070 for Student No. 306829

Government Code Section 54956.9(d)(2): Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation, One Potential Case

14. RECONVENE TO OPEN SESSION *Open Session*

15. ADJOURNMENT *Adjournment*

THE NEXT REGULAR MEETING OF THE BOARD OF EDUCATION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT IS SCHEDULED ON WEDNESDAY, SEPTEMBER 12, 2018, AT 6 P.M.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

Recognition of Wolf Canyon Elementary School Student Connor Szczechowicz

_____Action ____X____Information

BACKGROUND INFORMATION:

Connor Szczechowicz is a third grade student in Mr. Robert Nixon's class at Wolf Canyon Elementary School. He is an avid golfer who grew interested in the game very early in his life due to his father, Kris. As a one-year-old, Connor received a plastic golf set and would line up balls in the backyard, trying to hit them over the fence; as a two-year-old, he started playing regularly. As an eight-year-old, Connor has already participated in an astounding 145 tournaments.

In school, Connor's favorite subject is science. He hopes to attend the University of Florida and aims to become a professional golfer. When not golfing, Connor's favorite things to do are to play baseball, ride his bike, play video games with his brother, and spend time with his family.

ADDITIONAL DATA:

Connor has participated in quite a few golf tour events.

- US Kids Golf
  - Coachella Valley Local Tour.
  - Regional, State, International, and World Tours.
- Future Champions Golf (FCG)
  - Local, Regional, International, and World Tours.

The following are events in which Connor has participated recently.

- US Kids Golf World Championship; Pinehurst, NC; August 2018 – 14th of the top 20 in the Boys 8 category.
- Future Champions Golf (FCG) Callaway World Championship; Palm Desert, CA; July 2018 – Fifth Place in the Boys 7-8 category.
- IMG Junior World Championships; San Diego, CA; July 2018 – 19th of the top 20 players in the Boys 7-8 category.

- Future Champions Golf International; San Diego, CA; July 2018 – Fifth Place in the Boys 7-8 category.
- US Kids California State Invitational; Downey, CA; June 2018 – First Place in the Boys 8 category.
- US Kids European Championship; Scotland, UK; May 2018 – Second Place in the Boys 8 category.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

On behalf of the Board of Education, the President will present Connor with a Certificate of Recognition.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

Recognition of Child Nutrition Services Director Jeffrey Landers

_____Action ____X____Information

BACKGROUND INFORMATION:

The District's Child Nutrition Services (CNS) Department provides food services to 46 schools. The California Department of Education (CDE) is required by the United States Department of Agriculture (USDA) to conduct a Comprehensive Review Effort (CRE) audit every three years of each school district to determine compliance with CDE and USDA regulations. The CRE reviews consist of three major audit areas: food service operations at school sites, CNS record keeping, and the summer seemless feeding service program.

Food service school site operations audits were conducted from March 12 through March 14, 2018, by CDE auditors at Harborside, Enrique S. Camarena, Anne & William Hedenkamp, Salt Creek, Thurgood Marshall, and Saburo Muraoka Elementary Schools. All aspects of service were reviewed at the school sites including, meal preparation, cooking, menu, food variety, signage, and customer service. After three days of school sites operations audit, the CDE auditors remarked that the CNS' signage, food, and menu are some of best they have seen in the county and across Southern California. They further stated the customer service was excellent at all six locations, and that the CNS staff is excellent in all aspects of serving.

The CNS recordkeeping audit was conducted from May 7-9, 2018 by three CDE auditors who audited CNS production records, meal applications, and financial paperwork at the CNS Offices. After review of the CNS recordkeeping, the auditors gave CNS a rating of 100% for accuracy of rules and procedures, and 100% rating for complete verification list of all free and reduced applications, production records, and financial documents. With the 100% accuracy rating in each category, there were zero findings. The CDE auditors thanked the CNS Department for its accuracy and exceptional preparedness with production records, free and reduced meal applications, and financial paperwork.

The summer seamless feeding program at Hilltop Drive Elementary was audited by CDE on June 19, 2018. The CDE auditor reviewed all aspects of summer

service at Hilltop including, meal preparation, cooking, menu, food variety, signage, and customer service. The CDE was impressed with all aspects of the program and thanked the District staff at Hilltop for its excellent program and service.

On July 26, 2018, the District received notice from the CDE of the completion of all three parts of the CRE audit. CDE stated there were no material findings on any of the three parts of the audits, and CDE concluded the District meets all requirements for the USDA meal program.

ADDITIONAL DATA:

Tonight, the District would like to recognize Mr. Landers and the CNS staff for the exemplary work passing the CDE/USDA CRE audit.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

On behalf of the Board, the President will present Mr. Landers with a Certificate of Recognition thanking him for his diligent work in directing the work of the CNS department.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Report on Visual and Performing Arts Program

_____Action **____X____Information**

BACKGROUND INFORMATION:

As the District continues its transformation of teaching and learning to reflect the needs of 21st century college- and career-ready students, the visual and performing arts (VAPA) continue to play a vital role. The VAPA Strategic Arts Plan is beginning its fifth year of implementation. Last year, the focus was the continued recruitment of quality VAPA teachers, professional development opportunities, and supporting emerging and growing programs on campuses across the District.

This year, the VAPA focus will be on highlighting the success of existing programs in order to encourage support from foundations and grants to aid in the growth of the VAPA program and teacher professional development. Working with the District Senior Grant Writer, grant applications are a top priority to support the VAPA program.

Understanding the necessity of showing evidence of the impact the arts have on student achievement, the District is working with University of California, San Diego on a research project to analyze attendance and test scores in VH1 Save The Music Foundation Schools versus schools without the instrument grant. The District has also collaborated with the California Alliance for Arts Education and MUSE Research to begin a pilot study at Finney, John J. Montgomery, Otay, and Rosebank, through generous funding from the Stuart Foundation. This triangulated study will measure student creativity, problem-solving, and grit through the lens of the student, the parents, and the teacher. These research studies will hopefully be the leverage needed to seek support from our stakeholders and foundations.

The District has also continued its partnership with the San Diego Youth Symphony (SDYS) to provide music education for students. Students have the opportunity to perform in the Community Opus orchestra and band programs.

Other partnerships include La Jolla Playhouse, The Kennedy Center, Turnaround Arts: California, Art=Opportunity, The Piano Project, San Diego Opera, Collaboration: Teachers and Artists, The California Arts Project, Sax Art, and VH1 Save The Music Foundation.

ADDITIONAL DATA:

The District's efforts to bring back arts education has resulted in local, state, and national attention. Throughout the course of this school year, the District will participate in state and national events and will serve as a national model for the implementation of successful arts programs.

Tonight, a report will be provided on the VAPA program and the successes this school year. District students will perform prior to the Board meeting under the leadership of District music teachers.

Additional information is available for review in the Office of the Executive Director of Curriculum and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

Contractual agreement with SDYS totals $134,000. District Title I and site fiscal resources are utilized for these services. 2018-19 LCAP fiscal impact is $6,349,618 to include VAPA coordinator and teachers' salaries, materials, and SDYS after-school expansion.

STAFF RECOMMENDATION:

This is an information item.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Report on District Resource Teachers

_____Action **____X____Information**

BACKGROUND INFORMATION:

District Resource Teachers (RTs) are individuals with knowledge and training in California Common Core State Standards curriculum and instructional practices. Their role is to support teachers at their assigned school sites for the purpose of promoting improved practices. RTs model, team-teach with other teachers, participate in grade-level collaboration meetings, provide professional development, and assist in identifying instructional resources for classroom instruction.

To strengthen the support RTs provide, they receive ongoing training designed to enhance standards-based content knowledge, expand familiarity with new instructional practices, and refine coaching skills.

ADDITIONAL DATA:

Tonight, District staff will present an overview of the support provided by RTs.

Additional information is available for review in the Office of the Executive Director of Curriculum and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

District RTs assigned to school sites are funded through the Local Control and Accountability Plan at a cost of $4.4 million for the current school year.

STAFF RECOMMENDATION:

This is an information item.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Report on New Principal Academy

_____Action **____X____Information**

BACKGROUND INFORMATION:

The New Principal Academy was piloted during the 2017-18 school year as a means to provide monthly, targeted professional learning to principals in their first and second years of the principalship. These learning experiences were carefully designed to pinpoint areas of significant challenge for new leaders. Specific topics include Single Plan for Student Achievement development, School Site Council requirements, interpretation of data to inform schoolwide programming, strengthening family and community partnerships, and understanding certificated and classified contracts.

Monthly learning sessions are divided into three segments:

- As in-role experts, District leaders collaborate and deliver the content to new principals.
- Processing and application of content to site-specific contexts is guided in small groups.
- Debriefing allows new principals to consolidate their learning and share any questions, concerns, or other challenges with the group.

ADDITIONAL DATA:

There are currently 14 new leaders in their first and second years of principalship. In addition to instructional expertise and strong operational management skills, the District expects leaders to initiate, sustain, and promote relationships with students, families, and the community. A deliberate focus on the District's Shared Vision and Values, coupled with an emphasis on emotional intelligence, will shape these leaders into the "A-Players" needed to lead District schools.

Feedback from new principals in 2017-18 indicated a better understanding of operational processes that were challenging for those with an instruction background. Additionally, new principals reported an increased level of organizational knowledge and identified specific support personnel who could assist them with the various challenges they encounter.

Tonight, District staff will report on the New Principal Academy that supports novice administrators and prepares them to be highly qualified leaders.

Additional information is available for review in the Office of the Assistant Superintendent of Innovation and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

This effort is supported by grant funding from the Wallace Foundation and addresses the University Principal Preparation Initiative goals of recruiting, selecting, supporting, and retaining high-caliber school leaders.

STAFF RECOMMENDATION:

This is an information item.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

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MINUTES
BOARD OF EDUCATION

Regular Meeting
July 11, 2018
6 P.M.
Dr. Lowell J. Billings Board Room
Education Service and Support Center

ORDER OF BUSINESS

UNADOPTED

1. OPENING PROCEDURES *Opening Procedures*

A. Call to Order

President Bunker called the meeting to order at 6:01 P.M.

B. Roll Call

Members Present:
Mrs. Leslie Ray Bunker, President
Mrs. Laurie K. Humphrey, Vice President
Mr. Armando Farías, Clerk
Dr. Eduardo Reyes, Member
Mr. Francisco Tamayo, Member (Arrived at 6:17 P.M.)

Members Absent:
None.

Others Present:
Dr. Francisco Escobedo, Superintendent
Mr. Oscar Esquivel, Deputy Superintendent
Dr. Jeffrey Thiel, Asst. Supt., Human Resources
Dr. Matthew Tessier, Asst. Supt., Innovation and Instruction
Mr. Anthony Millican, Director, Communications and Community Development
Mrs. María Couturier, Translator/Interpreter
Mrs. Soreli M. Norton, Asst. to the Supt. and Board of Education
Mrs. Araceli Vargas, Administrative Assistant II

C. Pledge of Allegiance

Dr. Thiel led the Pledge of Allegiance.

2. APPROVE AGENDA (Action) *Approve Agenda*

Motion: FARÍAS, Second: HUMPHREY, Vote: UNANIMOUS with one Member absent

3. SPECIAL RECOGNITION, ORAL PRESENTATIONS, WRITTEN REPORTS, AWARDS, AND HONORS *Presentations/ Awards*

A. Presentation of Newly Hired and Promoted Employees

Dr. Escobedo said employees would be introduced after the Consent Calendar was approved.

B. Report on District Special Education Programs

Dr. Tessier said that at the July 2017 Special Education Department goals were presented to the Board of Education; one was increasing student achievement and a second one reducing due process filings. He introduced new Executive Director of Special Education and Instruction Services and Support Sharon Casey. Ms. Casey reported on progress made on the goals, providing information such as number and cost of due process cases. She also touched on a Special Education staff survey and the vision for the 2018-19 school year as it relates to professional development, Resource Specialist Program itinerant support, and building positive relationships.

Board Members thanked Ms. Casey for the report, congratulated her on her promotion, and asked questions that she answered.

4. COMMUNICATIONS TO THE BOARD OF EDUCATION *Communications to the Board*

A. Chula Vista Classified Employees Organization

Chula Vista Classified Employees Organization (CVCEO) President Peter Zeitler said he appreciates Ms. Casey, who has worked very hard, and Executive Director Keith Malcom, adding that he will do a good job in Language Development. Shared that he has been working with Ms. Casey to increase salaries for [Special Education Technician] employees in the department. Mr. Zeitler commented the District needs to look at the cost of a Licensed Vocational Nurse to ensure service for students with specialized medical needs. He thanked the District for work on the *Janus* ruling, and said that the District and CVCEO came together and a notification will go out to employees and that he appreciates Dr. Escobedo's and Dr. Thiel's efforts on the issue. Lastly, Mr. Zeitler commented that he will work with Mr. Esquivel to secure a better option for auctioning District surplus items.

DRAFT ADOPTED

B. Chula Vista Educators

Chula Vista Educators (CVE) President Susan Skala thanked the Board for the resolution in support of keeping families together, saying that the support is important. Shared that District Special Education Teacher Tiffany Devlin (Palomar) lost her house in the Alpine West fire. Said at the CVE webpage has a link to a GoFundMe page to assist her. Said teachers would appreciate extra time to redecorate their classrooms with the fire retardant paper that will be provided by the District. Commented that she has decided to ask people who have resigned from the District the reason for their resignation and provided information about her findings. Thanked Board Members in advance for working with CVE on the *Janus* ruling, saying she knows she can count on them to keep the union strong. Said she hoped they were able to review the budget information provided by CVE Bargaining Chair Chris Fite and that she would attend the School Services of California Budget presentation. Requested that the Women's History Month be added to the Diversity resolution. Said she saw George Couros will be the keynote for the Leadership Kickoff and that it would be great if he could speak to everybody. Ended up by saying there is a Grievance filed on Personal Necessity Leave and that it would be good to resolve the issue.

5. ORAL COMMUNICATIONS

Oral Communications

Oral Communications provides the public with an opportunity to address the Board on non-agenda items. Speakers are requested to limit their remarks to five minutes. The Board shall limit the total time for public input on each agenda item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation depending on the topic and the number of persons wishing to be heard. No Board action can be taken.

None.

6. APPROVE CONSENT CALENDAR (Action)

Consent Calendar

The following items listed under Consent Calendar are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

Before approval of the Consent Calendar, President Bunker said she was noting a change to Item 6.C., Section C to correct the Range and

UNADOPTED

Step of the first promotion listed, from Range 60, Step 1, to Range 56, Step 3 and that there was no change to the salary, as it is correct. President Bunker also pulled Item 6.E. to be discussed and voted on separately.

Motion: TAMAYO, Second: REYES, Vote: UNANIMOUS

A. Adopt Board of Education Meeting Minutes: Special and Regular Meetings June 20, 2018

B. Adopt Resolution in Support of Keeping Undocumented Immigrant Families Together **2018-19.001**

C. Approve and/or Ratify Human Resources Items A Through H **2018-19.002**

D. Approve List of Administrative Positions for Certificate of Competence in Evaluation for the 2018-19 School Year

E. Adopt Resolution in Recognition and Appreciation of the Cultural, Ethnic, and Linguistic Diversity in the Chula Vista Elementary School District for the 2018-19 School Year **2018-19.003**

Vice President Humphrey requested that Women's History Month (March) be added to the resolution. Board Member Reyes asked that LGBTQ+ Pride Month (June) also be added.

Motion: HUMPHREY, Second: REYES, Vote: UNANIMOUS

F. Adopt Resolution in Support of Civic Learning for College, Career, and Civic Life for the 2018-19 School Year **2018-19.004**

G. Review and Accept Quarterly Report to the San Diego County Office of Education on *Williams* Complaints for the Period of April Through June 2018

H. Ratify Agreement with Discovery Education for Digital Content Services for the 2018-19 School Year

I. Ratify Memorandum of Understanding with the California Association for Bilingual Education for the Binational Project GLAD® Professional Development Learning Program for Teachers for the Period of July 1 Through December 31, 2018

J. Ratify Memorandum of Agreement with the San Diego County Office of Education for Consulting Services in Support of San Diego County's *Live Well San Diego* for the 2018-19 School Year

K. Ratify Service Agreement with Sweetwater Union High School District for Services Related to the Chula Vista Community Collaborative for the 2018-19 School Year

DRAFTED

L. Approve Agreement with the San Diego County Superintendent of Schools for Professional Development and Coaching for District Bilingual Resource Teachers and Professional Learning Sessions for Dual Immersion Teachers and Administrators for the Period of July 12, 2018, Through June 30, 2019

M. Authorize Interim Written Approval with Independent Contractors and Nonpublic Agencies to Provide Educationally Related Services for Students with Exceptional Needs for the 2018-19 School Year

N. Authorize Agreements with Independent Contractors and Nonpublic Agencies to Provide Educationally Related Services for Students with Exceptional Needs for the 2018-19 School Year

O. Approve Nonpublic, Nonsectarian School Master Contracts with ACES Academy, Aseltine School, Banyan Tree Foundations Academy, The Koonings Center, New Bridge School, Sierra Academy of San Diego, and Springall Academy for Special Education and Related Services for Individuals with Exceptional Needs for the 2018-19 School Year

P. Approve Nonpublic, Nonsectarian Individual Services Agreements for the 2018-19 School Year with:

(1) ACES Academy for Student No. 304158; and
(2) Aseltine School for Student No. 551324

Q. Approve Purchase Contract with Imagine Learning, Inc., for 2,905 District Annual Cloud Version Licenses for the Period of August 1, 2018, Through July 31, 2019

R. Approve Renewal of Agreement with West Interactive Services Corporation (Also Known As "West Interactive Services Corporation dba SchoolMessenger®"), in the Amount of $49,791.30 for Notification Services Provided Through the SchoolMessenger® Application for the Period of August 28, 2018, Through August 27, 2019

S. Ratify Memorandum of Agreement with the County of San Diego for Foster Care Student Transportation Services for the Period of July 1, 2018, Through June 30, 2019

T. Adopt Resolution Authorizing the Chula Vista Elementary School District to Accept *California Energy Commission's School Bus Replacement Program* Funds for School Bus Replacement and Vehicle Infrastructure and Execute a Grant Agreement with the California Energy Commission **2018-19.005**

U. Adopt Resolution Authorizing Cooperative Contracting Pursuant to Bid and Award Made by the General Services Administration **2018-19.006**

SIGNED

Advantage and Utilization of the General Services Administration Federal Supply Service Schedule 84, Security, Contract Number GS-07F-127BA, with Raptor Technologies, LLC, for the Period of July 12, 2018, Through June 30, 2019

V. Adopt Resolution Delegating Authority to Request Disbursements from the California Employer's Retiree BenefitTrust **2018-19.007**

W. Adopt Resolution Authorizing Utilization of Alhambra Unified School District Request for Proposal No. 1173-15/16 Frozen & Refrigerated Food Distribution with Gold Star Foods for the Period of August 1, 2018, Through July 31, 2019 **2018-19.008**

X. Ratify Purchase Orders, Warrants, and Checks Written/Issued Through June 30, 2018 **2018-19.009**

Y. Approve and/or Ratify Inservice/Travel Requests **2018-19.010**

Z. Approve Request for Use of District Facilities **2018-19.011**

Dr. Thiel introduced Joseph Prosapio, who was promoted from Coordinator to Principal (Daly Academy), Dr. Laura Lemos, who was promoted from Teacher (Rice) to Associate Principal (Heritage), and new District Translator/Interpreter Maria Couturier, who comes from Arroyo Vista Charter School.

7. PUBLIC HEARINGS *Public Hearings*

None.

8. ADMINISTRATIVE ACTION ITEMS *Administrative Action Items*

A. Report on 2018-19 State Budget and Approve Revisions to the 2018-19 District Adopted Budget

Mr. Esquivel presented an update on the 2018-19 State Budget that included the major changes between the May Revise and the State Budget. He also presented a summary of the District's General Fund budget and multiyear projections from 2018-19 through 2020-21 and through 2022-23. Mr. Esquivel also discussed items the District is watching—ending balances and deficits, federal budget, District enrollment, continued economic recovery, and the three-year fiscal certification.

Motion: TAMAYO, Second: FARÍAS, Vote: UNANIMOUS

B. Adopt Resolution Establishing the Annual Special Taxes for Community Facilities Districts No. 1 (EastLake), No. 3 (Rancho **2018-19.012**

ADOPTED

Del Rey), No. 4 (Sunbow), No. 5 (First Generic District), No. 6 (Otay Ranch Village One), No. 10 (Second Generic District), No. 11 (McMillin Lomas Verdes), No. 12 (Otay Ranch Village One West), No. 13 (San Miguel Ranch), No. 14 (Otay Ranch Village 11), No. 15 (Otay Ranch Village 6), No. 17 (Otay Ranch Villages 2 and 7), No. 18 (Otay Ranch Millenia – Eastern Urban Center), No. 19 (Public Access 12 Freeway Commercial and Portions of Otay Ranch Village 2), and No. 20 (Otay Ranch Village 3) for Fiscal Year 2018-19

Mr. Esquivel said that annually, the District is required to adjust the Mello Roos special taxes on properties. He added that the District assesses close to $18 million in Communities Facilities Districts (CFD) assessments to approximately 26,000 properties. This action would set rates for the new CFD (first year), the continuing, and authorize the levy of the taxes.

Motion: REYES, Second: HUMPHREY, Vote: UNANIMOUS

9. FIRST AND SECOND READINGS, BOARD POLICIES, ADMINISTRATIVE REGULATIONS, AND BOARD BYLAWS

First and Second Readings

None.

10. GENERAL INFORMATION ITEMS/REPORTS

Information Items/Reports

A. Report Calendar to Board of Education

11. BOARD COMMUNICATIONS

Board Communications

Mrs. Bunker:

- Said she is excited for the leadership to get started. Told the teachers to take advantage of the week left to take care of themselves.

Mr. Farías:

- Welcomed everyone.
- Said he has been on the board for approximately a year and seven months, and that it has been a blessing being part of the team. Commented that he looks forward to another school year full of wonderful surprises and great work at the District and at the "trenches." Added that everyone is here for one reason and one mission: Our students—impacting their lives in a positive way, and providing them with windows of hope so they can be the best they can be. Thanked everyone and ended by wishing for another amazing year.

Mrs. Humphrey:

- Thanked everyone for attending the meeting.

UNADOPTED

- Said she was very sorry to hear about Ms. Devlin's loss. Asked the District assist her, if possible.
- Shared that she looks forward to visiting the schools and the new principals. Commented that, since there are so many new principals, she wishes she had a picture of each one next to the name, so she can keep track.
- Remarked that she hoped everyone had a great vacation or would get one.
- Wished everyone a great beginning of a new [school] year.

Dr. Reyes:

- Wished everyone a great start to the new [school] year. Remarked that he knows there is a lot of work going on to get ready, wished everyone the best, and said the Board is there to support them.

Mr. Tamayo:

- Welcomed everyone back. Said he hoped everyone had time to rest, enjoy time with families, and recharge the batteries for the new school year.
- Commented that the next day [Leadership Kickoff] would be an exciting time and that Keynote Speaker George Couros is a very well-known presenter with an amazing talent to motivate people.
- Said that, following the discussion at the June Board meeting regarding classified job descriptions, he reviewed additional information on the subject and saw that the classified contract does not include the right to negotiate classified job descriptions. He also offered his apologies to Dr. Thiel.

12. SUPERINTENDENT'S COMMUNICATION

Superintendent's Communication

Dr. Escobedo:

- Answering Ms. Humphrey's question, said the District will look into what kind of support it can offer Ms. Devlin.
- Said he is looking for a great 2018-19 school year.
- Remarked that modernization efforts are underway and that every day, there is something new happening at the three schools. Added that he looks forward to the grand opening in September.
- Shared that the Board just approved a Memorandum of Understanding for a binational effort between a state educational system in Mexico and the District to share pedagogies in the area of GLAD [Guided Language Acquisition Design]. Remarked that he had found out earlier that day that [California Superintendent of Schools Tom] Torlakson would travel to Mexico to be part of announcing the news. Invited Board Members to also attend—on Tuesday—saying there would be two vehicles traveling from the District to Tijuana. Commented this would be big news.

SUBMITTED

13. ADJOURN TO CLOSED SESSION *Closed Session*

President Bunker adjourned to closed session at 6:44 P.M. in accordance with the following:

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfrost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees

Government Code Section 54957: Public Employee Discipline/ Dismissal/Release

Government Code Section 54956.9 (d)(2): Conference with Legal Counsel—Anticipated Litigation in Joint Powers Authority Claim No. 18 04850

Government Code Section 54956.9 (d)(2): Conference with Legal Counsel—Anticipated Litigation in Joint Powers Authority Claim No. 18 04980

14. RECONVENE TO OPEN SESSION *Open Session*

President Bunker reconvened to open session at 7:35 P.M. with all Board Members present with the exception of Board Member Reyes, who had to leave early.

Clerk Farías announced that in closed session, the Board:

Approved the Notice of Intent to Dismiss and Immediately Suspend, and Statement of Charges to Employee No. 1082018115.

Motion: TAMAYO, Second: BUNKER
Vote: Ayes: BUNKER, FARÍAS, HUMPHREY, TAMAYO
Noes: NONE, Abstain: NONE, Absent: REYES

Rejected Joint Powers Authority Claim No. 18-04850.

Motion: FARÍAS, Second: TAMAYO
Vote: Ayes: BUNKER, FARÍAS, HUMPHREY, TAMAYO
Noes: NONE, Abstain: NONE, Absent: REYES

Rejected Joint Powers Authority Claim No. 18-04980.

Motion: HUMPHREY, Second: TAMAYO
Vote: Ayes: BUNKER, FARÍAS, HUMPHREY, TAMAYO
Noes: NONE, Abstain: NONE, Absent: REYES

UNADOPTED

15. ADJOURNMENT

Adjournment

President Bunker adjourned the meeting at 7:36 P.M.

_____

Francisco Escobedo, Ed.D., Secretary

_____

Armando Farías, Clerk

THE NEXT REGULAR MEETING OF THE BOARD OF EDUCATION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT IS SCHEDULED ON WEDNESDAY, AUGUST 15, 2018, AT 6 P.M.

UNADOPTED

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

Adopt Resolution in Support of South Bay Community Services Fundraising Event

____X____ Action **_____ Information**

BACKGROUND INFORMATION:

The social emotional wellness of District students is one of the areas of focus for the District's Board of Education. Many times, basic physical requirements are directly connected to students' social emotional needs.

Research has demonstrated a significant connection between the development of early social emotional skills and positive outcomes in young adults across a number of areas—education, employment, criminal activity, substance abuse, and mental health. In an effort to ensure students have access to services that promote the development of early social emotional skills, the District partners with a number of nonprofit organizations that offer a variety of services to help increase students' social emotional wellness.

One of these organizations is South Bay Community Services (SBCS), a nonprofit that provides a comprehensive range of programs and services to help children, youths, and families in the southern portion of San Diego County to overcome challenges and succeed, not only in school but also in life. Many District students directly benefit from SBCS programs such as preschool and mental health services. The District's partnership with SBCS serves to enrich our shared community and to enhance the general well-being of our students and our society.

ADDITIONAL DATA:

District nonprofit partners need to acquire monies in order to finance these critical services. One of the ways in which they generate financial resources is through fundraising activities and events. SBCS hosts one such event, "Change Their Lives," each year. "Change Their Lives 2018" will be held on September 29, 2018, at the Hotel Del Coronado and SBCS has invited District Board Members and other key District staff members to attend.

The Chula Vista Elementary School District is well known for its careful stewardship of public funds. Historically, and in keeping with the California State Constitution's prohibition of "gifts of public funds," the District has not financially supported any fundraising events. However, after careful consideration, it has been determined that supporting "Change Their Lives 2018" bestows a public benefit upon our community and a resolution was drafted to allow the expense.

Additional information is available for review in the Office of the Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Cost of registration is $300 per person and would be paid from the General Fund.

STAFF RECOMMENDATION:

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. _____

Resolution in Support of South Bay)
Community Services Fundraising Event)

On motion of Member _____, seconded by Member _____, the following resolution is adopted:

WHEREAS, one of the areas of focus of the Board of Education of the Chula Vista Elementary School District is the social emotional wellness of District students; and

WHEREAS, research has demonstrated a significant connection between the development of early social emotional skills and positive outcomes in young adults across a number of areas, which include education, employment, criminal activity, substance abuse, and mental health; and

WHEREAS, in an effort to ensure students have access to services that promote the development of early social emotional skills, the District partners with a number of organizations that offer a variety of such services; and

WHEREAS, one of these organizations is South Bay Community Services (SBCS), a nonprofit that provides a comprehensive range of programs and services to help South County children, youths, and families to overcome challenges and succeed not only in school, but in life; and

WHEREAS, the District's partnership with SBCS serves to enrich our shared community and enhance the general well-being of our students and our society; and

WHEREAS, SBCS relies on a number of ways to generate funds in order to provide these critical services and one of those ways is through fundraising events; and

WHEREAS, SBCS is hosting the "Change Their Lives 2018" fundraising event on September 29, 2018, and has invited Chula Vista Elementary School District Board Members to participate; and

WHEREAS, the Chula Vista Elementary School District is well known for its careful stewardship of public funds and historically the District has not supported nonprofit organization fundraising events; and

WHEREAS, SBCS programs directly benefit District students through programs such as preschool and through complementary services such as mental health that support not only their physical but also their social emotional wellness; and

WHEREAS, after careful consideration, it has been determined that attending and supporting the "Change Their Lives 2018" fundraising event bestows a public benefit upon our community.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED that the District will support SBCS's "Change Their Lives 2018" fundraising event by paying for the registration cost for Board Members and other key District staff members.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 15th day of August 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

- - - - - - - - - - - - - - -

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

I, Francisco Escobedo, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at its regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

Approve and/or Ratify Human Resources Items A Through L

____X____Action **_____Information**

BACKGROUND INFORMATION:

A. NEW EMPLOYMENT

Beth Abramowitz, Teacher, 185 days, Class VI, Step 1, salary $55,921.00, effective July 19, 2018

Claudine Alcantara, Temporary Resource Specialist (per Education Code Section 44920), 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Claudia Aldrete, Resource Teacher, 185 days, Class V, Step 6, salary $65,536.00, effective August 29, 2018

Natalie Beall, Temporary Teacher (per Education Code Section 44920), 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Tayebeh Behbahani-Sharif, Temporary Teacher (per Education Code Section 44920), 176 days, Class IV, Step 1, salary $47,710.08, effective August 1, 2018, through June 6, 2019

Hayley Bender, Occupational Therapist, 8 hours per day, 5 days per week, Range 55, Step 6, $47.85 per hour plus 2 percent, effective July 19, 2018

Kimberly Bennett, Temporary Teacher (per Education Code Section 44920), 185 days, Class V, Step 2, salary $55,443.00, effective August 29, 2018, through June 14, 2019

Sandra Borruel, School Attendance Secretary/Health Specialist, 8 hours per day, 5 days per week, Range 28, Step 1, $19.84 per hour, effective July 11, 2018

Michael Brenchley, Speech-Language Pathologist, 171 days, LSH Class I, Step 3, salary $66,652.38, effective August 8, 2018

Lindsay Caddel, LSH Specialist, 175 days, LSH Class III, Step 1, salary $69,973.75, effective August 2, 2018

Laura Campo, Teacher, 185 days, Class I, Step 4, salary $50,150.00, effective July 19, 2018

Mark Chavez, Instructional Assistant-Special Education, 5.8 hours per day, 5 days per week, Range 17, Step 1, $15.43 per hour plus 2 percent, effective August 6, 2018

Lisa Clookie, Teacher, 177 days, Class IV, Step 6, salary $59,633.07, effective July 31, 2018

Jennifer Coleman, Temporary Teacher (per Education Code Section 44920), 185 days, Class VI, Step 1, salary $55,921.00, effective August 29, 2018, through June 14, 2019

Ana De Leon, School Health Clerk, 2 hours per day 5 days per week, Range 22, Step 1, $17.25 per hour, effective August 6, 2018

Mayra Eckhout, Student Attendant, 6.5 hours per day, 4 days per week, Range 20, Step 1, $16.46 per hour plus 2 percent, effective August 6, 2018

Fernando Esquer, Bus Driver, 5 hours per day, 5 days per week, Range 26, Step 6, $24.05 per hour, effective August 13, 2018

Shannon Fischer, LSH Specialist, 74 days, LSH Class I, Step 1, salary $26,891.60, effective July 31, 2018

Melissa Fisher, Teacher, 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018

Maria Fong, Noon Duty Supervisor, 2.25 hours per day, 5 days per week, Range 5, Step 1, $11.67 per hour, effective July 31, 2018

Laura Hague, Special Education Teacher, 181 days, Class V, Step 1, salary $51,887.27, effective July 25, 2018

Dorene Harlow, Special Education Teacher, 185 days, Class IV, Step 10, salary $72,109.00, effective July 19, 2018

Katalina Harris, Noon Duty Supervisor, 2.1 hours per day, 5 days per week, Range 5, Step 1, $11.67 per hour, effective July 26, 2018

Grace Hernandez, Temporary Teacher (per Education Code Section 44920), 173 days, Class I, Step 1, salary $46,896.84, effective August 6, 2018, through June 6, 2019

Manuel Infante, Temporary Permit Teacher (per Education Code Section 44920), 185 days, Permit Teacher Class IV, Step 2, salary $39,009.10, effective July 19, 2018, through June 6, 2019

Cheryl Ingco, Temporary Teacher (per Education Code Section 44920), 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Corrine Krombach, Speech-Language Pathologist, 185 days, LSH Class II, Step 2, salary $73,127.00, effective July 19, 2018

Dorothy Kuttel-Doyle, Bus Driver, 5 hours per day, 5 days per week, Range 26, Step 6, $24.05, effective August 8, 2018

Victoria Landman, Teacher, 173 days, Class IV, Step 3, salary $51,429.44, effective August 6, 2018

Fanny Lindvall, Special Education Teacher, 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018

Joshua Lopez, Clerk-Typist III, 8 hours per day, 5 days per week, Range 22, Step1, $17.25 per hour, effective August 20, 2018

Edna Lozano, Temporary Teacher (per Education Code Section 44920), 185 days, Class I, Step 1, salary $50,150.00, effective July 19, 2018 through June 6, 2019

Kharen Marcos, Student Attendant, 6.3 hours per day, 5 days per week, Range 20, Step 1, $16.46 per hour, effective August 6, 2018

Shawna Margetts, School Health Clerk, 3.5 hours per day, 5 days per week, Range 22, Step 1, $17.25 per hour, effective July 24, 2018

Juan Martha, Bus Driver, 5 hours per day, 5 days per week, Range 26, Step 4, $21.83 per hour, effective August 7, 2018

Anamaria Martinez, Noon Duty Supervisor, 2.25 hours per day, 5 days per week, Range 5, Step 1, $11.67 per hour, effective August 2, 2018

Hortensia Mercado, Noon Duty Supervisor, 2 hours per day, 5 days per week, Range 5, Step 1, $11.67 per hour, effective July 31, 2018

Casey Meuser, Temporary Teacher (per Education Code Section 44920), 174 days, Class IV, Step 1, salary $47,167.92, effective August 3, 2018, through June 6, 2019

Yael Mizrachi, Temporary Teacher (per Education Code Section 44920), 185 days, Class III, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Stephanie Morton, Resource Specialist, 183 days, Class VI, Step 1, salary $55,317.24, effective July 23, 2018

Karla Murillo, Instructional Assistant (Preschool and Child Development Center), 3.5 hours per day, 5 days per week, Range 12, Step 1, $13.66 per hour, effective July 23, 2018

Allison Neal, Temporary Teacher (per Education Code Section 44920), 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Dinorah Olmeda, Teacher, 175 days, Class V, Step 1, salary $50,167.25, effective August 2, 2018

Leigh Powell, Occupational Therapist, 8 hours per day, 5 days per week, Range 55, Step 6, $47.85 per hour plus 2 percent, effective August 9, 2018

Jacqueline Quinonez, Instructional Assistant (Preschool and Child Development Center), 3.5 hours per day, 5 days per week, Range 12, Step 1, $13.66 per hour plus 2 percent, effective July 23, 2018

Alejandro Ramirez, Temporary Special Education Teacher, 174 days, Class IV, Step 1, salary $47,167.92, effective August 3, 2018, through June 6, 2019

Veronica Reneaum, Student Attendant, 6.5 hours per day, 5 days per week, Range 20, Step 1, $16.46 per hour, effective August 6, 2018

Jessica Reyes Acosta, Instructional Assistant (Preschool and Child Development Center), 3.5 hours per day, 5 days per week, Range 12, Step 1, $13.66 per hour plus 2 percent, effective July 23, 2018

Angel Rodriguez, Technology Equipment Technician, 8 hours per day, 5 days per week, Range 38, Step 3, $27.67 per hour, effective July 16, 2018

Jennifer Ruiz, Resource Specialist, 185 days, Class V, Step 3, salary $57,930.00, effective July 19, 2018

Ben Rumbin, Special Education Teacher, 185 days, Class V, Step 10, salary $75,662.00, effective July 19, 2018

Myriam Sandoval, Temporary Teacher (per Education Code Section 44920), 176 days, Class I, Step 1, salary $47,710.08, effective August 1, 2018, through June 6, 2019

Natalie Scott, Teacher, 173 days, Class VI, Step 6, salary $64,278.15, effective August 6, 2018

Carmen Swihart, School Nurse, 92.5 days, Class I, Step 1, salary $25,074.90, effective July 19, 2018

Rachel Teahan, Temporary Teacher (per Education Code Section 44920), 185 days, Class V, Step 1, salary $53,034.00, effective July 19, 2018, through June 6, 2019

Samantha Terwilliger, Resource Specialist, 185 days, Class I, Step 1, salary $50,150.00, effective July 19, 2018

Ollin Trejo, Temporary Teacher (per Education Code Section 44920), 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Christopher Turner, Temporary Teacher (per Education Code Section 44920), 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018, through June 6, 2019

Nicole Uribe, Temporary Teacher (per Education Code Section 44920), 185 days, Class V, Step 1, salary $53,034.00, effective July 19, 2018, through June 6, 2019

Debra Winkle, Noon Duty Supervisor, 2.17 hours per day, 5 days per week, Range 5, Step 1, $11.67 per hour, effective July 23, 2018

Teresa Youssofi, Teacher, 174 days, Class IV, Step 1, salary $52,596.72, effective August 3, 2018

B. REEMPLOYMENT OF TEMPORARY CERTIFICATED EMPLOYEES PREVIOUSLY EMPLOYED UNDER EDUCATION CODE SECTION 44909, 44911, OR 44920 FOR THE 2018-19 SCHOOL YEAR

Zsara-Joyce Abuyo, Teacher, 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018

Ildara Armenta, Teacher, 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018

Amanda Barnes, Teacher, 176 days, Class III, Step 2, salary $47,840.32, effective August 1, 2018

Elizabeth Brundridge, Teacher, 185 days, Class VI, Step 9, salary $76,597.00, effective July 19, 2018

Kenneth Collard, Coordinator of Special Education and Pupil Services, Instruction and Support, 224 days, Management Range I, Step 5, salary $126,448.58, effective July 19, 2018

Daneida Cooper, Resource Teacher, 185 days, Class VI, Step 15, salary $89,709.00, effective July 19, 2018

Erin Dunlap, Resource Specialist, 185 days, Class IV, Step 5, salary $59,891.00, effective July 19, 2018

Hayley Ellis, Teacher, 185 days, Class IV, Step 2, salary $52,552.00, effective July 19, 2018

Ana Garcia-Barr, Teacher, 185 days, Class IV, Step 2, salary $52,552.00, effective July 19, 2018

Megan Hotarek, Teacher, 185 days, Class IV, Step 2, salary $52,552.00, effective July 19, 2018

Alexandra Miller, Temporary Teacher (per Education Code Section 44920), 92.5 days, Class IV, Step 1, salary $25,074.90, effective July 19, 2018, through June 6, 2019

Erin Springer, Teacher, 185 days, Class IV, Step 1, salary $50,150.00, effective July 19, 2018

Jeanette Valdez, Special Education Teacher, 185 days, Class IV, Step 6, salary $62,329.00, effective July 19, 2018

C. REEMPLOYMENT OF CLASSIFIED EMPLOYEES UNDER EDUCATION CODE SECTIONS 45114, 45298, AND 45308

Claudia Caro, Instructional Assistant, 3 hours per day, 5 days per week, Range 14, Step 3, $15.74 per hour, effective July 23, 2018

Xander Gonzalez, Computer Support Technician, 4 hours per day, 2 hours per week, Range 31, Step 1, $21.40 per hour, effective July 24, 2018

Melissa Hernandez, Instructional Assistant, 5.5 hours per day, 2 days per week, Range 14, Step 1, $14.31 per hour plus 2 percent, effective August 6, 2018

D. REEMPLOYMENT OF CLASSIFIED EMPLOYEE UNDER EDUCATION CODE SECTIONS 45309

Ana Garcia, 3.33 hours per day, 3 days per week, Range 22, Step 6, $21.83 per hour, effective July 30, 2018

E. RECLASSIFICATION OF TEMPORARY TEACHER(S) EMPLOYED UNDER EDUCATION CODE SECTION 44909, 44911, OR 44920 TO PROBATIONARY/PERMANENT STATUS FOR THE 2017-18 SCHOOL YEAR

Jackeline Barrios
Elizabeth Briseno
Alicia Cordova
Emily Do
Tania Fregoso

F. PROMOTION

Flor Aldai, from CNS I to CNS III, 6.5 hours per day, 5 days per week, Range 19, Step 1, $16.13 per hour, effective August 13, 2018

Virginia Mabrey, from Parent Engagement Liaison and School Attendance Secretary/Health Specialist to Charter Middle School Secretary, 6 hours per day, 5 days per week, Range 30, Step 5, $25.16 per hour, effective August 7, 2018

Sharaeneida Martinez, from Clerk-Typist III to Secretary I, 8 hours per day, 5 days per week, Range 25, Step 6, $23.98 per hour, effective August 9, 2018

Maria Martinez-Ponce, from School Attendance Secretary/Health Specialist to School Secretary, 8 hours per day, 5 days per week, Range 30, Step 6, $26.40 per hour, effective July 18, 2018

Susana Ortega, from Clerk-Typist III to Pupil Services/Special Education Technician, 8 hours per day, 5 days per week, Range 30, Step 1, $20.84 per hour, effective July 16, 2018

Astrid Rea Preciado, from Instructional Assistant (Preschool and Child Development Center), to Instructional Assistant-ELL, 6 hours per day, 5 days per week, Range 17, Step 1, $15.43 per hour plus 2 percent, effective July 23, 2018

Maria Rezzetti, from Bus Attendant to Student Attendant, 6.3 hours per day, 5 days per week, Range 20, Step 1, $20.84 per hour, effective August 6, 2018

Paul Suwczinsky, from Bus Driver to Bus Driver/Driver Instructor, 8 hours per day, 5 days per week, Range 32, Step 4, $25.16 per hour, effective July 16, 2018

Carolina Torres, from Instructional Assistant-Special Education to Instructional Assistant-Behavioral Specialist, 6 hours per day, 5 days per week, Range 20, Step 3, $18.11 per hour plus 2 percent, effective July 23, 2018

Angela Voas, from Clerk-Typist II to Clerk-Typist III, 8 hours per day, 5 days per week, Range 22, Step 3, $18.95 per hour, effective July 2, 2018

G. LEAVE OF ABSENCE

Jennifer Benson, Teacher, effective August 13, 2018

Pierre Blocker, Music Teacher, effective September 4, 2018

Katherine Covert, Special Education Teacher, effective July 31, 2018

Yvonne Dawson, Teacher, effective September 13, 2018

Hind Falconer, Resource Specialist, effective July 23, 2018

Theresa Grojean, School Secretary, effective July 10, 2018

Grace Neuman, LSH Specialist, effective September 11, 2018

Jhoselle Phetdara, LSH Specialist, effective July 26, 2018

Alejandra Sevilla, Special Education Teacher, effective July 23, 2018

Sandra Torre, Teacher, effective July 19, 2018

Roilyn Tyner, Special Education Teacher, effective July 19, 2018

Kathryn Walker, School Psychologist, effective September 4, 2018

H. JOB DESCRIPTION

Instructional Assistant-Parent Implementation Program Behavior Support

Director of Multi-Tiered Systems of Support: Behavioral, Social-Emotional, and Academic

I. RESIGNATION

Larissa Acosta, Bus Driver, effective December 18, 2015

Stephanie Boles, Noon Duty Supervisor, effective August 10, 2018

Anita Craven, Resource Teacher, effective July 28, 2018

Claudia Cruz, Noon Duty Supervisor, effective June 2, 2018

Patricia De la Torre, Noon Duty Supervisor, effective June 2, 2018

Minerva Fernandez, Secretary I, effective July 21, 2018

Laura Garriga, Bus Attendant, effective June 2, 2018

Luisa Gimutao, CNS, effective July 26, 2018

Nicole Gomez, Noon Duty Supervisor, effective June 2, 2018

Avery Gonzalez, Instructional Assistant-Special Education, effective August 11, 2018

Wendy Lopez, Noon Duty Supervisor, effective June 1, 2018

Yara Miranda Oliva, Noon Duty Supervisor, effective July 26, 2018

Elva Mora, CNS I, effective May 17, 2018

Erika Roque, Teacher, effective August 1, 2018

Marcela Sanchez, Instructional Assistant-Special Education, effective June 2, 2018

Karen Sandoval, Instructional Assistant-Special Education, effective August 4, 2018

Natasha Tanzo, Instructional Assistant-ELL, effective August 7, 2018

Delia Villagomez-Hernandez, Teacher, effective June 5, 2018

Stephanie Weekes, Resource Teacher, effective June 5, 2018

J. RETIREMENT

Nancy Cavanah, Special Education Teacher, effective July 31, 2018

Leticia Martinez, Instructional Assistant-Special Education, effective September 22, 2018

Elaine Pompa, Teacher, effective June 5, 2018

Patricia Willis, Resource Specialist, effective January 16, 2019

K. TERMINATION

Employee No.: 1092018619

L. CONSULTANTS

Aida Allen-Rotell will provide professional development in emergent/early literacy instruction that includes whole group K-2; and intense focus on second grade in modeling and coaching around knowing readers, guided reading instruction, and assessment at Harborside. Services will commence September 1, 2018, and continue through May 31, 2019. The sum not to exceed $20,000 will be paid from Title I funds.

Alliance for African Assistance is providing interpretation and translation services in various languages for student support and parent meetings. Services commenced July 1, 2018, and will continue through June 30, 2019. The sum not to exceed $5,000 will be paid from Immigrant funds.

Cothrine Training Services is providing interval fitness training and nutrition consultation for preschool staff aligned with the Live Well San Diego! Grant. Services commenced July 1, 2018, and will continue through June 30, 2019. The sum not to exceed $83,952 will be paid from Live Well San Diego, First 5 funds.

Diane Lapp will provide professional development in emergent/early literacy instruction that includes whole group K-2; and intense focus on first grade in modeling and coaching around knowing readers, guided reading instruction, and assessment at Harborside. Services will commence September 1, 2018, and continue through May 31, 2019. The sum not to exceed $20,000 will be paid from Title I funds.

Document Tracking Services grants a non-exclusive license to use their application in order to create, edit, update, print, and track specific documents as described in agreement. Services commenced August 1, 2018, and will continue through August 1, 2020. The sum not to exceed $40,467 will be paid from Title I funds.

Hilda Martinez, Educational Consultant will provide professional development in emergent/early literacy instruction that includes whole group K-2; and intense focus on kindergarten in modeling and coaching around knowing readers, guided reading instruction, and assessment at Harborside. Services will commence September 1, 2018, and continue through May 31, 2019. The sum not to exceed $20,000 will be paid from Title I funds.

Renewal of proposal with H.M. Pitt Laboratories, Inc., for environmental monitoring, surveillance, and testing on an as-needed basis for the period of August 16, 2018, through June 30, 2019. Cost of services will be provided at the following rates.

Microbial Consultant	$ 137.16 per hour
Certified Lead/Asbestos Technician	$ 137.16 per hour
Air Sample	$ 75.00 each
Tape Sample	$ 50.00 each
Particle Counter on Site	$ 175.00 each
Draeger on Site	$ 175.00 each
Phase Contrast Microscopy (PCM)	$ 15.00 each
Polarized Light Microscopy (PLM)	$ 15.00 each
Transmission Electron Microscopy (TEM)	$ 125.00 each
Reports for Asbestos, Lead or Mold	$ 50.00 each
Abatement Work Plans for Asbestos, Lead or Mold	$ 350.00 each

The Microbial Consultant and Certified Lead/Asbestos Technician reflect a 6.7% rate increase over its 2017-18 hourly rate. There will be no increase for all other services. Costs will be paid from Capital and Maintenance funds.

Interactions for Peace provided parent training at Finney. Services were provided March 7 through April 28, 2018. The sum not to exceed $650 will be paid from Title I funds.

Kelly Johnson Consulting will provide professional development in emergent/early literacy instruction that includes whole group K-2; and intense focus on first grade in modeling and coaching around knowing readers, guided reading instruction, and assessment at Harborside. Services will commence September 1, 2018, and continue through May 31, 2019. The sum not to exceed $20,000 will be paid from Title I funds.

Learning Genie, Inc., will provide a one-year subscription for the Learning Genie App for portfolio and assessment, including unlimited usage of the application, data storage, online customer support, and webinar training for Early Childhood teachers. Services commenced August 1, 2018, and will continue through June 30, 2019. The sum not to exceed $4,536 will be paid from Quality Preschool Initiative funds.

Ruhanu Clarke will provide architectural services for site work preparation for one 36” x 40” relocatable building with an accessible restroom for Rice. Services will commence August 16, 2018. The fixed fee cost will not exceed $53,500 and will be paid from Capital funds.

Ruhnau Clarke will provide architectural services for site work preparation for up to eight relocatable buildings at Muraoka. The fixed fee cost will not exceed $244,325 and will be paid from Community Facilities District funds.

San Diego County Bicycle Coalition will provide professional services as described in the Active Transportation Program Grant proposal including, but not limited to, project management and coordination outreach and promotion, education, encouragement, empowerment, and evaluation activities to eleven District schools. Services will commence August 16, 2018, and continue through June 30, 2019. The sum not to exceed $170,000 will be paid from Active Transportation Program Grant funds.

San Diego Youth Symphony and Conservatory is providing orchestra and band instruction for students across the District who already play a band or string instrument. Services commenced July 31, 2018, and will continue through June 30, 2019. The sum not to exceed $134,000 will be paid from Local Control and Accountability Plan and Title I funds.

South Bay Community Services will collect height and weight data in all schools (including preschool) as part of a surveillance project intended to provide the District with a biennial look at grade-level results based on age, gender, school, and District measures. Services will commence September 15 and continue through December 21, 2018. The sum not to exceed $27,000 will be paid from District Administration funds.

Targeted Leadership Consulting is providing professional leadership development for principals, instructional leadership teams, executive directors, special education content team, and design team, to assist in distributed leadership strategies and practices to improve teaching and learning. Services commenced June 4, 2018, and will continue through June 28, 2019. The sum not to exceed $156,600 will be paid from Title I, Professional Development funds.

University of California, San Diego-Health Sciences (Howard Taras, M.D.) is providing medical consultation and inservices on health topics to school nurses, school, and District administrators; acting on behalf of the District, if required, to interact with students' physicians and health agencies; and reviewing, revising, developing, and interpreting health policies. Services commenced July 7, 2018, and will continue through June 30, 2019. The sum not to exceed $6,000 will be paid from Health and Nursing Services funds.

University of California, San Diego School of Medicine, Department of Ophthalmology is providing vision examinations, hearing screening, and prescriptions for glasses and corrective lenses as needed for children referred to the Eye Mobile; assistance with program evaluation; and advice to District personnel on the need for referral of children for ongoing

ophthalmologic and auditory care. Services commenced August 1, 2018, and will continue through June 30, 2019. The sum not to exceed $5,500 will be paid from Quality Preschool Initiative funds.

Dr. Zhivago is providing art drawing, cartoon, and digital graphic design classes at EastLake. Services commenced July 30, 2018, and will continue through May 8, 2019. The sum not to exceed $4,800 will be paid from Site Control funds.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

STAFF RECOMMENDATION:

Recommend approval and/or ratification.

INSTRUCTIONAL ASSISTANT-PARENT IMPLEMENTATION PROGRAM BEHAVIOR SUPPORT

JOB SUMMARY:

Model positive behavior management techniques and strategies to both children and families under the immediate supervision of the Parent Implementation Program (PIP) Social Worker. Develop individualized treatment plan for families and observe, collect, and analyze data pertaining to treatment plans across multiple settings. Maintain accurate data and documentation and develop case management progress reports.

ESSENTIAL JOB FUNCTIONS:

- Assists with the development, implementation, and tracking of case management treatment plans.
- Manages cases for families, maintains on-going data pertaining to family treatment plans, and shares progress with families.
- Writes comprehensive case management reports.
- Trains parents to effectively implement individual and small-group behavior intervention strategies as determined by data.
- Develops and implements classroom and home programs; provides feedback using data, documentation, and observations.
- Responds to children in crisis situations who are exhibiting challenging behaviors.
- Uses PIP-approved techniques to prevent and protect self and others from aggressive behaviors.
- Assists parents to prepare, create, and modify classroom lessons and social skills plans.
- Performs a variety of clerical or other supportive duties.
- Operates computer and audio-visual equipment.
- Maintains confidentiality of all information related to students and families.
- Performs other duties as assigned.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

- Experience as Instructional Assistant or Student Attendant in Early Childhood.

- Ability to establish and maintain effective working relationships with students and adults, perform a variety of complex tasks, understand and carry out English oral and written instructions, and prepare reports as required.

- Knowledge of correct language usage, spelling, grammar, and punctuation. California state law requires that all personnel working in an instructional setting must demonstrate high school proficiency in the areas of reading, writing, and mathematics.

- Ability to establish and maintain effective working relationships with adults and children.

- Ability to perform a variety of above-average, complex tasks.

- Bilingual English/Spanish preferred.

- Must have successfully passed the Instructional Assistant Proficiency Test before being considered for a position as an Instructional Assistant.

- Willing to participate in required training, which may include out-of-state travel.

- Flexibility of schedule; may be required to work evenings.

- Education requirement of graduation from high school or equivalent, preferably supplemented by two years' college course work in child development or equivalent.

LICENSES AND CERTIFICATES:

- A valid California Driver's License required at the time of appointment. CPR certification is desirable.

DIRECTOR OF MULTI-TIERED SYSTEM OF SUPPORTS: BEHAVIORAL, SOCIAL-EMOTIONAL, AND ACADEMIC

JOB SUMMARY:

Under the direction of the Executive Director of Student, Family, Community, and Instruction Services, supports capacity-building of District and schools to establish and maintain positive cultures, climates, and systems that ensure the social and academic success of all students.

ESSENTIAL JOB FUNCTIONS:

- Coordinates and chairs the District Multi-Tiered System of Supports Committee to provide leadership and support for MTSS initiatives.
- Collaborates with various departments and stakeholders:
  - Plans, implements, and evaluates a Districtwide system for academic progress monitoring, intervention, and support.
  - Designs, coordinates, and facilitates parent education at site and District levels on selection, training, administration, and analysis of a Districtwide universal screener.
  - Seeks, plans, coordinates, and provides Tier I, II, and III interventions.
  - Promotes District and site environments responsive to the needs of all students.
- Participates in the development, coordination, and facilitation of professional development, coaching, and technical assistance for Social Emotional Learning (SEL), Positive Behavioral Interventions and Supports (PBIS), Restorative Practices, Trauma Informed Practices, and Educational Monitoring Team (EMT) at site and District levels; assists site teams to adopt and implement programs and practices.
- Assists schools to utilize School-Wide Information System (SWIS) and other data-tracking systems to collect and analyze data to determine patterns and trends, and increase program effectiveness.
- Coordinates and conducts campus walkthroughs to assist staff to monitor and increase effectiveness of PBIS programs.
- Facilitates expansion and sustainability of positive practices Districtwide.
- Identifies, supports, and assists in the establishment of MTSS and PBIS demonstration sites.
- Maximizes effectiveness of existing partnerships and seeks new partnerships to increase mental health services for District students.
- Participates in regional, statewide, and national trainings to learn, implement, and share innovative research-based practices.
- Represents the department and District on committees, work teams, and parent and community committees and at local, state, and national meetings and conferences.

- Develops and prepares related plans, reports, and presentations including Board, state, and federal reports.
- Performs other duties as assigned.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

- Administrative Credential.
- Master's Degree.
- Multiple-Subject, or Special Education Teaching Credential or related teaching experience desired.
- Pupil Personnel Services (PPS) Credential desired.

Knowledge, Skills, and Abilities

- Highly knowledgeable and experienced with research-based practice of MTSS at all three tiers: universal, secondary, and tertiary.
- Formal training and demonstrated successful experience prescribing and implementing a variety of evidence-based systems of behavioral and academic interventions.
- Demonstrated leadership and project management skills (planning, coordinating, implementing, evaluating).
- Successful experience planning, providing, and/or facilitating professional development and school improvement activities.
- Experience and demonstrated success with evidence-based decision making.
- Ability to work collaboratively with various groups to gain consensus related to project implementation.
- Demonstrated experience and success partnering with community agencies to provide wrap-around support for students.
- Experience using Sanford Harmony, Second Step, and/or other SEL curriculum and practices.
- Demonstrated strong interpersonal skills and positive working relationships with individuals, teams, and stakeholder groups at all levels of the organization.
- Ability to work independently with limited direct supervision, and to adhere to schedules and timelines.
- Demonstrated excellent oral and written communication skills.
- Ability to use Microsoft Office tools to facilitate organization, communication, presentations, and data analysis.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

Approve Memorandum of Understanding with Chula Vista Classified Employees Organization Regarding Noon Duty Supervisors Working Fewer Than Ten Hours Per Week

____X____ Action **_____ Information**

BACKGROUND INFORMATION:

On July 19, 2018, the District and Chula Vista Classified Employees Organization (CVCEO) came to agreement and signed a Memorandum of Understanding (MOU) regarding employment of noon duty supervisors for fewer than ten hours per week. The MOU states that the District may contract noon duty supervisors for fewer hours if the school site demonstrates a need for less hours or if the noon duty supervisor requests fewer hours and the District agrees to such reduction. The agreement was a result of many noon duty supervisors requesting to work fewer than ten hours a week and also due to some school site schedules, which require part-time positions that are under the ten-hour minimum. The District will work closely with CVCEO representatives to monitor the implementation of the MOU.

ADDITIONAL DATA:

A copy of the MOU is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

Approve Memorandum of Understanding with Chula Vista Educators Regarding Teacher Evaluations During the 2018-19 School Year

____X____Action **_____Information**

BACKGROUND INFORMATION:

On July 24, 2018, the District and Chula Vista Educators (CVE) came to agreement and signed a Memorandum of Understanding (MOU) consenting not to implement the Educator Effectiveness and Evaluation Project ("E3") during the 2018-19 school year. It was agreed that certificated employees who have worked for the District for at least ten years at the time of their most recent evaluation will be evaluated every five years if they received an "effective" rating in all areas on their last evaluation. In addition, the MOU states that, because the E3 pilot project ran during the 2016-17 and 2017-18 school years, the "most recent evaluation years" will be the 2014-15 or 2015-16 school years. Nurses and speech and language pathologists who were not involved in the pilot program may use their evaluations from the 2016-17 or 2017-18 school year. As required in Education Code, the MOU states that both the employee and his or her evaluator must agree to the five-year evaluation cycle.

ADDITIONAL DATA:

A copy of the MOU is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

Approve Contract with the State of California, Office of Administrative Hearings, for an Administrative Law Judge to Conduct Certificated Dismissal Hearings During the 2018-19 Through 2022-23 School Years

____X____ Action **_____ Information**

BACKGROUND INFORMATION:

When a school district dismisses a certificated staff member and that staff member requests a hearing to challenge his/her dismissal, the District must contract with the Office of Administrative Hearings to provide an Administrative Law Judge for the purpose of conducting a hearing under the authority of Education Code. This contract with the State of California, Office of Administrative Hearings, is to facilitate and conduct a Certificated Hearing.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

The cost is computed in accordance with the rates set forth in the current Department of General Services Price book. The hourly rate for Administrative Law Judge services is $280, plus a $100 filing fee per case. The cost not to exceed $48,000 will be paid from District Administration, Human Resources funds.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Ratify Agreement with Achieve3000® for Online Differentiated Reading Instruction for the Period of July 1, 2018, Through June 30, 2021

___X___ Action **_____ Information**

BACKGROUND INFORMATION:

Achieve3000® is an online nonfiction reading program that assists students in meeting the increased demands and expectations of California State Standards (CSS) Lexile Reading levels. Within the program, students are able to read informational articles, answer comprehension questions, and respond to "thought questions" which are similar to the demands on the California Assessment for Student Performance and Progress-constructed response questions. In addition to in-school usage, students are to access and complete these reading assignments at home. Parents receive full access of all articles through the at-home access.

Currently, 45 schools, including charters, utilize the program at various grade levels and with target groups. In order to adequately prepare students with appropriate text complexity as required by the CSS, the District has aligned its Local Measure Reading assessment in Grades 2-6 with the Achieve3000® LevelSet assessment. This assessment is a universal screener for reading comprehension of nonfiction text in both English and Spanish. The LevelSet is administered three times a year – a pretest at the beginning of the year, interim test in December, and posttest (Local Measures) at the end of the year to measure student progress and provide a summative measurement of student growth. In addition to the LevelSet, teachers are able to combine embedded assessment, differentiated instruction, regular skills practice, and targeted scaffolds for their students through the use of KidBiz3000 both in class and at home.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Assistant Superintendent of Innovation and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

The cost for the 2018-21 school years will be $2,040,948 and will be paid from Restricted Lottery funds.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Ratify Agreement with Bloom Software, Inc., dba Thrively, Inc., for Thrively Pro Services for the 2018-19 School Year

____X____Action **_____Information**

BACKGROUND INFORMATION:

Thrively Pro is an online strengths assessment solution for children. It allows students to discover the strengths that make them unique and to pursue their passions in life. The fun and interactive online questionnaire captures twenty-three strength areas such as creative thinking, resilience, leadership, and focus. Students receive an uplifting Strength Profile detailing their top strengths, including actionable tips to apply them in the "real world." The result is a positive and practical way to celebrate the child's core strengths.

Thrively Pro enables teachers and administrators to see their students through the lens of each student's strengths and recommends personalized content, career pathways, and enrichment activities to each student based on his/her unique strengths and interests.

ADDITIONAL DATA:

Grade 6 District students have access to Thrively Pro. They will take the online strengths assessment before attending the Innovation Station (IS) and the Energy Station (ES). Information from the assessment will help to make the World of Work (WOW) component of the IS and the ES experience more meaningful and relevant to students. It also allows the WOW instruction to be tailored based on the majority of strengths that exist in the classroom.

Additional information is available for review in the Office of the Assistant Superintendent of Innovation and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

The annual cost of $12,450 will be paid from Local Control and Accountability Plan funds.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Ratify Travel Costs and Related Travel Expenses for District Parents Participating in California Association for Bilingual Education Professional Development, Conferences, and Events for the 2018-19 School Year

____X____Action **_____Information**

BACKGROUND INFORMATION:

The California Association for Bilingual Education (CABE) is an advocacy organization whose mission is to promote equity and educational achievement for students with diverse cultural, racial, and linguistic backgrounds and for whom language poses an additional barrier to schooling and full participation in the educational system and society. CABE's key initiatives include being the premier source of professional development for educators and parents who work with students learning English.

ADDITIONAL DATA:

For the 2018-19 school year, costs for the following CABE-sponsored events will be reimbursed for participating parents. These constitute professional development, conferences, and events related to Title III funding:

- Adelante Mujer
- Bilteracy Symposium
- CABE San Diego South County Chapter Mini-Conference
- CABE 2-Way Conference
- CABE State Conference
- CABE Scholarship Breakfast

Additional Information is available for review in the Office of the Executive Director of Language Development and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

The Title III allocation for participation in professional development, parent trainings, conference/travel, for CABE-sponsored events for 2018-19 is estimated at $17,000 (English Learner: $5,000 and Immigrant: $12,000).

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Ratify Agreement with the City of Chula Vista for the Community Development Block Grant Project for the 2018-19 School Year

____X____Action **_____Information**

BACKGROUND INFORMATION:

The Chula Vista Community Collaborative (CVCC) oversees the management of five Family Resource Centers (FRCs). The FRCs assist individuals and families by providing referrals and support services to increase their ability to lead productive and self-sufficient lives. FRC support services include but are not limited to, emergency food assistance, food stamps, health insurance enrollment, energy cost assistance, counseling, teen parent case management, kinship services, youth services, support groups, and parenting classes. CVCC has been awarded funding through the City of Chula Vista Community Development Block Grant (CDBG) since the 2008-09 school year. The 2018-19 CDBG funds will be used for continued service delivery through the FRCs.

This agreement is between the City of Chula Vista and the District on behalf of the CVCC.

ADDITIONAL DATA:

Additional data is available for review in the Office of the Executive Director of Student, Family, Community, and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

The District, as the fiscal agent for CVCC, will receive funds up to $39,312 for use by the FRCs during the 2018-19 school year.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Ratify Agreement with Goalbook for 150 Goalbook Platform Licenses for the Period of July 1, 2018, Through June 30, 2019, Including Related Professional Development

____X____Action **_____Information**

BACKGROUND INFORMATION:

Goalbook has developed an online instructional resource for special educators, the Goalbook Platform, designed to assist with writing Common Core State Standards-aligned goals for Individualized Education Programs. More importantly, it provides resources and tools for special educators in order to implement scaffolded instruction for students.

The District has entered into an agreement that will allow access to the platform and onsite professional development for special education staff.

ADDITIONAL DATA:

A copy of the agreement is available for review in the Office of the Executive Director of Special Education and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

The fee of $74,250 will be paid from Special Education funds.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Ratify Seventh Amendment to Subcontract Agreement with South Bay Community Services for the Chula Vista Promise Neighborhood Program for the Period of January 1 Through June 30, 2018

____X____Action **_____Information**

BACKGROUND INFORMATION:

In December 2012, South Bay Community Services (SBCS) was awarded one of seven federal Promise Neighborhoods implementation grants. In 2013, SBCS received $4.5 million to fund the first year of a $27.8 million, five-year grant to execute a community-led plan, Chula Vista Promise Neighborhood, that brought together a collaborative of parents to support academic excellence and college-bound aspirations in Chula Vista's Castle Park neighborhood.

Promise Neighborhoods, first launched in 2010, is a community-focused program that funds local-led efforts to improve educational opportunities and provide comprehensive health, safety, and support services in high-poverty neighborhoods. Promise Neighborhoods is one of the signature programs of the White House Neighborhood Revitalization Initiative, which supports innovative and inclusive strategies that bring public and private partners together to help break the cycle of inter-generational poverty.

In Chula Vista, the partners have developed an impressive, seamless continuum of "cradle to career" solutions that create high expectations for all children and provide a clear and viable pathway for college and career success. The continuum of solutions comprises four components:

- Early Learning Network to enhance early learning settings for young children from birth.
- Rigorous academic interventions that will improve schools and provide all students with the academic skills they need for college and career.
- College and career support.
- Safety net of wraparound services so that children can thrive in healthy, stable families and a safe, vibrant community.

ADDITIONAL DATA:

SBCS is subcontracting with the District to provide certain Chula Vista Promise Neighborhood components at Castle Park. Components are Escuelita Del Futuro, Transition to Kindergarten, and the Chula Vista College Institute. This is a continuation of some of the services that have been in place since 2013.

Additional information is available for review in the Office of the Executive Director of Student, Family, Community, and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

Approve Memorandum of Understanding with Jewish Family Services for the Positive Parenting Program for the Period of August 16, 2018, Through June 30, 2019

____X____Action **_____Information**

BACKGROUND INFORMATION:

Jewish Family Services is the County of San Diego contractor for the Positive Parenting Behavioral Health Contract (County Agreement 553898) "Triple P" Positive Parenting Program. This Memorandum of Understanding authorizes the continuation of services provided by Jewish Family Services through the Positive Parenting Program to children and families enrolled at District schools.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Executive Director of Student, Family, Community, and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support and Instructional Services and Support

ITEM TITLE:

Adopt Resolution Declaring September 2018 as *Attendance Awareness Month* in the Chula Vista Elementary School District

____X____Action _____Information

BACKGROUND INFORMATION:

The Chula Vista Elementary School District (District) recognizes attendance as an important factor in every child's academic success. District staff is committed to working with parents and site personnel to ensure students are in school every day on time and for the duration of the instructional day.

The California Department of Education, the State School Attendance Review Board, and Attendance Works (a national research organization) have partnered together to declare September 2018 as *Attendance Awareness Month* and promote awareness of chronic absenteeism. A national campaign, *"Team Up for Attendance"* addresses key stake-holders to raise awareness of chronic absences defined as ten percent or more days of school including all absences regardless of whether they are excused and/or unexcused during a given school year.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Deputy Superintendent and in the Office of the Assistant Superintendent of Technology, Innovation, and Instruction.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. _____

Resolution Declaring September 2018)
as *Attendance Awareness Month* in the)
Chula Vista Elementary School District)

On motion of Member _____, seconded by Member _____, the following resolution is adopted:

WHEREAS, the Chula Vista Elementary School District (District) recognizes good attendance as a catalyst for students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the District recognizes that chronic absences, defined as ten percent or more days of school including all absences regardless of whether they are excused and/or unexcused, contribute to lower student achievement. Students do not have equal opportunities to learn when they are chronically absent from school; and

WHEREAS, the education of all students may be impacted when teachers divert attention to meet the needs of chronically absent students; therefore, schools are encouraged to implement site-based strategies for promoting good attendance and reducing chronic absenteeism; and

WHEREAS, the District recognizes that by addressing chronic absenteeism, the average daily attendance may improve and increase resources to all students; and

WHEREAS, the District provides quarterly data to school sites and to District leadership as a means of monitoring students with chronic absences.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education declares September 2018 as *Attendance Awareness Month* in the Chula Vista Elementary School District.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 15th day of August 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

- - - - - - - - - - - - - - -

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

I, Francisco Escobedo, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

Adopt Resolution Designating September 2018 as *National Preparedness Month* in the Chula Vista Elementary School District

____X____Action **_____Information**

BACKGROUND INFORMATION:

Since its inception in 2004, *National Preparedness Month* is observed each September in the United States of America. Sponsored by the Federal Emergency Management Agency, within the Department of Homeland Security. National Preparedness Month encourages Americans to take steps to prepare for emergencies in their homes, businesses, schools, and communities.

ADDITIONAL DATA:

The 2018 *National Preparedness Month* theme is: "Disasters Happen. Prepare Now. Learn How." *National Preparedness Month* brings together an amazing coalition of partners to make citizen preparedness a priority for every city, every neighborhood, and every home across America. Americans will have opportunities to learn more about ways they can prepare for an emergency, receive an emergency supply kit, establish a family communications plan, and volunteer or participate in emergency training.

The District has in place procedures for training central office and school staff to work together as response teams toward the goal of implementing Site Emergency Response Plans. The objective is to collaborate with South County public and nonpublic schools, agencies, and community partners to create a cohesive, uniform emergency management structure for our school systems.

Additional information is available for review in the Offices of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. _____

Resolution Designating September 2018)
as *National Preparedness Month* in the)
Chula Vista Elementary School District)

On motion of Member _____, seconded by Member _____, the following resolution is adopted:

WHEREAS, *National Preparedness Month*, sponsored by the Department of Homeland Security's Federal Emergency Management Agency, encourages Americans to take steps to prepare for emergencies in their homes, businesses, schools, and communities; and

WHEREAS, the Board of Education of the Chula Vista Elementary School District recognizes and supports the safety of every student, employee, parent, and volunteer; and

WHEREAS, the District has in place opportunities to expand training for staff, students, parents, and community partners to create a network of Site Emergency Response Teams designed to save and sustain lives following a disaster until professional responders arrive.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Chula Vista Elementary School District does hereby officially designate the month of September 2018 as *National Preparedness Month* in the District.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 15th day of August 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

- - - - - - - - - - - - - - -

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

I, Francisco Escobedo, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

Approve Waiver of Minor Irregularities of Bids Received; Denial of Bid Protest by Frank and Son Paving, Inc.; and Award of Bid No. 17/18-10 to San Diego Asphalt for Asphalt Repairs at Various District Properties in the Amount of $361,150 for the Period of August 16, 2018, Through June 30, 2019

BACKGROUND INFORMATION:

Bid No. 17/18-10 was prepared for repairs to asphalt playground, parking, and drive areas at various District properties, and such work is to include, among other things, asphalt patching, seal coating, striping, grinding, and replacement of damaged areas.

The District advertised the bid package by: (i) publishing it on May 25 and June 1, 2018, in The Star News, a newspaper of general circulation; and (ii) emailing it to construction trade journals and to contractors on the contractor list compiled by the District for this type of work. Four contractors submitted bids at the bid opening on June 28, 2018, as provided in the following chart.

Name of Contractor	Bid Amount
San Diego Asphalt	$361,150.00
Frank and Son Paving, Inc.	$378,152.50
RGC General Engineering, Inc.	$415,994.00
Eagle Paving Company, Inc.	$989,324.25

On July 3, 2018, the District received a bid protest from Frank and Son Paving, Inc. (FSP) protesting the bids submitted by San Diego Asphalt (SDA) and RGC Engineering, Inc., (RGC) which asserted, essentially, that each of SDA and RGC failed to specify the amount of its base bid in both: (i) the bid proposal form; and (ii) in the pricing matrix incorporated into the bid proposal form. Bid 17-18/10 provided that: (i) the contract is to be awarded to the bidder with the lowest base bid; and (ii) the amount of the base bid is equal to the total of the amounts for the categories of work described in the pricing matrix.

District legal counsel has advised that: (i) the failure by SDA and RGC to specify the base-bid amount in two different places in their respective bids did not result in any ambiguity or make the bids materially different from what SDA and RGC intended; and (ii) because the bids are not materially different from what the bidders intended and, if accepted, would be enforceable by the District, SDA and RGC will not gain an advantage over other bidders if the Board of Education waives the failure to specify the base bid amount in both places. Thus, the Board of Education may: (i) waive, as minor irregularities, the failure by SDA and RGC to specify the base bid amount in both the bid proposal form and in the pricing matrix; (ii) deny FSP's bid protest in its entirety; and (iii) award a contract for Bid No. 17/18-10 to SDA, the lowest responsive, responsible bidder.

Accordingly, the District is requesting that the Board of Education:

(i) waive, as minor irregularities, SDA's and RGC's failure to specify their respective base bids in both the bid proposal form and the pricing matrix;

(ii) deny FSP's bid protest in its entirety; and

(iii) award the contract for Bid No. 17/18-10 to San Diego Asphalt as the lowest responsive, responsible bidder.

ADDITIONAL DATA:

Copies of bid documents, FSP's protest, and other relevant documents are available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Project costs will be paid from the Maintenance Fund.

STAFF RECOMMENDATION:

Approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

Ratify Purchase Orders, Warrants, and Checks Written/Issued Through July 31, 2018

____X____ Action **_____ Information**

BACKGROUND INFORMATION AND FISCAL IMPACT:

The following purchase orders, warrants, and checks were written/issued through July 31, 2018.

i.	Purchase Orders: 19000002-19001261	$11,692,492.27
ii.	Alternative Revolving Cash: 1233-1234	$ 400.00
iii.	Commercial Warrants: 438349-439086	$14,926,153.21
	Cafeteria Warrants: 00003311-00003428	$ 1,978,740.47
iv.	Payroll Warrants: Series 10 13173165-13182693, N1594745-1330295	$17,655,904.25
v.	Revolving Cash Checks: 005724-005778	$ 16,034.81

ADDITIONAL DATA:

Additional information is available for review in the Office of the Deputy Superintendent in accordance with Board Policies 3310, 3314, and 3314.2.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

Approve and/or Ratify Inservice/Travel Requests

____X____Action **_____Information**

BACKGROUND INFORMATION:

See attached listing.

ADDITIONAL DATA:

Inservice/travel requests are available for review in the Office of the Deputy Superintendent in accordance with Board Policies 4133, 4233, and 4333.

FISCAL IMPACT/FUNDING SOURCE:

See attached listing.

STAFF RECOMMENDATION:

Recommend approval and/or ratification.

Chula Vista Elementary School District

Agenda Item 6.R.
August 15, 2018
Exhibit A

INSERVICE/TRAVEL REQUESTS

Individual	Event	Destination	From	To	Est'd Cost	Funding	CVESD Location
Dombrowski, J	AHERA Contractor Supervisor 8-Hour Refresher Course	San Diego	08/06/18	08/06/18	$175	Operations	Business Services
Dombrowski, J	AHERA Building Inspector 4-Hour Refresher Course	San Diego	09/05/18	09/05/18	$215	Operations	Business Services
Heredia, J	AHERA Contractor Supervisor 8-Hour Refresher Course	San Diego	08/06/18	08/06/18	$175	Operations	Business Services
Heredia, J	AHERA Building Inspector 4-Hour Refresher Course	San Diego	09/05/18	09/05/18	$215	Operations	Business Services
Ball, K	Intro to Restorative Prctcs & Using Circles Effctvly Wrkshp	San Diego	08/14/18	08/21/18	$100	Title I	EastLake
Barton, A	Intro to Restorative Prctcs & Using Circles Effctvly Wrkshp	San Diego	08/14/18	08/21/18	$100	Title I	EastLake
Johnson, S	Intro to Restorative Prctcs & Using Circles Effctvly Wrkshp	San Diego	08/14/18	08/21/18	$100	Title I	EastLake
Ornelas, S	Intro to Restorative Prctcs & Using Circles Effctvly Wrkshp	San Diego	08/14/18	08/21/18	$100	Title I	EastLake
Parmiter, L	Intro to Restorative Prctcs & Using Circles Effctvly Wrkshp	San Diego	08/14/18	08/21/18	$100	Title I	EastLake
Tumamao, A	Intro to Restorative Prctcs & Using Circles Effctvly Wrkshp	San Diego	08/14/18	08/21/18	$100	Title I	EastLake
Ciriza, G	Lexia Leadership Summit	Wshngton, DC	11/07/18	11/11/18	$1,300	District Admin	Instructional Services
Eaton, P	Nat'l Alliance for Medicaid in Education 2018 Annual Conf	Baltimore, MD	10/14/18	10/17/18	$1,888	MAA	Instructional Services
Malcolm, K	Imagine Learning Partnership Forum	Provo, UT	09/26/18	09/28/28	*$0	Imagine Lrng	Instructional Services
Martinez, I	Nat'l Alliance for Medicaid in Education 2018 Annual Conf	Baltimore, MD	10/14/18	10/17/18	$1,888	MAA	Instructional Services
Pimentel, P	ELPAC Academy Year 2 Focusing on the Classroom	San Diego	08/30/18	08/30/18	$150	Title III	Instructional Services
Pimentel, P	Imagine Learning Partnership Forum	Provo, UT	09/26/18	09/28/28	*$0	Imagine Lrng	Instructional Services
Rojas, N	Imagine Learning Partnership Forum	Provo, UT	09/26/18	09/28/28	*$0	Imagine Lrng	Instructional Services
Tessier, M	Mexican American Business & Prof Assoc Meeting	San Diego	07/27/18	07/27/18	$25	District Admin	Instructional Services
Escobedo, F	2018 Taste of Eastlake	Chula Vista	01/26/18	01/26/18	$50	District Admin	Superintendent
Escobedo, F	2018 Multi-Chamber Summer Networking Mixer	Chula Vista	07/26/18	07/26/18	$15	District Admin	Superintendent
Escobedo, F	Calif Collaborative for Educational Excellence (CCEE)	San Francisco	10/02/18	10/03/18	$258	CCEE	Superintendent
Escobedo, F	Grantmakers for Education	San Diego	10/16/18	10/18/18	*$210	Stuart Fndtn	Superintendent
Escobedo, F	CSBA Annual Education Conf and Trade Show 2018	San Francisco	11/28/18	12/01/18	$2,097	District Admin	Superintendent
Farias, A	USC Rossier School of Education CBO Program 2018-19	USC Campuses	07/25/18	06/23/19	$7,200	District Admin	Supt/Board Member
Farias, A	CSBA Annual Education Conf and Trade Show 2018	San Francisco	11/28/18	12/01/18	$2,052	District Admin	Supt/Board Member
Tamayo, F	USC Rossier School of Education CBO Program 2018-19	USC Campuses	07/25/18	06/23/19	$7,200	District Admin	Supt/Board Member
Tamayo, F	CSBA Annual Education Conf and Trade Show 2018	San Francisco	11/28/18	12/01/18	$1,952	District Admin	Supt/Board Member
Estrada, C	Changing the Odds Conference	Dallas, TX	09/26/18	09/29/18	$1,907	Title I	Vista Square
Holguin, M	Amer Public Health Assoc 2018 Annual Mtg and Expo	San Diego	11/11/18	11/14/18	*$900	Univ of Miami	Vista Square FRC/SFCI

NOTE: Actual Inservice/Travel costs may differ from estimated costs as shown above.

*Travel event expenses sponsored by organizer and may include registration, lodging, meals, and transportation.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

Approve and/or Ratify Requests for Use of District Facilities

____X____ Action **_____ Information**

BACKGROUND INFORMATION:

Site	Requested by	Facility/Time/Date/Purpose	Fees
Rosebank	Restored Church of South Bay	Multi-Purpose Room and Two Classrooms Sundays, 8:00 a.m. to 12:00 p.m. July 1, 2018 – December 31, 2018 Church Services	$26.75 per hour $6.50 per hour x 2
Muraoka	After School Enrichment Solutions	Multi-Purpose Room Wednesdays, 2:45 to 3:45 p.m. Oct 10 – December 12, 2018 Robotics Classes	$37 per hour
Salt Creek	SouthPoint Church	Multi-Purpose Room and Three Classrooms Sundays, 9:00 a.m. to 11:00 a.m. July 1, 2018 – June 30, 2019 Church Services	$26.75 per hour $6.50 per hour x 3

ADDITIONAL DATA:

Additional information is available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Facilities use permit fees are deposited into the District's General Fund.

STAFF RECOMMENDATION:

Recommend approval and/or ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

Nominations for California School Boards Association Directors-at-Large: Asian/Pacific Islander and Hispanic

____X____ Action **_____ Information**

BACKGROUND INFORMATION:

Every year, the California School Boards Association (CSBA) accepts nominations for Directors-at-Large; in even-numbered years, for Asian/Pacific Islander and Hispanics; and in odd-numbered years, for African American, American Indian, and County. This year, CSBA will accept nominations for Directors-at-Large: Asian/Pacific Islander and Hispanic until September 28, 2018. Any CSBA member board is eligible to nominate board members for these seats. Each nominee must serve on a CSBA member board and each nominating board must certify that the nominee has consented to run.

According to CSBA Bylaws, Article IV, Section 4, election of directors shall be at the Delegate Assembly meeting held prior to the Annual Education Conference of the Association. This year's Delegate Assembly meeting will be held in San Francisco on November 28 and 29, 2018.

Directors-at-Large serve two-year terms on the CSBA Board of Directors. Their main responsibility is to establish the vision, mission, and goals for the association and ensure that activities and programs remain focused on those goals and the issues identified in CSBA's Policy Platform. They are expected to attend several Board of Directors meetings each year as well as other CSBA functions and events. Directors also serve on committees and task forces.

ADDITIONAL DATA:

A valid nomination includes:

- Nomination form (Exhibit A). It is the responsibility of the nominating board to obtain permission from the nominee prior to submitting his or her name. The deadline for submitting a completed nomination form is September 28, 2018.

- Candidate Form – A signed and dated candidate form completed by the nominee is due to CSBA by October 5, 2018. An optional, one-page, single-sided résumé may also be submitted with the candidate form.
- Two letters of recommendation (one page each, single-sided) must be submitted by any member board or any individual CSBA board member. The letters of recommendation may be from the same board that submits the nomination. The deadline for the two letters of recommendation is also October 5, 2018. It is the responsibility of the candidate to secure the two letters of recommendation.

A copy of the "Call for Nominations" is available for review in the Superintendent's Office.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

The Board will determine its action on this item.

"Exhibit A"

2018 Directors-at-Large, Asian/Pacific Islander and Hispanic Nomination Form

The nominations for Directors-at-Large must be made by a CSBA member board and the nominee must be a board member from a CSBA member district or county office of education. The U.S. Postal Service postmark, fax, or email deadline for the nomination form is Friday, September 28, 2018.

Two letters of recommendation are required to be submitted by Friday, October 5, 2018.

Nominees must give permission prior to being nominated.

(Please submit a separate nomination form for each Director position and each nominee.)

The governing board of the _____ School District or County Office Board of Education voted to nominate_____
(Nominee name)
as a candidate for the following Director-at-Large position: *(please indicate below)*

Director-at-Large, Asian/Pacific Islander

Director-at-Large, Hispanic

The nominee is a member of the _____ School District or County Office Board of Education, which is a member of CSBA. The nominee has been contacted and has given permission to be nominated.

_____
Signature of the Board Clerk or Board Secretary *Date*

Please submit this nomination form by choosing one of the following options below:

- E-mail: nominations@csba.org
- Or fax: ATTN: Mike Walsh, President, at (916) 371-3407
- Or mail: Mike Walsh, President
  California School Boards Association
  3251 Beacon Blvd.
  West Sacramento, CA 95691

If you have any questions, please contact CSBA's Executive Office, (800) 266-3382.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

Approve Deletion of Selected Board Policies and Administrative Regulations in Article 0, Philosophy-Goals-Objectives and Comprehensive Plans:

(1) Board Policy 0110, Racial and Ethnic Balance
(2) Board Policy and Administrative Regulation 0420.1, School-Based Program Coordination
(3) Board Policy and Administrative Regulation 0520.2, Title I Program Improvement Schools
(4) Board Policy and Administrative Regulation 0520.4, Quality Education Investment Schools

____X____Action _____Information

BACKGROUND INFORMATION:

The District's Policy Review Committee (PRC) continues to review and evaluate Board Policies (BPs) and Administrative Regulations (ARs). During this process, a number of current BPs and ARs have been identified for revision or deletion and others have been identified for adoption.

The BPs and ARs listed above are obsolete. They relate to state, federal, or District programs that do no longer exist; to items no longer required by Education Code; or to practices and procedures no longer in effect in the District.

ADDITIONAL DATA:

Copies of the BPs and ARs are attached. Additional information is available for review in the Office of the Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend approval.

Philosophy-Goals-Objectives and Comprehensive Plans

RACIAL AND ETHNIC BALANCE

To help the district progress toward the accomplishment of its Philosophy and Goals Policy, the staff will continue to plan and to implement procedures and programs that will achieve racial and ethnic balance of students and staff in each of our schools.

Individual school communities and staffs are encouraged to assist in developing plans and procedures which the Governing Board can support and adopt.

(cf. 0100 – Philosophy and Goals

DELETE

Philosophy-Goals-Objectives and Comprehensive Plans

SCHOOL-BASED PROGRAM COORDINATION

In order to best serve students with special needs and students participating in designated educational programs, the Board of Education encourages school-based program coordination as a means for achieving flexibility in the use of the categorical funds received by each school. The Board believes that resources acquired to assist students in one program often can benefit other students without in any way depriving the group originally targeted.

A School Site Council shall be established at each school to consider whether or not it wishes the school to participate in school-based program coordination. All interested persons shall have an opportunity to meet in public to establish the School Site Council. (Education Code 52852.5)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

The School Site Council of any participating school shall develop, for approval by the Board, a Single Plan for Student Achievement (Single Plan) that addresses the components specified in Education Code 52853. The Single Plan shall be incorporated into the state's consolidated application process. (Education Code 52853, 64001)

Evaluation of each participating school's educational program shall include an assessment of the school's effectiveness in meeting the needs of each student population originally targeted by the categorical programs.

(cf. 0500 - Accountability)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Language Learners)
(cf. 6190 - Evaluation of the Instructional Program)

DRAFT

SCHOOL-BASED PROGRAM COORDINATION (continued)

Legal Reference:

EDUCATION CODE
8750-8754 Conservation education
41500-41573 Categorical education block grants
44520-44534 New Careers Program
51870-51874 Education technology
52200-52212 Gifted and Talented Education Program
52340-52346 California Regional Career Guidance Centers
52800-52887 School-Based Program Coordination Act
54000-54041 Educationally Disadvantaged Youth Programs
54100-54145 Miller-Unruh Basic Reading Act
54650-54659 Education Improvement Incentive Program
56000-56885 Special education
64000 Categorical programs included in consolidated application
64001 Single school plan for student achievement, consolidated application programs
MILITARY AND VETERANS CODE
500-520.1 California Cadet Corps

Management Resources:

CDE PUBLICATIONS
Voluntary Template for the Single Plan for Student Achievement
WEB SITES
California Department of Education: http://www.cde.ca.gov

DELETE

Philosophy-Goals-Objectives and Comprehensive Plans

SCHOOL-BASED PROGRAM COORDINATION

The Superintendent or designee shall give all principals information about the School-Based Program Coordination Act. This information shall be passed on to staff and parents/guardians. A School Site Council shall be established at each school to consider whether or not it wishes the school to participate in the school-based coordination program. All interested persons shall have an opportunity to meet in public and establish the site council. (Education Code 52852.5)

Any School Site Council wishing its school to participate in the school-based coordination program shall identify funding sources to be coordinated and shall develop a Single Plan for Student Achievement (Single Plan) which ensures that all students, including target groups, meet annual goals for improved achievement. The Single Plan shall be approved by the Board of Education and kept at the school site. (Education Code 52850). The Single Plan shall be incorporated into the state's consolidated application process.

Single Plans shall include an explicit statement of what the school seeks to accomplish by the coordinated use of categorical funds. Single Plans shall also address:

1. Curricula, instructional strategies, and materials responsive to individual needs and learning styles.

2. Instructional and auxiliary services which meet the needs, in all curricular areas, of all students, including the special needs of:
   a. Non- or limited-English speaking students, including instruction in a language these students understand.
   b. Educationally disadvantaged students.
   c. Gifted and talented students.
   d. Students with exceptional needs.

3. A staff development program for teachers, other staff, and volunteers, including those participating in special programs. The Single Plan shall specify ways in which the staff development program will support the Single Plan and the means by which staff development activities will be evaluated.

(cf. 4131 - Staff Development Program)

DELETE

SCHOOL-BASED PROGRAM COORDINATION (continued)

4. Ongoing evaluation of the school's educational program.

(cf. 0500 - Review and Evaluation)

5. The proposed expenditures of funds available to the school through school-based coordinated programs. These expenditures shall include, but not be limited to, salaries and staff benefits for persons providing services for those programs. (Education Code 52853)

The Single Plan may include other activities and objectives established by the site council. (Education Code 52853)

The School Site Council shall annually review the Single Plan, revise it as needed, and establish a new budget. (Education Code 52853)

The Board shall review and approve or disapprove the Single Plan and any revisions. If a plan is not approved, the Board shall give the School Site Council its specific reasons. Subsequent changes in the plan shall be developed by the site council and approved or disapproved by the Board in the same way. (Education Code 52855)

Funds coordinated by this program shall be used to supplement, not supplant, existing state and local appropriations. (Education Code 52852.5)

DELETE

Philosophy-Goals-Objectives and Comprehensive Plans

TITLE I PROGRAM IMPROVEMENT SCHOOLS

The Governing Board desires to assist all schools receiving federal Title I funds to achieve adequate yearly progress toward the state's proficient level of achievement on state assessments.

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6171 - Title I Programs)

If a school fails to make adequate yearly progress, as defined by the California Department of Education, for two consecutive school years and is thus identified for program improvement, the Board and Superintendent or designee shall use all necessary means to improve the progress of that school.

Within 45 days of receiving an improvement plan from a school identified for program improvement, the Board shall establish a peer review process to assist with review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of the law. (P.L. 107-110, Section 1116)

(cf. 0420 - Parent Involvement)

The Superintendent or designee shall coordinate program improvement efforts with other federal, state, and local school improvement programs as appropriate.

(cf. 0420.1 – School-Based Coordinated Programs)
(cf. 0520 – Intervention for Underperforming Schools)

The Superintendent or designee shall ensure that students in program improvement schools receive supplemental educational services and are allowed transfers in accordance with law.

To enable the Board to monitor the progress of program improvement schools, the Superintendent or designee shall provide the Board with regular reports on the implementation of the school plan and the effectiveness of program improvement efforts in raising student achievement.

(cf. 6190 - Evaluation of the Instructional Program)
(cf. 9000 - Role of the Board)

DELETE

Philosophy-Goals-Objectives and Comprehensive Plans

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Legal Reference

EDUCATION CODE
60642.5 California Standards Tests
60850-60856 High School Exit Examination
CODE OF REGULATIONS, TITLE 5
13075-13075.4 Supplemental services
UNITED STATES CODE, TITLE 20
6301 Title I program purpose
6311 Adequate yearly progress
6312 Local educational agency plan
6313 Eligibility of schools and school attendance areas; funding allocation
6316 School improvement
7912 Persistently dangerous schools
CODE OF FEDERAL REGULATIONS, TITLE 34
200.13-200.20 Adequate yearly progress
200.30-200.35 Identification of program improvement schools
200.36-200.38 Notification requirements
200.39-200.43 Requirements for program improvement, corrective action and restructuring
200.44 School choice option
200.45-200.47 Supplemental services
200.48 Funding for transportation and supplemental services
200.49-200.51 State responsibilities
200.52-200.53 District improvement

Management Resources:

CSBA Advisories
California's Implementation of the No Child Left Behind Act, July 2003
No Child Left Behind: Update on Federal Regulations and State Board of Education Actions, January 2003
CDE PUBLICATION
California's Accountability Workbook
US DEPARTMENT OF EDUCATION GUIDANCE
Public School Choice, February 6, 2004
Supplemental Educational Services, August 22, 2003
WEB SITES
CSBA: http://www.csba.org
CDE, Program Improvement: http://www.cde.ca.gov/ta/ac/ti/programimprov.asp
U.S. Department of Education, No Child Left Behind: http://www.nclb.gov

DELETE

Philosophy-Goals-Objectives and Comprehensive Plans

TITLE I PROGRAM IMPROVEMENT SCHOOLS

If any District school receiving Title I funds is identified for program improvement after failing to make adequate yearly progress, as defined by the California Department of Education, for two consecutive years: (P.L. 107-110, Section 1116)

1. The school shall develop or revise a two-year improvement plan in accordance with P.L. 107-110, Section 1116, for approval by the Governing Board.

(cf. 042 - Parent Improvement)
(cf. 6171 - Title I Programs)

2. To the extent permitted by Board policy, the District shall provide students enrolled in the school the option of transferring to another District school or charter school that has not been identified for program improvement.

(cf. 0420.4 - Charter Schools)

The school shall implement the improvement plan no later than the beginning of the next full school year following the school's identification for program improvement or, if the plan has not been approved prior to the beginning of the school year, immediately upon approval of the plan. (P.L. 107-110, Section 1116)

As the school develops and implements the school plan, it shall receive technical assistance from the District, the California Department of Education, an institution of higher education, a private organization, and educational service agency or another entity with experience in helping schools improve academic achievement, including assistance in: (P.L. 107-110, Section 1116

1. Analyzing state assessment data and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and District responsibilities identified in the school's Title I plan.
2. Identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement.
3. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and to remove the school from program improvement status.

For any school that fails to make adequate yearly progress by the end of the first full school year after being identified for program improvement, the District shall: (P.L. 107-110, Section 1116)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

1. Continue to provide all students enrolled in the school with the option to transfer to another District school that has not been identified for program improvement.
2. Arrange for the provision of supplemental educational services, as described below, to eligible student from low-income families by a provider with a demonstrated record of effectiveness.
3. Continue to provide for technical assistance.

Any school that continues to fail to make adequate yearly progress in subsequent years shall be subject to items #1-3 above as well as additional consequences ranging from corrective actions to restructuring of school governance pursuant to P.L. 107-110, Section 1116.

When a school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, it shall no longer be subject to the requirements described above. (P.L. 107-110, Section 1116)

When required by law, supplemental educational services shall be provided outside the regular school day and shall be specifically designed to increase eligible students' achievement on state academic assessments and to assist them in attaining state academic standards. (P.L. 107-110, Section 1116)

(cf. 6011 – Academic Standards)
(cf. 6162.51 – Standardized Testing and Reporting Program

Supplemental Educational Services

Within a reasonable period of time, parents/guardians shall select a service provider from among those approved by the State Board of Education. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (P.L. 107-110, Section 1116)

Once a provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider in accordance with P.L. 107-110, Section 1116. (P.L. 107-110, Section 1116)

If available funds are insufficient to provide supplemental educational services to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (P.L. 107-110, Section 1116)

Notifications

Whenever a school is identified for program improvement, corrective action or restructuring, the Superintendent or designee shall promptly notify

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TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

parents/guardians of students enrolled in that school. The notification shall include: (P.L. 107-110, Section 1116)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the District and state.
2. The reasons for the identification.
3. An explanation of what the school is doing to address the problem of low achievement.
4. An explanation of what the District or State is doing to help the school address the achievement problem.
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for school improvement.
6. An explanation of the option to transfer to another District school or to obtain supplemental educational services.

As appropriate, the Superintendent or designee shall annually notify parents/guardians of the availability of supplemental educational services; the identity of approved providers that are within the District or are reasonably available in neighboring local educational agencies; and the services, qualifications, and demonstrated effectiveness of each such provider. (P.L. 107-110, Section 1116)

The Superintendent or designee shall disseminate information about corrective actions taken at any District school to the parents/guardians of each student in that school and to the public. (P.L. 107-110, Section 1116)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (P.L. 107-110, Section 1116)

All notifications pertaining to program improvement shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (P.L. 107-110, Section 1116)

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Philosophy-Goals-Objectives and Comprehensive Plans

QUALITY EDUCATION INVESTMENT SCHOOLS

The Board of Education believes that schools demonstrating the lowest performance on state indicators of student achievement should be assisted with additional resources and support focused on instructional improvement and student services. Such schools also need working conditions and learning environments that will attract and retain well-qualified teachers, administrators, and other staff. The Board desires to help such schools address their complex educational needs and achieve their annual growth targets.

Whenever the Superintendent of Public Instruction identifies a Chula Vista Elementary School District school as ranking in Decile 1 or 2 on the Academic Performance Index (API) and notifies the District that the school is eligible to participate in the state's Quality Education Investment Act program, the Board shall determine whether applying for this funding will help improve academic achievement at that school. The Superintendent or designee shall review the program requirements and recommend to the Board if it would be in the District's best interest to apply to use alternative program requirements that would provide for a higher level of academic achievement. Based on this determination, the Board may submit an application, including an application for an alternative program, on behalf of the school in order to obtain additional state funding for school improvement.

The Superintendent or designee shall ensure that each participating school uses program funds for the purposes expressed in law and administrative regulation. Activities carried out under this program shall be aligned with other school improvement efforts.

(cf. 0420 - School Plans/Site Councils)
(cf. 0520.2 - Title I Program Improvement Schools)

The Board shall monitor the progress of participating schools to evaluate the effectiveness of school efforts in increasing student achievement, as measured by the API and other indicators, and increasing student attendance. If the Board determines that sufficient progress is not being made at a particular school, the Board and Superintendent or designee shall determine what types of additional District resources and support should be provided to the school so that progress in increasing student achievement can be made.

(cf. 0500 - Accountability)
(cf. 9000 - Role of the Board)

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Philosophy-Goals-Objectives and Comprehensive Plans

QUALITY EDUCATION INVESTMENT SCHOOLS (continued)

The Board shall monitor the progress of participating schools to evaluate the effectiveness of school efforts in increasing student achievement, as measured by the API and other indicators, and increasing student attendance. If the Board determines that sufficient progress is not being made at a particular school, the Board and Superintendent or designee shall determine what types of additional District resources and support should be provided to the school so that progress in increasing student achievement can be made.

(cf. 0500 - Accountability)
(cf. 9000 - Role of the Board)

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Legal Reference:
EDUCATION CODE
35186 Williams uniform complaint procedures
44510-44517 Administrator training program
44757.5 Reading instruction definitions
52050-52059 Public Schools Accountability Act, including:
52053-52055.55 Immediate Intervention/Underperforming Schools Program
52055.600-52055.662 High Priority Schools Grant Program
52055.700-52055.770 Quality Education Investment Act
52120-52128.5 Class Size Reduction Program
60640 Standardized Testing and Reporting Program
60642.5 California standards tests
64001 Single plan for student achievement
99230-99242 Mathematics and Reading Professional Development Program
UNITED STATES CODE, TITLE 20
6301-6578 Academic achievement of the disadvantaged, including:
6316 Program improvement
6319 Qualifications of highly qualified teachers
6511-6518 Comprehensive School Reform Program

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Philosophy-Goals-Objectives and Comprehensive Plans

QUALITY EDUCATION INVESTMENT SCHOOLS

School Requirements

Any District school may expend funds received under the Quality Education Investment Act for any purpose identified in the school's Single Plan for Student Achievement established pursuant to Education Code 64001. (Education Code 52055.720)

(cf. 0420 - School Plans/Site Councils)

Each participating school shall revise its Single Plan for Student Achievement to include funds from this program, describe the manner in which program requirements will be met, and focus on instructional improvement and on improving instructional conditions. (Education Code 52055.755)

Any school receiving funding under this program shall be expected to achieve the following program requirements by the end of the third full year of funding: (Education Code 52055.740)

1. Maintain class sizes as follows:

   a. For Grades K-3, no more than 20 students per class as set forth in the Class Size Reduction Program pursuant to Education Code 52120-52128.5.
   b. For self-contained classrooms in Grades 4-6:

      (1) An average class size, calculated pursuant to Education Code 52055.740, that is either at least five students fewer per classroom than was the average in 2006-07 or an average of 25 students per classroom, whichever is lower.

2. Ensure that each teacher in the school, including interns, meets the qualifications of a "highly qualified" teacher in accordance with the federal No Child Left Behind Act pursuant to 20 USC 6319.

(cf. 4112.2 - Certification)

3. Have an average experience level of classroom teachers in the school equal to or exceeding the average for the District for this type of school, based on a uniform index established by the Superintendent of Public Instruction.

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Philosophy-Goals-Objectives and Comprehensive Plans

QUALITY EDUCATION INVESTMENT SCHOOLS (continued)

4. Exceed the Academic Performance Index (API) growth target for the school averaged over the first three full years of funding and meet its annual API growth targets beginning in the fifth year of participation.

In addition, each participating school shall be expected to meet the following interim program requirements: (Education Code 52055.740)

1. Be at least one-third of the way toward meeting the program requirements in items #1-4 above by the end of the first full year of funding.
2. Be at least two-thirds of the way toward meeting the program requirements in items #1-4 above by the end of the second full year of funding.
3. Annually provide professional development to at least one-third of teachers and instructional paraprofessionals in the school.

   a. For teachers in a subject-specific classroom or teaching covered subjects, each teacher shall participate in professional development that is made available by the District, is developed in a collaborative process with interested parties, and is articulated in an improvement plan. The professional development may include collaboration time for teachers to develop new instructional lessons or analyze student data, mentoring projects for new teachers, or extra support for teachers to improve practice. At a minimum, professional development shall be part of a coherent plan that combines school activities within the school, including, but not limited to, lesson study or co-teaching and external learning opportunities that meet all of the following criteria: (Education Code 52055.750)

      (1) Are related to the academic subjects taught.
      (2) Provide time to meet and work with other teachers.
      (3) Support instruction and student learning to improve instruction in a manner that is consistent with academic content standards.
      (4) Include an average of 40 hours per teacher, per year.

   b. For teachers teaching in a self-contained classroom, professional development shall include, at a minimum, content regarding mathematics, science, English language arts, reading, and English language development. To the extent appropriate, the professional development shall be similar in quality and rigor to the training provided under the Mathematics and Reading Professional Development Program pursuant to Education Code 99230-99242. (Education Code 52055.750)

(cf. 4131 - Staff Development)

Philosophy-Goals-Objectives and Comprehensive Plans

QUALITY EDUCATION INVESTMENT SCHOOLS (continued)

4. Meet all the requirements of the settlement agreement in *Williams* v. State, including, but not limited to, requirements regarding teachers, instructional materials, and school facilities, by the end of the first full year of funding and in each subsequent year.

(cf. 4113 - Assignment)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

District Requirements

To provide support to participating schools, including participating charter schools, the Superintendent or designee shall: (Education Code 52055.750)

1. Comply with all program requirements and require that each participating school complete and meet the criteria of an academic review process that includes the elements of the school assistance and intervention team review process described in Education Code 52055.51.

(cf. 0520 - Intervention for Underperforming Schools)

2. Ensure that each participating school meets the program requirements.

3. Ensure that each school administrator in a participating school, by the end of the first full year of funding and in each subsequent year, has exemplary qualifications and experience as specified in Education Code 52055.750. The Superintendent or designee shall provide for high-quality professional development for each administrator through leadership training, coaching, and mentoring and shall take all reasonable steps to maintain stable leadership in schools. To the extent appropriate, the professional development shall be similar in quality and rigor to that provided through the Administrator Training Program pursuant to Education Code 44510-44517.

4. Provide all fiscal and evaluation data requested by the Superintendent of Public Instruction for initial approval, annual reviews, and reports.

5. Comply with Education Code 52055.630 regarding the process of approving a school action plan, including involvement of teachers and the exclusive representative of certificated employees and, in the same manner, consult with the exclusive representative of classified employees.

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Philosophy-Goals-Objectives and Comprehensive Plans

QUALITY EDUCATION INVESTMENT SCHOOLS (continued)

6. Assist eligible schools in developing and carrying out a plan to implement the program requirements to ensure that the District's plan supports the work of the school.

7. Agree to focus on conditions that improve instruction and achievement in participating schools.

8. Fully understand that not meeting annual and final program and academic achievement requirements will result in the termination of program funding.

9. Ensure that the funds received on behalf of participating schools are expended on those schools, except that during the first partial year of funding the District may use program funding for facilities necessary to meet the class size reduction requirements.

10. Use the uniform process recommended by the Superintendent of Public Instruction to ensure that the average teaching experience of classroom teachers in participating schools is equal to or greater than the average teaching experience of classroom teachers in the District as a whole.

DELETE

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

First Reading/Possible Adoption of Selected Board Policies and Administrative Regulations, and Exhibit in Article 0, Philosophy-Goals-Objectives and Comprehensive Plans:

(1) Board Policy and Exhibit 0420.41, Charter School Oversight
(2) Board Policy 0420.42, Charter School Renewal
(3) Board Policy 0420.43, Charter School Revocation

____X____Action **_____Information**

BACKGROUND INFORMATION:

The District's Policy Review Committee (PRC) continues to review and evaluate Board Policies (BPs) and Administrative Regulations (ARs). During this process, a number of current BPs and ARs have been identified for revision or deletion and others have been identified for addition.

The attached BPs, ARs, and Exhibit are optional. However, since the District has a number of charter schools—both dependent and independent—it has been deemed prudent to adopt them. These will help guide District practices and procedures as they relate to the adoption and oversight of charter schools.

ADDITIONAL DATA:

Copies of the BPs, ARs, and Exhibit are attached. Additional information is available for review in the Office of the Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend adoption.

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT

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

(cf. 0420.4 - Charter Schools)
(cf. 0500 - Accountability)

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

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

The Superintendent/designee shall attend meetings of the charter school board whenever possible and shall periodically meet with a representative of the charter school.

Waivers

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

(cf. 1431 - Waivers)

Provision of District Services

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

Whenever the District agrees to provide administrative or support services, the District and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the District and charter school.

At the request of a charter school, the Superintendent/designee shall create and submit any reports required by the State Teachers' Retirement System

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

or Public Employees' Retirement System on behalf of the charter school. The District may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the District as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

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

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

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

Monitoring Charter School Performance

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

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its Local Control and Accountability Plan (LCAP).

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

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

Technical Assistance/Intervention

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the District: (Education Code 47607.3)

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

If a charter school receiving federal Title I funding has been identified for program improvement, it shall implement improvement strategies in accordance with its existing school improvement plan.

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

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

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

Complaints

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

School Closure

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

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

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

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

Legal Reference:

EDUCATION CODE

215 Suicide prevention policy
220 Nondiscrimination
221.61 Posting of Title IX information on website
221.9 Sex equity in competitive athletics
222 Lactation accommodations for students
234.7 Student protections relating to immigration and citizenship status
17280-17317 Field Act
17365-17374 Field Act, fitness for occupancy
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act
35330 Field trips and excursions; student fees
38080-38086 School meals
39831.3 Transportation safety plan
39843 Disciplinary action against bus driver; report to Department of Motor Vehicles
42100 Annual statement of receipts and expenditures
44030.5 Reporting change in employment status due to alleged misconduct
44237 Criminal record summary
44691 Information on detection of child abuse
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
45125.1 Fingerprinting; employees of contracting entity
47600-47616.7 Charter Schools Act of 1992
47634.2 Nonclassroom-based instruction
47640-47647 Special education funding for charter schools
48000 Minimum age of admission for kindergarten; transitional kindergarten
48010-48011 Minimum age of admission (first grade)
48850-48859 Educational placement of foster youth and homeless students
48907 Students' exercise of free expression; rules and regulations
48950 Student speech and other communication
49011 Student fees
49061 Student records
49076.7 Student records; data privacy; Social Security numbers
49110 Authority of issue work permits
49414 Epinephrine auto-injectors
49414.3 Administration of opioid antagonist
49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001, especially:
49431.9 Advertisement of non-nutritious foods
49475 Health and safety, concussions and head injuries
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
49564 Meals for needy students
51224.7 Mathematics placement policy
51225.6 Instruction in cardiopulmonary resuscitation
51513 Diploma of graduation, without passage of high school exit examination
51745-51749.3 Independent study
52051.5-52052 Academic performance index, applicability to charter schools

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

Legal Reference (continued):

EDUCATION CODE (Continued)
52060-52077 Local control and accountability plans
52075 Uniform complaint procedures
56026 Special education
56145-56146 Special education services in charter schools
60600-60649 Assessment of academic achievement
69432.9-69432.92 Cal Grant program; notification of grade point average and high school graduation
CORPORATIONS CODE
5110-6910 Nonprofit public benefit corporations
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
3540-3549.3 Educational Employment Relations Act
81000-91014 Political Reform Act of 1974
HEALTH AND SAFETY CODE
104420 Tobacco Use Prevention Education grant program
104559 Tobacco-free schools
LABOR CODE
1198.5 Personnel records related to performance and grievance
PENAL CODE
667.5 Definition of violent felony
1192.7 Definition of serious felony
VEHICLE CODE
28160 Child safety alert system
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
Article 16, Section 8.5 Public finance; school accountability report card
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
11700.1-11705 Independent study
11960-11969 Charter schools
CODE OF REGULATIONS, TITLE 24
101 et seq. California Building Standards Code
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex
6311 State plan
7221-7221j Charter schools
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.78 Accountability
COURT DECISIONS
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

Legal Reference (continued):

ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 166 (2006)
80 Ops.Cal.Atty.Gen. 52 (1997)
78 Ops.Cal.Atty.Gen. 297 (1995)
CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS
Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS
Charter Schools: A Guide for Governance Teams, rev. 2016
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Model Youth Suicide Prevention Policy, May 2017
Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
California School Accounting Manual
Sample Copy of a Memorandum of Understanding
Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013
Special Education and Charter Schools: Questions and Answers, September 10, 2002
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Charter Schools Program: Title V, Part B of the ESEA, April 2011
WEB SITES
CSBA: http://www.csba.org
California Charter Schools Association: http://www.calcharters.org
California Department of Education, Charter Schools: http://www.cde.ca.gov/sp/cs
National Association of Charter School Authorizers: http://www.qualitycharters.org
U.S. Department of Education: http://www.ed.gov

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT

Requirements for Charter Schools

Charter schools shall be subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements that are expressly applicable to charter schools, including, but not limited to, requirements that each charter school:

1. **Be nonsectarian in its programs, admission policies, employment practices, and all other operations. (Education Code 47605)**
2. **Not discriminate against any student on the basis of the characteristics listed in Education Code 220. (Education Code 47605)**
3. **Not charge tuition. (Education Code 47605)**
4. **Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools.**
5. **Adhere to all laws establishing the minimum age for public school attendance. (Education Code 47610)**
6. **Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965. (Education Code 47612)**
7. **Serve students with disabilities in the same manner as such students are served in other District schools. (Education Code 47646, 56145)**
8. **Admit all students who wish to attend the school, according to the following criteria and procedures:**
   a. **Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)**

      If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

- **b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the District, except as provided for in Education Code 47614.5. (Education Code 47605)**
- **c. Other admission preferences may be permitted by the Governing Board of the District on an individual school basis consistent with law. (Education Code 47605)**

9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d). (Education Code 48850; 42 USC 11431-11435)

10. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth. (Education Code 48853.5, 48859)

11. If the school offers a kindergarten program: (Education Code 48000)

- **a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2.**
- **b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020.**

12. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold. (Education Code 47605)

13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment. (Education Code 44691)

14. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check. (Education Code 44830.1, 45122.1, 45125.1)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

15. **Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending. (Education Code 44030.5)**
16. **Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System. (Education Code 47610)**
17. **Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment. (Education Code 47611.5)**
18. **If the school serves students in Grades 7-12, adopt a policy on suicide prevention, intervention, and postvention with specified components. (Education Code 215)**
19. **If the school serves students in Grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components. (Education Code 51224.7)**
20. **Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools. (Education Code 47605, 47612.5, 60605)**
21. **Grant a high school diploma to any student who completed Grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination. (Education Code 51413)**
22. **Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school. (Education Code 47612.5)**
23. **If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e). (Education Code 47612.5, 51747.3; 5 CCR 11705)**
24. **Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education. (Education Code 47612.5, 47634.2; 5 CCR 11963.2)**

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

25. **If the school offers competitive athletics, annually post on the school's website or on the website of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level. (Education Code 221.9)**
26. **If the school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)**
27. **On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs. (Education Code 47605)**
28. **Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school. (Education Code 47605)**
29. **Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907, 48950)**
30. **Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7.**

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

31. **Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law. (Education Code 49076.7)**
32. **Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection. (Education Code 47612.5)**
33. **If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information. (Education Code 47605)**
34. **If the school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in Grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)**
35. **Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. (Education Code 39831.3)**
36. **Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)**
    a. **The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.**
    b. **The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.**

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

37. **Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. (Education Code 222)**
38. **Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)**
    a. **Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device.**
    b. **Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive.**
    c. **Providing defense and indemnification to volunteers for any and all civil liability from such administration.**
39. **If the school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist.**
40. **If the school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals. (Education Code 49431.9)**
41. **If the school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; ensure that a student with unpaid school meal fees is not shamed, treated differently, or served a meal that differs from other students; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal. (Education Code 49557.5)**
42. **If the school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or**

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

breakfast free of charge to all students under a federal universal service provision. (Education Code 49564)

43. Promptly respond to all reasonable inquiries from the District, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records. (Education Code 47604.3)

44. Annually prepare and submit financial reports to the District Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:

a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

b. By July 1, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and accountability plan template adopted by the State Board of Education. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5, 52064)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/ guardians and students. (Education Code 47606.5)

c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)

d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL OVERSIGHT (Continued)

e. **By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)**

f. **By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the District's audit. The audit report shall also be submitted to the State Controller and the California Department of Education. (Education Code 47605)**

45. **Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school website or on the website of the charter operator. (Education Code 221.61)**

46. **If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670. (5 CCR 4600)**

47. **Annually adopt a school accountability report card. (Education Code 47612; California Constitution, Article 16, Section 8.5)**

In addition, charter schools shall comply with the state and federal constitutions, applicable federal laws, and state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963 and the conflict of interest laws in Government Code 1090-1099 and 87100-91014.

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL RENEWAL

The Governing Board believes that the ongoing operation of a charter school established within the District should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner.

(cf. 0420.4 - Charter Schools)
(cf. 0420.41 - Charter School Oversight)
(cf. 0420.43 - Charter School Revocation)
(cf. 0500 - Accountability)

Each renewal granted by the Board shall be for a period of five years. (Education Code 47607)

Submission of Renewal Petition

A charter school seeking renewal of its charter is encouraged to submit its petition for renewal to the Board sufficiently early before the term of the charter is due to expire.

The signature requirement applicable to new charter petitions is not applicable to petitions for renewal. (5 CCR 11966.4)

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The petition also shall include documentation that the charter school meets at least one of the criteria for academic performance specified in Education Code 47607(b), as listed in item #5 in the section "Criteria for Granting or Denying Renewal" below. (Education Code 47607; 5 CCR 11966.4)

Criteria for Granting or Denying Renewal

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. The Board shall consider the past performance of the charter school's academics, finances, and operations in evaluating the likelihood of future success, along with plans for improvement, if any. (Education Code 47607; 5 CCR 11966.4)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL RENEWAL (Continued)

In determining whether to grant a charter renewal, the Board shall consider increases in academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607)

The Board shall deny a renewal petition only if it makes a written factual finding setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)

1. **The charter school presents an unsound educational program for the students enrolled in the school.**
2. **The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.**
3. **The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).**
4. **The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).**
5. **The charter school has failed to meet at least one of the two academic performance criteria:**

   a. **Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of District schools, taking into account the composition of the student population that is served at the charter school. In determining whether the charter school satisfies this criterion, the Board shall base its decision on:**

      (1) Documented clear and convincing data.
      (2) Student achievement data from assessments, including, but not limited to, the California Assessment of Student Performance and Progress system, for demographically similar student populations in comparison schools.
      (3) Information submitted by the charter school.

   Whenever the Board makes a determination based on this criterion, the Superintendent/designee shall submit copies of supporting documentation and a written summary of the basis for the Board's determination to the Superintendent of Public Instruction.

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL RENEWAL (Continued)

b. Qualification for an alternative accountability system pursuant to Education Code 52052(h).

Timelines for Board Action

Within 30 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input.

Within 60 days of receiving the renewal petition, or within 90 days if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request to renew the charter. (Education Code 47607; 5 CCR 11966.4)

If the Board fails to make a written factual finding pursuant to items #1-5 in the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

The Superintendent/designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. If the County Board then fails to deny or grant the petition within 60 days of receiving the petition, or within 90 days if extended by written mutual agreement of the charter school and the County Board, the charter school may submit the petition to the State Board of Education. (Education Code 47605, 47607.5)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL RENEWAL (Continued)

Legal Reference:

EDUCATION CODE
47600-47616.7 Charter Schools Act of 1992
52052 Alternative accountability system; definition of numerically significant student subgroup
56145-56146 Special education services in charter schools
60600-60649 Assessment of academic achievement
CODE OF REGULATIONS, TITLE 5
11960-11969 Charter schools
UNITED STATES CODE, TITLE 20
7223-7225 Charter schools

Management Resources:

CSBA PUBLICATIONS
The Role of the Charter School Authorizer, Online Course
Charter Schools: A Guide for Governance Teams, rev. 2016
WEB SITES
CSBA: http://www.csba.org
California Charter Schools Association: http://www.calcharters.org
California Department of Education, Charter Schools: http://www.cde.ca.gov/sp/cs
National Association of Charter School Authorizers: http://www.charterauthorizers.org
U.S. Department of Education: http://www.ed.gov

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL REVOCATION

The Governing Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

(cf. 0420.4 - Charter Schools)
(cf. 0420.41 - Charter School Oversight)
(cf. 0420.42 - Charter School Renewal)
(cf. 0500 - Accountability)

The Board may revoke a charter before the date it is due to expire whenever the Board makes a written factual finding, supported by substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. **Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.**
2. **Failed to meet or pursue any of the student outcomes identified in the charter.**
3. **Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.**
4. **Violated any provision of law.**

The Board shall also consider revocation of a charter whenever the California Collaborative for Educational Excellence (CCEE), after providing advice and assistance to the charter school pursuant to Education Code 47607.3, submits to the Board either of the following findings: (Education Code 47607.3)

1. **That the charter school has failed or is unable to implement the recommendations of the CCEE.**
2. **That the inadequate performance of the charter school, as based on an evaluation rubric adopted by the State Board of Education (SBE), is so persistent or acute as to require revocation of the charter**

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607, 47607.3)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL REVOCATION (Continued)

At least 72 hours prior to any Board meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

(cf. 9320 - Meetings and Notices)

If the Board takes action to issue a Notice of Violation, it shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. **The charter school's alleged violation(s).**
2. **All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.**
3. **The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.**

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

Within 60 calendar days of the conclusion of the remedy period, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. **Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body.**
2. **If there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing**

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL REVOCATION (Continued)

If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to the California Department of Education (CDE) and the County Board of Education. (Education Code 47604.32; 5 CCR 11968.5.2)

Severe and Imminent Threat

The procedures specified above shall not be applicable when the Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body, the County Board, and the CDE. (Education Code 47607; 5 CCR 11968.5.3)

Appeals

If the Board revokes a charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. Either the charter school or the District may subsequently appeal the County Board's decision to the SBE. However, a revocation based upon the findings of the CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL REVOCATION (Continued)

Legal Reference:

EDUCATION CODE
47600-47616.7 Charter Schools Act of 1992, especially:
47607 Charter renewals and revocations
52052 Numerically significant student subgroups; definition
CODE OF REGULATIONS, TITLE 5
11960-11969 Charter schools, especially:
11968.5.1-11968.5.5 Charter revocations
COURT DECISIONS
Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197

Management Resources:

CSBA PUBLICATIONS
The Role of the Charter School Authorizer, Online Course
Charter Schools: A Guide for Governance Teams, rev. 2016
WEB SITES
CSBA: http://www.csba.org
California Charter Schools Association: http://www.calcharters.org
California Department of Education, Charter Schools: http://www.cde.ca.gov/sp/cs
National Association of Charter School Authorizers: http://www.qualitycharters.org
U.S. Department of Education: http://www.ed.gov

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and Support

ITEM TITLE:

First Reading/Possible Revision: Board Policy and Administrative Regulation 3311, Business and Noninstructional Operations, Bids

_____X____ Action **_____ Information**

BACKGROUND INFORMATION:

Board Policy (BP) and Administrative Regulation (AR) 3311, Business and Noninstructional Operations, Bids, is being presented to update and improve the District's business procurement processes and practices. The District is incorporating some of the recommendations in the San Diego County Taxpayers Association (SDCTA) School Construction and Professional Services Procurement Best Practices (Best Practices). The SDCTA Best Practices were developed to help standardize and improve transparency and objectivity in the procurement processes for school districts in San Diego County.

ADDITIONAL DATA:

Copies of proposed revisions to BP and AR 3311 are attached. Additional information is available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend revision.

Business and Noninstructional Operations

BIDS

In order to ensure transparency and the prudent expenditure of public funds, the Governing Board shall award contracts in an objective manner and in accordance with law. **Subject to the foregoing, the District shall promote open and fair competition for all District construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of District construction contracts.** District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the District to do so.

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 3000 – Concepts and Roles)
(cf. 3300 – Expenditures/Expending Authority)

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

The District may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law when the Board has determined that it is in the best interest of the District. (Public Contract Code 20118)

To assist the District in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in Administrative Regulation 3311.

(cf. 9270 – Conflict of Interest)

Contracts for Construction Projects

With respect to evaluation of potential contractors based on review of non-price criteria, the District shall develop and use a standardized scoring system with predetermined evaluation criteria. Any scoring system used by the District shall identify how each of the evaluation criteria will be measured and the relative significance or weight that will be assigned to each criterion. A description of the scoring system shall be included in all solicitation documents involving selection of contractors based on review of non-price criteria.

Business and Noninstructional Operations

BIDS (continued)

A committee or panel shall be used in all circumstances in which the District evaluates potential contractors based on review of non-price criteria, including best value procurement, contractor prequalification and professional services procurement. Such committee or panel shall be comprised of District staff, but the District may include on the committee or panel: (i) a member of another school district; and/or (ii) other outside expert(s) in public works contracting.

Any prehire collective bargaining agreement constituting a "project labor agreement," as defined in Public Contract Code 2500(b), shall include the taxpayer protections set forth in Public Contract Code 2500(a).

The District shall endeavor to provide public notice of the negotiation of a project labor agreement at least 60 days prior to a vote of the Governing Board on such agreement. The District shall consider holding a workshop prior to approval of the agreement to evaluate reasonableness of the agreement.

Legal Reference:

EDUCATION CODE
17595 Purchases through Department of General Services
38083 Purchase of perishable foodstuffs and seasonable commodities
38110-38120 Apparatus and supplies
38902 Transportation services

GOVERNMENT CODE
4330-4334 Preference for California-made materials
6252 Definition of public record
53060 Special services and advice
54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE
1102 Emergencies
2001 Responsive bidders
2500 Project labor agreements; taxpayer protections
3002 Roofing projects
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
6610 Bid visits
12200 Definitions, recycled goods, materials, and supplies
20103.8 Award of contracts
20107 Bidder's security
20111-20118.4 Contracting by school districts
20189 Bidder's security, earthquake relief
22002 Definition of public project
22030-22045 Alternative procedures for public projects

Business and Noninstructional Operations

BIDS (continued)

Legal Reference (continued):

22050 Alternative emergency procedures
22152 Recycled product procurement
COURT DECISIONS
Marshall v. Pasadena USD (2004), 119 Cal.App.4th 1241
Konica Business Machines v. Regents of the University of California (1988), 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972), 7 Cal.3d 861
ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEBSITES
California School Boards Association: www.csba.org
California Association of School Business Officials: www.casbo.org

Business and Noninstructional Operations

BIDS

Uniform Public Construction Cost Accounting Act

The District has adopted the California Uniform Public Construction Cost Account Act procedures under Public Contract Code 22000 et.seq.

Informal Bids:

Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et. Seq., of the Public Contract Code.

Contractors List:

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Public Construction Cost Accounting Commission.

Pre-Solicitation Preparation

Prior to soliciting any contracts for construction that are subject to requirements for competitive bidding or best value procurement, or contracts for professional services for a school construction project, the District shall to the extent feasible and possible fully develop the intended scope of work or services, determine which project delivery method will be used, and decide how the project will be managed.

Factors to be considered prior to procurement may include, but are not limited to the following:

1. **District staff capabilities;**
2. **time considerations;**
3. **project complexity;**
4. **degree of district control and oversight desired;**
5. **type of contractors ~~the~~ needed or desired;**
6. **project budget;**
7. **predominant regional trade practices;**
8. **appropriate community and business participation; and**
9. **level of acceptable legal and financial risk to the District.**

Business and Noninstructional Operations

BIDS (continued)

Advertised/Competitive Bids

~~The District shall seek competitive bids through advertisement for contracts involving an expenditure of $175,001 for a public project, informally bid contracts involving an expenditure less than $175,000 and seek quotes, when feasible, for projects involving an expenditure of $45,000 or less.~~

The District shall advertise and/or otherwise seek formal or informal bids for public projects, and may seek quotes or otherwise enter into contracts for public projects not subject to formal or informal bidding requirements, as provided by Public Contract Code 22030 et seq.

"Public project" means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a District owned, leased, or operated facility. (Public Contract Code 20111, 22002)

The District shall also seek competitive bids through advertisement for contracts exceeding the amount specified in law and as adjusted annually by the California State Superintendent of Public Instruction for any of the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the District.

2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters.

3. Repairs, including maintenance that is not a public project.

"Maintenance" means routine, recurring, and usual work for preserving, protecting, and keeping a District facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. "Maintenance" includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting, or decorating other than touchup. (Public Contract Code 20115)

Business and Noninstructional Operations

BIDS (continued)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than $10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally-owned transit system, or a parent/ guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent/designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the District, or if no such newspaper exists, then in some newspaper of general circulation circulated in the county. The Superintendent/designee may also post the notice on the District's website or through an electronic portal. The notice shall state **or provide references to** the work to be done, materials or supplies to be furnished, **critical dates and deadlines, including** ~~and~~ the time, date, and location where bids will be opened**, and information about specific format and content requirements for submissions. To the extent provided in the bid solicitation documents, t**~~T~~he District may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory pre-bid conference, site visit, or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. In addition, the District's contracting preferences or requirements, such as prevailing

BIDS (continued)

wage; small, local or minority owned businesses and bonding requirements will be included. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)

   a. Cash.
   b. A cashier's check made payable to the District.
   c. A certified check made payable to the District.
   d. A bidder's bond executed by an admitted surety insurer and made payable to the District.

   The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the District, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)

5. When two or more identical bids are received, the ~~Board~~ **Superintendent/designee** may determine, by lot, which bid shall be **recommended for acceptance by the Board**. (Public Contract Code 20117)

BIDS (continued)

6. If the District requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in Item a below shall be used: (Public Contract Code 20103.8)

   a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.

   b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.

   c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the District before the first bid is opened.

   d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the District before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. In determining the lowest bid, the District shall consider only bids that are responsive to the bid specifications and that have been submitted by responsible bidders.

   a. **When a bid is determined to be nonresponsive, the District shall notify the bidder and give it an opportunity to respond to the determination.**

   b. **When a bidder is determined to be nonresponsible, the District shall notify the bidder of its right to present evidence of its responsibility at a due process hearing.**

8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

Business and Noninstructional Operations

BIDS (continued)

9. After being opened, all submitted bids become public records pursuant to the **California Public Records Act,** Government Code Section 6252~~2~~**0, et seq.,** and shall be made available for review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 – Access to District Records)

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a District procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent/designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources as determined by the District to permit reasonable competition consistent with the nature and requirement of the procurement.

2. Notice of the RFP shall be published at least twice in a newspaper of general circulation at least ten days before the date for receipt of the proposals.

3. The Superintendent/designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.

4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.

5. The Superintendent/designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.

BIDS (continued)

6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the District with price and all other factors considered.

7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award.

8. The Board, at its discretion, may reject all proposals and request new RFPs.

9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Bids Not Required

When the Board has determined that it is in the best interest of the District, the District may piggyback onto the contract of another public corporation or agency to lease or purchase equipment or supplies and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract to the extent authorized by law. (Public Contract Code 20118)

(cf. 3300 – Expenditures/Expending Authority)

Supplementary textbooks, library books, educational videos, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 – Selection and Evaluation of Instructional Materials)
(cf. 6163.1 – Library/Media Centers)

Perishable commodities such as foodstuffs needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 – Food Service Operations/Cafeteria Fund)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials

Business and Noninstructional Operations

BIDS (continued)

or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 20113)

(cf. 9323.2 – Actions by the Board)

Bids shall also not be required for day labor under circumstances specified in law, and noted below. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Public projects ~~of $45,000 or less~~ **not subject to formal or informal bidding requirements, as provided by Public Contract Code 22030 et seq.,** performed by the employees of a public agency by force account, by negotiated contract, or by purchase order. (Public Contract Code 22032)

1. School building repairs, alterations, additions
2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

Each public agency that elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

a) In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.

b) In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with Section 22050). (Public Contract Code 22035).

By a four-fifths vote of the governing board, the district may repair or replace a public facility, take any directly related and immediate action required by that

Business and Noninstructional Operations

BIDS (continued)

emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

By a four-fifths vote of the governing board, the authority to enter emergency contracts may be delegated as long as the designee takes the action to the governing board within 7 days of its next regularly scheduled meeting which shall be no more than 14 days after the action was taken. The designee must report at each following meeting until the action is terminated (contract completed). (Public Contract Code 22050)

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent/designee shall not**, except as permitted by law,** draft the bid specification in a manner that, either directly or indirectly, limits bidding to any one specific concern or calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification designating the specific material, product, thing, or particular brand name is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In such cases, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract. (Public Contract Code 3400)

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to the one designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent/designee may designate a specific concern, material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use.

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BIDS (continued)

2. To match others in use on a particular public improvement that has been completed or is in the course of completion.
3. To obtain a necessary item that is only available from one source.
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP.

Prequalification Procedures

For any contract for **construction as to** which bids are legally required, the Board may require **in accordance with Public Contract Code Section 20111.5** that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent/designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works.

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

For purposes of the foregoing, T~~t~~he Superintendent/designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the District at least one day before the fixed bid opening date. (Public Contract Code 20111.5)

The District may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Prior to commencing the foregoing prequalification process, the District shall notify District counsel regarding the District's desire to prequalify contractors, and provide counsel an opportunity to comment on the process and review documents to be used.

Business and Noninstructional Operations

BIDS (continued)

To the extent the District is required to prequalify bidders pursuant to Public Contract Code Section 20111.6, the prequalification procedures shall comply with the requirements of Public Contract Code Section 20111.6.

Appeal Procedures

Contractors will be allowed to appeal a negative prequalification determination in accordance with ~~California Public Contracts Code 20101(d)~~ **procedures set forth in the prequalification documentation**. There is no appeal from a refusal for an incomplete or late application. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the District, whether by administrative or judicial process or any other legal process or proceeding. The decision of the Appeals Panel shall be the District's final administrative decision.

In conjunction with this Prequalification Policy, the District hereby establishes a Bidder Prequalification Appeals Panel ("Appeals Panel") consisting of the following three members or their designee(s):

1. District Director of Maintenance and Operations.
2. District Purchasing Manager.
3. A member of an outside agency.

The sole issue before the Appeals Panel shall be the scoring of a Contractor. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process. **To the extent reasonably feasible, all elements of a prequalification questionnaire that require factual verification shall be reviewed and verified by District staff prior to review by the Appeals Panel.**

Rejection of All Bids

The District shall endeavor to avoid issuing a request for bids if the District does not ultimately intend to award a contract. The District may reject all bids received and, in such event, shall notify all bidders within a reasonable time of the making of such decision. The notice of rejection of all bids shall include a brief description of the District's rationale for rejecting all bids. District staff may elect to provide such notice (i) by U.S. mail or e-mail to each bidder, (ii) or by posting the notice on a publicly-available portion of the District website.

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BIDS (continued)

Notice of Intent to Award

After the District has made a final award determination, but prior to the actual award of the contract, the District shall provide to all responsive bidders, via mail or electronic transmission, a notice of intent to award the contract that informs such bidders of the contractor(s) to which the contract(s) will be awarded.

Publication of Bid Results

Following the award of all competitively bid contracts, bid results shall be published on the District's website or alternate website available to the general public. The information to be published shall include (i) the names and addresses of all bidders; and (ii) the amount of bids. Published information may also include additional information if it is available or applies to the contract in question, such as proposed contract documents, the District's original cost estimates, and bid walk attendee information.

~~Contractors interested in the results of the bid and the intended award may contact the District and request such information in advance of the scheduled Board of Education action.~~

Protests by Bidders

A ~~bidder~~ **contractor that submitted a bid for work** may protest ~~a bid~~ **the** award **of the contract for that work** if **the contractor** believes that the award is inconsistent with Board policy, the bid's specifications, or is not in compliance with the law.

Each such ~~**A**~~ protest must be filed in writing with the Superintendent/designee by 4 p.m. of the fifth (5th) business day following the bid opening. The ~~initial~~ protest ~~document~~ must ~~contain~~ **set forth, among other relevant information as determined by the protester or required by the solicitation documents, all of the following:**

1. A complete statement of any and all bases for the protest.
2. All documents supporting or justifying the protest.
3. The specific portions of all documents which form the basis for the protest.
4. The name, address and telephone number of the person representing the protesting party.

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BIDS (continued)

Any bid protest not conforming to the foregoing shall be rejected by the District as invalid and shall constitute a waiver of the bidder's right to protest the award of the contract.

The Superintendent/designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent/designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The ~~District's~~ Board **of Education** will render a final determination and disposition of a bid protest. Action by the ~~**District's**~~ Board **of Education** relative to a bid award shall be final and not subject to appeal or reconsideration.

~~The procedure and time limits set forth are mandatory and are the bidder's sole and exclusive remedy in the event of a bid protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the bid protest, including filing a Government Code claim or legal proceedings.~~

The District may extend the time limit for filing any bid protest by ten days if, prior to 4 p.m. on the third business day following bid opening, a bidder submitted a valid public records request seeking information specifically related to whether the award of the contract would be inconsistent with Board policies or applicable law. In such event, a protest must be filed with the District by 4 p.m. of the fifteenth day following opening of bids.

The protest procedures shall be the bidder's sole and exclusive method for protesting the bid of another bidder. Failure to comply with these procedures shall constitute a waiver of any and all other rights a bidder may have to protest the other bid(s), including, without limitation, filing a claim pursuant to the Government Claims Act and other legal proceedings.

Protests of Contract Awards Based on Review of Non-Price Criteria

The protest procedures set forth in the preceding section shall also apply to the award of contracts through competitive negotiation or alternate process other than traditional competitive bidding, provided that such protests (i) shall be limited to challenges based on noncompliance with Board policy or applicable law; and (ii) except as otherwise provided herein,

Business and Noninstructional Operations

BIDS (continued)

shall be filed in writing with the District by 4 p.m. of the fifth (5th) business day following the opening of proposals.

All solicitation materials circulated by the District for bids or proposals shall include a description of applicable protest procedures.

All proposals for construction of school facilities submitted in response to RFPs become public records pursuant to the California Public Records Act, Government Code 6250, et seq., and shall be made available for review pursuant to law, Board policy, and administrative regulation, except to the extent that such proposals contain proprietary information and/or are otherwise exempt from disclosure pursuant to the Public Records Act or other applicable law.

Post-Award Debriefing

Following the award of **each** ~~all competitively bid contracts and~~ **contract awarded based on review of non-price criteria**, the District will offer a post- award debriefing for ~~all~~ **any** unsuccessful **proposers** ~~bidders~~ **that** ~~who~~ request such a debriefing in writing within three (3) days after the date ~~on which they received notification~~ of ~~the~~ contract award. ~~In accordance with Federal Acquisition Regulations 15.506, t~~**T**he post-award debriefing will provide:

1. A **general** description of the District's evaluation of the ~~bidder's~~ **relative strengths and weaknesses of the** ~~proposal and outlining of significant weaknesses~~ **proposal based on use of applicable criteria to rate or rank proposals.**
2. ~~Review of bidder's scoring according to District rationale (if applicable).~~
3. ~~Rationale for the District's decision to award the contract.~~
4. **2.** Responses to questions regarding ~~District's adherence to~~ **conformance of the selection process with** District policies and ~~state regulations~~ **applicable legal requirements.**
5. ~~Responses to questions regarding District's policies and state regulations in general.~~

The debriefing will not include point-by-point comparisons nor shall it reveal any **proprietary or other confidential** information ~~exempted from release under the Freedom of Information Act~~ **of any other proposer**, including**, without limitation**:

Business and Noninstructional Operations

BIDS (continued)

1. Trade secrets.
2. Privileged or confidential manufacturing processes and techniques.
3. Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information.
4. Names of individuals providing reference information about the awarded contractor's past performance.

Conflict of Interest

District staff and officials shall excuse themselves from participating in a particular procurement process and/or decision to award a contract **if** ~~he/she~~ **such participation would constitute or result in a conflict of interest pursuant to Government Code Section 1090 or Section 87000 et seq.** ~~:~~

~~1. Has a financial interest as determined by Government Code 87000, et seq.~~

~~2. Has a relationship with the person or business entity seeking a contract which would reasonably influence his/her decision.~~

No "Pay to Play"

In connection with the proposed award by the Governing Board of any Bond Funded Contract, the District shall make publicly available, by means of the staff report or docket for the proposed award, the name of any Person: (i) who contributed $1,000 or more to any campaign for a District candidate or bond program, and who submitted any bid or proposal for that Bond Funded Contract; or (ii) who contributed $1,000 or more to any foundation established by the District, and, within the immediately preceding four years, such foundation made any financial contribution to a District bond campaign. The staff report or docket also shall specify the amount of the financial contribution made by the Person.

BIDS (continued)

For purposes of this No Pay to Play policy: (i) "Bond Funded Contract" means any contract for construction, maintenance, equipment, labor, engineering, architecture, program or project management, legal or financial services, or any other similar expense, that is paid from bond proceeds; and (ii) "Person" means any individual, sole proprietor, partnership, corporation, trade association, union, council of unions, or any registered political committee administered by such Person.

Regulation
Reviewed: 11/13/90
Reviewed: 05/22/01
Reviewed: 09/12/12
Revised: 02/17/16
Revised:

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services and Support

ITEM TITLE:

First Reading/Possible Revision: Board Policy and Administrative Regulation 6174, Education for English Learners

____X____Action **_____Information**

BACKGROUND INFORMATION:

On January 2, 2018, the California Department of Education (CDE) notified local education agencies (LEAs) on interim reclassification guidance for the English language proficiency criterion. The interim guidance allows LEAs to use Summative English Language Proficiency Assessments of California (ELPAC) results and determine their own ELPAC threshold scores, in combination with the general performance level descriptors for reclassification purposes until the State Board of Education approves the final threshold scores in fall 2018.

The District proposes revising the criterion for English language proficiency to the following:

ELPAC Reclassification Criterion			
Grade	**Overall Proficiency**	**Oral Language**	**Written Language**
Kindergarten	Level 4	Level 4	Level 4
Grade 1	Level 4	Scale score ≥ 1447	Scale score ≥ 1456
Grade 2	Level 4	Scale score ≥ 1457	Scale score ≥ 1478
Grades 3-5	Level 4	Scale score ≥ 1489	Scale score ≥ 1540
Grades 6-8	Level 4	Scale score ≥ 1505	Scale score ≥ 1560
Grades 9-10	Level 4	Scale score ≥ 1524	Scale score ≥ 1587
Grades 11-12	Level 4	Scale score ≥ 1511	Scale score ≥ 1606

ADDITIONAL DATA:

Proposed revisions to Board Policy and Administrative Regulation 6174, Education for English Learners, are attached.

Additional information is available for review in the Office of the Executive Director of Language Development and Instruction Services and Support.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend revision.

Instruction

EDUCATION FOR ENGLISH LEARNERS

The District is committed to providing an equal educational opportunity for all children regardless of race, national origin, sex, cultural affiliation, or linguistic background.

Each child is viewed as an individual of great worth who brings with him/her a uniqueness that is highly valued. We believe that celebrating and acknowledging a child's native language nurtures feelings of acceptance and valuing of self and family.

The District provides English Learners (ELs) with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the District's academic standards. The District's language acquisition programs and instructional services shall be based on research-based instructional strategies and shall be adequately supported so that ELs can achieve results at the same academic level as their English-proficient peers in the regular course of study.

~~*(cf. 4112.22/4212.22 – Staff Teaching Students of Limited English Proficiency)*~~

The District shall identify in its Local Control and Accountability Plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for ELs.

~~*(cf. 0460 - Local Control and Accountability Plan)*~~
(cf. 3100 - Budget)

In establishing the District's language acquisition instructional programs and services for ELs, the Superintendent/designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing ~~a~~ language acquisition instructional programs and services for ELs. (Education Code 305).

The Superintendent/designee shall maintain procedures which provide for the careful identification, assessment, and placement of ELs and for their ~~redesignation~~ **reclassification** based on criteria adopted by the Board and specified in administrative regulations.

The Superintendent/designee shall ensure that all staff employed to teach ELs possess the appropriate authorization from the Commission on Teacher Credentialing.

Instruction

EDUCATION FOR ENGLISH LEARNERS (continued)

~~*(cf. 4112.22 - Staff Teaching English Learners)*~~

The District shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of ELs and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for ELs. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

*(cf. 4131 - ~~Staff~~**Professional** Development)*
~~*(cf. 4231 - Staff Development)*~~
~~*(cf. 4331 - Staff Development)*~~

To evaluate program effectiveness, the Superintendent and designated staff shall regularly examine program results, including reports of the ELs' academic achievement, their progress towards proficiency in English, and the progress of students who have been ~~redesignated~~ **reclassified fluent English proficient (R-FEP)** ~~as FEP~~. The Superintendent and designated staff shall annually report these findings to the Board.

The District's ~~redesignation~~ **reclassification** procedures include a comprehensive set of specific criteria that the student must attain before being ~~redesignated~~ **reclassified** from an EL to a**n R-**FEP student. Parental communication is an integral part of the ~~redesignation~~ **reclassification** process. The specific reclassification criteria can be found in Administrative Regulation 6174.

(cf. 6190 – Evaluation of the Instructional Program)

Language acquisition instructional services are educational programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. The language acquisition instructional services provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306).

Instruction

EDUCATION FOR ENGLISH LEARNERS (continued)

The District shall offer Structured English Immersion (SEI) instructional services to all ELs to ensure ELs have access to the core academic content standards, including the English language development standards, and become proficient in English. SEI services provide nearly all classroom instruction in English, but with curriculum and presentation designed for students who are learning English. (Education Code 305-306)

The District may offer a Dual Language Immersion Instructional Program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

~~*(cf. 6142.2 - World/Foreign Language Instruction)*~~

The District may offer a Transitional or Developmental Instructional Program for ELs that provides literacy and academic instruction in English and a student's native language and that enables an EL to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

Parents/guardians of ELs may choose a language acquisition instructional program that best suits their child. To the extent possible, any language acquisition instructional program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310)

Parents/guardians of ELs shall be notified of the language instructional program and instructional services of their child on an annual basis and have a right to decline or opt their child out of EL services. Regardless of the language acquisition instructional program all ELs, at minimum, will receive daily Designated and Integrated English Language Development.

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on language acquisition programs and instructional services for ELs available to students enrolled in the District, including, but not limited to, a description of each program. (Education Code 310).

~~*(cf. 5145.6 – Parental Notifications)*~~

Instruction

EDUCATION FOR ENGLISH LEARNERS (continued)

Legal Reference:

EDUCATION CODE
300-340 English language education, especially:
305-310 Language acquisition programs
313-313.5 Assessment of English proficiency
430-446 English Learner and Immigrant Pupil Federal Conformity Act
42238.02-42238.03 Local control funding formula
44253.1-44253.11 Qualifications for teaching English Learners
48980 Parental notifications
48985 Notices to parents in language other than English
52052 Numerically significant student subgroups
52060-52077 Local Control and Accountability Plan
52130-52135 Impacted Languages Act of 1984
52160-52178 Bilingual Bicultural Act
56305 CDE manual on English Learners with Disabilities
60603 Definition, recently arrived English Learner
60605.87 Supplemental instructional materials, English language development
60640 California Assessment of Student Performance and Progress
60810-60812 Assessment of language development
62005.5 Continuation of advisory committee after program sunsets
CODE OF REGULATIONS, TITLE 5
853.5-853.7 Test administration; universal tools, designated supports, and accommodations
11300-11316 English Learner Education
11510-11517 California English Language Development Test
UNITED STATES CODE, TITLE 20
1412 Individuals with Disabilities Education Act; state eligibility
1701-1705 Equal Educational Opportunities Act
6311 Title I state plan
6312 Title I local education agency plans
6801-7014 Title III, Language instruction for English Learners and immigrant students
7801 Definitions
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Discrimination prohibited
200.16 Assessment of English Learners
COURT DECISIONS
Valeria G. v. Wilson, (2002) 307 F.3d 1036
California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698
ATTORNEY GENERAL OPINIONS
83 Ops.Cal.Atty.Gen. 40 (2000)

Instruction

EDUCATION FOR ENGLISH LEARNERS (continued)

Management Resources

CSBA PUBLICATIONS
English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016
English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015
Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014
English-Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014
Common Core State Standards for Mathematics, rev. 2013
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013
English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012
Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017
English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016
English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016
Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015
Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007
WEB SITES
CSBA: http://www.csba.org
California Association for Bilingual Education: http://www.gocabe.org
California Department of Education: http://www.cde.ca.gov/sp/el
National Clearinghouse for English Language Acquisition: http://www.ncela.us
U.S. Department of Education: http://www.ed.gov

Policy
Adopted: 11/13/90
Revised: 01/20/04
Revised: 10/11/17
Revised: 03/07/18
Revised:

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, CA

Instruction

EDUCATION FOR ENGLISH LEARNERS

Definition

English Learner (EL) means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An EL may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

The District shall offer the following language acquisition instructional programs and language acquisition services for ELs:

Structured English Immersion is an instructional service for ELs in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. (Education Code 306)

Transitional or Developmental Instructional Program for ELs provides instruction to pupils that utilizes English and a pupil's native language for literacy and academic instruction and enables an EL to achieve English proficiency and academic mastery of subject matter content and high order thinking skills, including critical thinking, in order to meet state-adopted academic content standards. (Education Code 306)

The Dual Language Immersion Instructional Program provides integrated language learning and academic instruction for native speakers of English and

Instruction

EDUCATION FOR ENGLISH LEARNERS (continued)

native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

Identification and Assessment

Upon enrollment in the District, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English, as determined by the home language survey, and who has not previously been identified as an EL by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English proficiency using the state's designated English language proficiency test for initial identification. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an EL and until he/she is ~~redesignated~~ **reclassified** as **fluent** English proficient **(R-FEP)**, the summative assessment of the state's designated English language proficiency test shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.6. Variations and accommodations in test administration may be provided to ELs pursuant to 5 CCR 11516-11516.6.

Any student with a disability who is identified as an EL shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's Individualized Education Program or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her Individualized Education Program. (5 CCR 11516 - 11516.7; 20 USC 1412)

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EDUCATION FOR ENGLISH LEARNERS (continued)

~~*(cf. 6152.51 - State Academic Achievement Tests)*~~
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent/designee shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

~~*(cf. 5145.6 - Parental Notifications)*~~

The parent/guardian of a student participating in, or identified for participation in, services for ELS as supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year. If the student is identified as EL during the school year, within two weeks of the student's identification, parents shall be notified. The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the identification of the student as an EL and the need for a language acquisition instructional program and EL services.

2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.

3. A description of the language acquisition instructional program or services for ELs in which the student is, or will be, participating, including a description of all the following:

    a. The methods of instruction used in addressing the language and academic needs of the student, including how such programs and services differ in content, instructional goals, and the use of English and a native language in instruction.

    b. The manner in which the program and services will meet the educational strengths and needs of the student.

    c. The manner in which the program and services will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation.

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EDUCATION FOR ENGLISH LEARNERS (continued)

d. The specific exit requirements for reclassification ~~to FEP~~ and the expected rate of graduation from secondary school if applicable.

e. Where the student has been identified for special education, the manner in which the program and services meets the requirements of the student's Individualized Education Program.

4. Information about the parent/guardian's right to have the student immediately removed from a program and/or services upon the parent/guardian's request.

5. Information regarding a parent/guardian's option to decline to enroll the student in the program and/or services or to choose another method of instruction, if available.

6. Information designed to assist a parent/guardian in selecting among available programs or services, if more than one program or method is offered.

Regardless of the language acquisition instructional program, all ELs will receive Structured English Immersion services through daily Integrated and Designated English Language Development.

~~Redesignation/~~Reclassification**/Redesignation**

The District shall continue to provide additional and appropriate educational services to ELs for the purposes of overcoming language barriers until the ELs have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the District's average native English speakers.
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

ELs in Grades K-6 shall be reclassified as **fluent English proficient** ~~FEP~~ when they are able to comprehend, speak, read, and write English well enough to receive instruction in English and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

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EDUCATION FOR ENGLISH LEARNERS (continued)

The measures used to determine whether an EL in Grades K-6 shall be reclassified as ~~FEP~~ fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using the ~~CELDT until the District transitions to the~~ English Language Proficiency Assessments for California **(ELPAC).** ~~Grades K-12 overall CELDT proficiency level 4 or 5, with no score of 3 or lower in any domain.~~

   Grade Kindergarten
   Overall Proficiency Level 4
   Oral Language Level 4
   Written Language Level 4

   Grade 1
   Overall Proficiency Level 4
   Oral Language scale score ≥ 1447
   Written Language scale score ≥ 1456

   Grade 2
   Overall Proficiency Level 4
   Oral Language scale score ≥ 1457
   Written Language scale score ≥ 1478

   Grades 3-5
   Overall Proficiency Level 4
   Oral Language scale score ≥ 1489
   Written Language midpoint ≥ 1540

   Grades 6-8
   Overall Proficiency Level 4
   Oral Language scale score ≥ 1505
   Written Language scale score ≥ 1560

   Grades 9-10
   Overall Proficiency Level 4
   Oral Language scale score≥ 1524
   Written Language scale score≥ 1587

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EDUCATION FOR ENGLISH LEARNERS (continued)

Grades 11-12
Overall Proficiency Level 4
Oral Language scale score≥ 1511
Written Language scale score≥ 1606

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching decisions related to the student. Teacher agrees the student is performing successfully in all academic areas and is at the Bridging level on the English Language Development Report Card.

3. Parent/guardian opinion and consultation. Parent/guardian agrees that reclassification is appropriate. The Superintendent/designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level. The District shall use the California Assessment of Student Performance and Progress (CAASPP) and/or the District's Local Measure in Reading.

   Grade K Local Measure Reading
   Reading Accuracy 85-100%
   Reading Comprehension 3 Correct
   High Frequency Word Reading 45-50

   Grade 1 Local Measure Reading
   Reading Accuracy 95-100%
   Reading Comprehension 4-5 Correct
   Reading Fluency 60+ words per minute

   Grades 2-12 Local Measure/Level Set Reading
   Midpoint ~~(Lexile~~ of Approaching **and above** ~~to Met)~~ for grade level ~~range~~

   Grades 3-6 CAASPP – ELA
   Midpoint ~~(~~ **of** Standard Nearly Met **and above** ~~or Met)~~ for grade level ~~range~~

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EDUCATION FOR ENGLISH LEARNERS (continued)

The Superintendent/designee shall monitor the language and academic progress of reclassified students. (5 CCR 11304)

The Superintendent/designee shall monitor students for a period of four years following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

The Superintendent/designee shall develop a process to monitor the effectiveness of the District's programs and services for ELs. The District's programs and services shall be modified as needed to help ensure language and academic success for each EL.

Advisory Committees

A parent/guardian advisory committee shall be established at the District level when there are more than 50 ELs in the District and at the school level when there are more than 20 ELs at the school, site EL Advisory Committee and the District EL Advisory Committee shall be maintained to serve the advisory functions specified in law.

Parents/guardians of ELs shall constitute committee membership in at least the same percentage as ELs represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The District's English Language Advisory Committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a District EL Roadmap of education programs and services for ELs, taking into consideration the school site plans for ELs.
2. The Districtwide needs assessment on a school-by-school basis.
3. Establishment of District programs, services, goals, and objectives for programs and services for ELs.
4. Development of a plan to ensure compliance with applicable teacher or aide requirements.
5. Administration of the annual language census.

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EDUCATION FOR ENGLISH LEARNERS (continued)

6. Review of and comment on the District's reclassification procedures.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
*(cf. 5020 - Parent**-Guardian** Rights and Responsibilities)*
*(cf. 6020 - Parent**-Guardian** Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent/designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

Local Control and Accountability Plan Advisory Committee

When there are at least 15 percent ELs in the District, with at least 50 students who are ELs, a District-level EL Parent Advisory Committee shall be established to review and comment on the District's LCAP in accordance with BP 0460 LCAP. The committee shall be composed of a majority of parents/guardians of ELs. (Education Code 52063; 5 CCR 15495)

~~*(cf. 0460 - Local Control and Accountability Plan)*~~

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP EL Advisory Committee if its composition includes a majority of parents/guardians of ELs.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

Report Calendar to Board of Education

_____Action **____X____Information**

BACKGROUND INFORMATION:

TOPIC	REPORT BY	TENTATIVE DATE
Report on Early Childhood Education	Instructional Services and Support	September 2018
Report on Dual Language Immersion Instructional Program	Instructional Services and Support	September 2018
Approve Submittal of 2017-18 Year-End Summary of Revenues, Expenditures, and Changes in Fund Balances	Business Services and Support	September 2018
Approve Report on Annual Community Facilities Districts Activity for Fiscal Year 2017-18	Business Services and Support	September 2018
Report on Leonardo da Vinci Health Sciences Charter School	Instructional Services and Support	October 2018
Report on Howard Gardner Community Charter School for the 2017-18 School Year	Instructional Services and Support	October 2018
Report on Results of 2018 California Assessment of Student Performance and Progress and Local Measures Assessments	Instructional Services and Support	October 2018
Approve Report on Statutory Fees and Mitigation Payments for Fiscal Year 2017-18	Business Services and Support	October 2018
Report on District Cohort Schools: Mae L. Feaster Charter and Karl H. Kellogg, J. Calvin Lauderbach, Liberty, Saburo Muraoka, and Palomar Elementary for the 2017-18 School Year	Instructional Services and Support	November 2018

TOPIC	REPORT BY	TENTATIVE DATE
Report on English Language Proficiency Assessments for California	Instructional Services and Support	November 2018
Report on District Cohort Schools: Ella B. Allen, Joseph Casillas, Anne and William Hedenkamp, Juarez-Lincoln, and Loma Verde Elementary and Chula Vista Learning Community Charter for the 2017-18 School Year	Instructional Services and Support	December 2018
Report on District Innovation Efforts	Instructional Services and Support	December 2018
Recognition of Students Who Achieved the Highest Score Possible on the 2018 California Assessment of Student Performance and Progress	Instructional Services and Support	December 2018
Approve Revisions to Fiscal Year 2018-19 Budget; Approve First Interim Financial Report at October 31, 2018; and Certify District's Financial Status for Fiscal Year 2018-19	Business Services and Support	December 2018

ADDITIONAL DATA:

None.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

This is an information item.